

county of ventura

NOTICE OF AVAILABILITY AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The County of Ventura Planning Division, as the designated Lead Agency, has reviewed the following proposed project:

1. **Entitlement:** Planned Development ("PD") Permit LU11-0123
2. **Applicant:** Alvin and Barbara Rotter
3. **Location:** 12610 Yellow Hill Road, Malibu, CA 90265
4. **Assessor Parcel No:** 700-0-170-280
5. **Parcel Size:** 20.70 acres
6. **General Plan Designation:** Open Space
7. **Existing Zoning:** "COS-10 ac-sdf/M" (Coastal Open Space, 10 acres minimum lot size; Santa Monica Mountains Overlay)
8. **Responsible and/or Trustee Agencies:** Department of Fish and Game and California Coastal Commission
9. **Project Description:** The applicant proposes the following, in order to abate all of the violations on the property that are associated with Code Compliance Violation Case Nos. V99-0438 and ZV98-0206:
 - a request for a PD ("PD Case No. LU11-0123") to legalize and allow the use of the property for "Animal Husbandry; Animals, Keeping of – Structures for up to 25 Animal Units" [Ventura County Coastal Zoning Ordinance ("CZO"), §8174-7] and to legalize the "Grading - of more than 50 cubic yards, located in an environmental sensitive area ("ESHA") as listed in §8174-6 of the CZO";
 - "Brush and Vegetation Removal - in an ESHA as listed in §8174-6 of the CZO"; and,
 - "Minor Developments – in an ESHA as listed in §8174-6 of the CZO" (CZO, §8174-7) (Exhibit 3).

More specifically, PD Case No. LU11-0123 will encompass 20.70 acres of land and will be located entirely on APN 700-0-170-280. The proposed project will allow the legalization of an animal husbandry operation, which includes the raising, nurturing, management, breeding, pasturing and ranching of up to 18 horses. The following structures are associated with the animal husbandry operation:

- two buildings containing 21 stables [4,760 square feet ("sq. ft")];
- eight shade structures (5,895 sq. ft.);
- bull pen and electric hot walker (2,760 sq. ft.);
- riding arena (24,200 sq. ft.);
- open hay storage area (2,700 sq. ft.);
- two open lattice trellis' (144 sq. ft.);
- mobile storage containers (745 sq. ft.);
- portable toilet facility (416 sq. ft.); and,
- site lighting (12 lights, 20-feet high, 3 sq. ft. base, 500 watts, single direction).

The applicant proposes to designate 4,400 sq. ft. of open area on the property for recycling, which includes the storage of mulch, composting bins, and refuse bins. Additionally, the applicant proposes to use 1,800 sq. ft. of open area on the parcel for open storage of maintenance and operation materials associated with the animal husbandry and agricultural operation. A portion of the property will be used for crop production of grapes for personal use, and is not sold commercially. There are no proposed deliveries associated with the crop production operation. No wine production or manufacturing will be conducted on the subject site; these activities will occur on an adjacent property located in Los Angeles County, which is also owned by the applicant.

The applicant also proposes to legalize:

- grading over ½ acre on the subject site [8,400 cubic yards of grading (cut and fill)], which occurred (at least in part) in ESHA;
- approximately 10.80 acres of brush and vegetation removal, with approximately 6.5 acres of that area classified as ESHA;
- installation of three water tanks (2-10,000 gallons and 1-8,000 gallons) used for the agricultural operation (viticulture) and fire protection;
- block and retaining walls, some over 6 feet in height; and,
- installation of flag poles.

The applicant is proposing to implement a Manure Management Plan (M3 Civil, Inc., dated December 6, 2011), which consists of specified procedures regarding: manure cleanup operations; manure handling; manure handlers; manure pick-up and transport; manure spreading equipment; spreading area location; chemical additives; and, quality control. A portion of the composted manure is offered free of charge to the Malibu community. The remaining portion of the manure is picked up and delivered to a certified Waste Management Contractor (Simi Valley), G.I. Industries, or utilized on-site for the agricultural operation (viticulture).

The property is subject to a deed restriction (170 feet by 550 feet area of land), which restricts any development in an area described as the "Oak Woodland Restricted Area", located at the west portion of the property as mapped in "Exhibit-A" in the declaration of restriction, recorded on April 23, 1990, in the Ventura County Recorder's Office. The deed restriction is designed to enhance the natural beauty of, and to preserve, native trees now or hereafter in the restricted area.

In order to become more consistent with the County's Local Coastal Plan policies and to avoid potential significant impacts to biological and visual resources, the applicant proposes to:

- conduct a seasonal botanical survey which shows the intact vegetation during the spring flowering period to identify whether any potentially occurring special-status plant species occur and/or formerly occurred in areas on the subject property that are already developed;
- implement a restoration plan that would return approximately 3.98 acres of the developed area back to its natural state; and,
- arrange an in-lieu fee for off-site mitigation for the remaining impacts to ESHA.

Water to the project site is provided by existing non-potable water wells. The water is used for the existing agriculture and animal keeping operation and fire protection. No plumbing is within the existing structures and none is proposed. There are several service access roads throughout the property to be legalized as part of PD Case No. LU11-0123. The main access to the site is provided by two 15 foot private driveways via Yellow Hill Road which bisects the subject property.

In accordance with Section 15070 of the California Code of Regulations, the Ventura County, Resource Management Agency, Planning Division has determined that this proposed project may have a significant effect on the environment, however mitigation measures are available which would reduce the impacts to less than significant levels. As such, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

List of Potentially Significant Environmental Impacts Identified:

- **Item No. 2(b) – Groundwater Quality**
Potentially significant but mitigable impacts to groundwater quality within the survey area as a result of increased sedimentation from erosion and pollution from manure in downstream sections of an ephemeral creek and associated habitats.

- Item No. 4 – Biological Resources
 1. Potentially significant but mitigable impacts to plant and animal species within the survey area due to the unpermitted grading, brush and vegetation removal and development within the environmentally sensitive habitat areas.
 2. Potentially significant but mitigable impacts to sensitive plant communities and environmentally sensitive habitat areas within the survey area due to the unpermitted grading, brush and vegetation removal and development within the environmentally sensitive habitat areas.
 3. Potentially significant but mitigable impacts to waters and wetlands within the survey area as a result in increased sedimentation from erosion and pollution from manure in downstream sections of the ephemeral creek and associated habitats.
 4. Potentially significant but mitigable impacts to habitat connectivity within the survey area due to unpermitted installation of 12 outdoor lights on 20-foot poles.


- Item No. 6 – Scenic Resources

Potentially significant but mitigable impacts to scenic resources due to the visibility of the removal of environmentally sensitive habitat (i.e., a scenic resource) from a public viewing location.

- Item No. 25 – Community Character

Potentially significant but mitigable impacts to community character within the survey area due to the unpermitted grading, brush and vegetation removal and minor developments within the environmentally sensitive habitat areas.

The public review period is from April 26, 2012 to May 27, 2012. The Initial Study/Mitigated Negative Declaration is available for public review on-line at www.ventura.org/planning (select "CEQA Environmental Review") or at the County of Ventura, Resource Management Agency, Planning Division, 800 South Victoria Avenue, Ventura, California, from 8:00 am to 5:00 pm Monday through Friday. The public is encouraged to submit written comments to Ms. Franca Rosengren, no later than 5:00 p.m. on May 27, 2012 to the address listed above. Alternatively, you may fax your comments to (805) 654-2509 or e-mail the case planner at franca.rosengren@ventura.org.



Daniel Klemann, M.A., Manager
Residential Permits Section
County of Ventura Planning Division

4/9/12

Date

Project No. LU11-0123

Applicant: Alvin and Barbara Rotter

Section A. Project Description

1. **Project Numbers:** Planned Development Permit ("PD") Case No. LU11-0123

2. **Name of Applicant:** Alvin and Barbara Rotter

3. **Project Location and Physical Description of the property (including map):**
The project site is located at 12610 Yellow Hill Road, in the community of Malibu, in the unincorporated area of Ventura County. The Tax Assessor's Parcel Number ("APN") for the parcel that constitutes the project site is 700-0-170-280. The project site is located directly west of the Ventura and Los Angeles County lines in a relatively undeveloped area of the Santa Monica Mountains. Protected land (Leo Carrillo State Park and Yellow Hill tract of the National Park Service Santa Monica Mountains National Recreational Area) abuts the south end of the parcel and Arroyo Sequit Canyon is located to the east of the parcel which is largely undeveloped. The project site is locally accessible via Yerba Buena Road, Hasler Road, and by two, 15-foot private driveways via Yellow Hill Road, a private road east of Yerba Buena Road. The project site is regionally accessible via the Pacific Coast Highway (SR 1) from the south.

The project site is located in the Coastal Zone (South Coast Area) of the Santa Monica Mountains. The subject property consists of an approximately 20.70-acre lot that is located at elevations varying between approximately 1,687 feet above mean sea level ("amsl"), which is located on a hilltop in the north-central area of the parcel, to a low point of 1,350 feet amsl, which is on the east side of the parcel. Slopes within the project site are primarily either east-facing or west-facing due to the overall north-south orientation of the ridge. In addition, there is an overall southern orientation because the ridgeline gradually descends toward the Pacific Ocean, which is located approximately 2 miles to the south. The developed area (construction footprint) of the 20.70-acre parcel is approximately 12.32 acres.

The project site is characterized by a mix of chaparral, coastal scrub, and coast live oak (*Quercus agrifolia*) woodland. Little Sycamore Canyon is located to the west and Arroyo Sequit is located to the east. A grove of coast live oaks is located on the western side of the parcel which remains standing, but has been encroached upon by illegal grading activities. According to the Initial Study Biological Assessment ("ISBA") prepared by Wildscape Restoration, dated December 6, 2011, the percentage of different ground covers remaining on the project site are as follows: 20% native vegetation; 10% non-native vegetation; 35% agricultural/grazing; 30% bare ground/cleared/graded; and, 5% buildings, paved roads, and other impervious cover.

The surrounding development includes: low density residential (single-family dwellings) development along Yellow Hill Road downhill and west of the parcel; single-family dwellings directly adjacent to the parcel on the south-east area of the parcel; a mix of native chaparral located at the north and north-east areas of the parcel; and, Leo Carrillo State Park and the National Park Service to the south of the parcel (both areas contain native vegetation).

4. Specific Description of the Nature and Purpose of the Project: The applicant proposes the following, in order to abate all of the violations on the property that are associated with Code Compliance Violation Case Nos. V99-0438 and ZV98-0206:

- a request for a PD ("PD Case No. LU11-0123") to legalize and allow the use of the property for "Animal Husbandry; Animals, Keeping of – Structures for up to 25 Animal Units" [Ventura County Coastal Zoning Ordinance ("CZO"), §8174-7] and to legalize the "Grading - of more than 50 cubic yards, located in an environmental sensitive area ("ESHA") as listed in §8174-6 of the CZO";
- "Brush and Vegetation Removal - in an ESHA as listed in §8174-6 of the CZO"; and,
- "Minor Developments – in an ESHA as listed in §8174-6 of the CZO" (CZO, §8174-7) (Exhibit 3).

More specifically, PD Case No. LU11-0123 will encompass 20.70 acres of land and will be located entirely on APN 700-0-170-280. The proposed project will allow the legalization of an animal husbandry operation, which includes the raising, nurturing, management, breeding, pasturing and ranching of up to 18 horses. The following structures are associated with the animal husbandry operation:

- two buildings containing 21 stables [4,760 square feet ("sq. ft")];
- eight shade structures (5,895 sq. ft.);
- bull pen and electric hot walker (2,760 sq. ft.);
- riding arena (24,200 sq. ft.);
- open hay storage area (2,700 sq. ft.);
- two open lattice trellis' (144 sq. ft.);
- mobile storage containers (745 sq. ft.);
- portable toilet facility (416 sq. ft.); and,
- site lighting (12 lights, 20-feet high, 3 sq. ft. base, 500 watts, single direction).

The applicant proposes to designate 4,400 sq. ft. of open area on the property for recycling, which includes the storage of mulch, composting bins, and refuse bins. Additionally, the applicant proposes to use 1,800 sq. ft. of open area on the parcel for open storage of maintenance and operation materials associated with the animal husbandry and agricultural operation. A portion of the property will be used for crop production of grapes for personal use, and is not sold commercially. There are no proposed deliveries associated with the crop production operation. No wine production or manufacturing will be conducted on the subject site; these activities will occur on an adjacent property located in Los Angeles County, which is also owned by Alvin and Barbara Rotter.

The applicant also proposes to legalize:

- grading over ½ acre on the subject site [8,400 cubic yards of grading (cut and fill)], which occurred (at least in part) in ESHA;
- approximately 10.80 acres of brush and vegetation removal, with approximately 6.5 acres of that area classified as ESHA;
- installation of three water tanks (2-10,000 gallons and 1-8,000 gallons) used for the agricultural operation (viticulture) and fire protection;
- block and retaining walls, some over 6 feet in height; and,
- installation of flag poles.

The applicant is proposing to implement a Manure Management Plan,¹ which consists of specified procedures regarding; manure cleanup operations; manure handling; manure handlers; manure pick-up and transport; manure spreading equipment; spreading area location; chemical additives; and, quality control. A portion of the composted manure is offered free of charge to the Malibu community. The remaining portion of the manure is picked up and delivered to a certified Waste Management Contractor (Simi Valley), G.I. Industries, or utilized on-site for the agricultural operation (viticulture).

The property is subject to a deed restriction (170 feet by 550 feet area of land), which restricts any development in an area described as the "Oak Woodland Restricted Area", located at the west portion of the property as mapped in "Exhibit-A" in the declaration of restriction, recorded on April 23, 1990, in the Ventura County Recorder's Office. The deed restriction is designed to enhance the natural beauty of, and to preserve, native trees now or hereafter in the restricted area.

¹ Manure Management Plan, prepared by M3 Civil, Inc., dated December 6, 2011. On December 22, 2011, the Public Works Agency, Watershed Protection District – Groundwater Section has determined that the Plan satisfies the requirements of managing the animal waste to mitigate potential impacts to groundwater quality for the project.

In order to become more consistent with the County's Local Coastal Plan policies and to avoid potential significant impacts to biological and visual resources, the applicant proposes to:

- conduct a seasonal botanical survey which shows the intact vegetation during the spring flowering period to identify whether any potentially occurring special-status plant species occur and/or formerly occurred in areas on the subject property that are already developed;
- implement a restoration plan that would return approximately 3.98 acres of the developed area back to its natural state; and,
- arrange an in-lieu fee for off-site mitigation for the remaining impacts to ESHA.

Water to the project site is provided by existing non-potable water wells. The water is used for the existing agriculture and animal keeping operation and fire protection. No plumbing is within the existing structures and none is proposed. There are several service access roads throughout the property to be legalized as part of PD Case No. LU11-0123. The main access to the site is provided by two 15 foot private driveways via Yellow Hill Road which bisects the subject property.

5. Existing and Proposed General Plan Designation and Zoning of the Project Site:

APN	700-0-170-280
Acreage of Parcel	20.70 acres
Ventura County General Plan and Coastal Area Plan Land Use Designation	Open Space
Zoning Designation	"COS-10 ac-sdf/M" (Coastal Open Space, 10 acres minimum lot size; Santa Monica Mountains Overlay)

6. Description of the Physical Alterations/Improvements Caused by the Project (including site plan, elevations, off-site improvements, etc): See the project description in Item No. 4, above—the project includes the legalization of grading, brush and vegetation removal, animal husbandry and crop production operations, several horse shade structures and associated minor developments.

7. Description of the Public Facilities (e.g., roads, water supply, sewers, and utilities) that must be Extended or Expanded to Serve the Project: The main

access to the site is provided by two 15 foot private driveways via Yellow Hill Road which bisects the subject property. There are several proposed access service roads throughout the property.

There are three existing water wells on-site that are proposed to be legalized. The water wells will be used for: the proposed animal husbandry and agricultural operation; dust control; and, fire prevention. There are no existing or proposed habitable structures on the site. A portable toilet facility is proposed to provide waste water disposal for the property owner and animal caretakers visiting the site. Trash and recycling containers are proposed for trash control.

Southern California Edison provides electrical service to the subject property for the animal husbandry related uses (e.g., security lighting, lighting for the horse arena, and storage facility outlets). The hot walker also has an electrical feed. There are no other public utilities providing services to this property.

8. **List of Responsible and/or Trustee Agency:** California Department of Fish and Game and California Coastal Commission