

RESOLUTION NO. 2010-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY APPROVING CUP-S-724

WHEREAS, the applicants, Randy and Margaret Miller, request approval of a Conditional Use Permit (CUP-S-724) for that certain 8.58-acre site located at 1660 Meander Drive, known as Ventura County Assessor Parcel No. 629-0-083-29 and by the legal description attached hereto as Exhibit A, for the purpose of keeping eight cows; and

WHEREAS, on December 16, 2009, the Planning Commission of the City of Simi Valley recommended approval of CUP-S-724 subject to conditions; and

WHEREAS, upon notice duly given, a hearing was held at the regular meeting of the City Council on January 25, 2010, at which time testimony and evidence, both oral and written, were presented and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, pursuant to the provisions of Section 15301 of the California Environmental Quality Act, the project qualifies as categorically exempt and a Notice of Exemption was prepared.


NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval of CUP-S-724 and the Conditions of Approval, contained in the Planning Commission resolution dated December 16, 2009, are hereby adopted, and the Conditions of Approval are shown in Exhibit B.


SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 25th day of January 2010.

Attest:



Wendy K. Zimmerman
Assistant City Clerk



Glen T. Becerra, Mayor Pro Tem of the
City of Simi Valley, California

Approved as to Form:



Tracy M. Noonan, City Attorney

Approved as to Content:



Mike Sedell, City Manager



Peter Lyons, Director
Department of Environmental Services

I, Assistant City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing Resolution No. 2010-05 was regularly introduced and adopted by the City Council of the City of Simi Valley, California, at an adjourned meeting thereof held on the 25th day of January 2010, by the following vote of the City Council:

AYES: Council Members Foster and Sojka
NAYS: Mayor Pro Tem Becerra
ABSENT: Council Member Williamson and Mayor Miller
ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 26th day of January 2010.

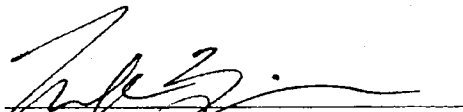

Wendy K. Zimmerman
Assistant City Clerk

EXHIBIT A

LEGAL DESCRIPTION

Lot 313, Tract No. 2576-5, in the City of Simi Valley, County of Ventura, State of California, as shown on a map recorded in Book 84, Page(s) 78 inclusive, of maps, in the Office of the County Recorder of said County.

EXCEPT therefrom all oil, gas, minerals, and other hydrocarbon substances lying below the surface of said land, but with no right of surface entry, as provided in deeds of record.

EXHIBIT B

CASE NO.: CUP-S-724
 APPLICANT: RANDY AND MARGARET MILLER

PROJECT PERMIT CONDITIONS

The conditions marked with an asterisk (*) are Special Conditions applicable specifically to this permit. In the event of a conflict between the provision of a Standard Condition(s) and a Special Condition(s), the provision of the Special Condition will take precedence. These conditions of approval will supersede any conflicting notations, specifications, dimensions, and typical sections that may be shown on a development plan or exhibit. Unless otherwise stated, all conditions of approval must be complied with prior to the issuance of a Zoning Clearance. Applicant will assume all costs incurred in complying with the conditions contained herein. All facilities and uses other than those specifically approved by the approving authority are prohibited. In consideration of the benefits conferred by this Permit, Applicant, on behalf of him/herself, intending to be bound hereby for the life of this permit, consents to City Personnel entering the Project property during daylight hours without a warrant and with written notice to verify compliance with the terms and conditions of this Permit. "Applicant" or "Developer" or "Owner" as used in these conditions means all applicants, developers, permittees, and all owners of the subject property and all successors and assigns thereto. These conditions are deemed to touch and concern the real property, which is the subject hereof, and will run with the land. Compliance with these conditions must be maintained for the life of the permit. The Simi Valley Municipal Code (SVMC) contains penalty provisions for the violation of development conditions, which could result in any available administrative, civil, or criminal remedies that could include one or more of the following: 1) revocation of the development permit; 2) penalties of up to \$1,000 in fines and/or six months in jail for each day of violation; and 3) the prohibition of further violations through court injunction. Applicant must comply with all of the conditions.

A. ENVIRONMENTAL SERVICES CONDITIONS:**Planning Division:**

- A-1 This permit is granted for all of the buildings, roadways, parking areas, landscaping, and other features, which must be as shown on the formal application and the Aerial Site Plan exhibit specifically labeled as Arch-1 dated November 10, 2009.
- A-2 Applicant must defend, indemnify, and hold harmless the City, its agents, officials, and employees from any claim, action, or proceeding against the City or its agents, officials, or employees in any action to attack, set aside, void, or annul the approval of this permit. The City will promptly notify Applicant of any claim, action, or proceeding; and the City will cooperate fully in the defense. Further, the City will select the attorneys who will defend such proceeding and will control any litigation thereof.

- A-3 During the lifetime of the permit, Applicant must comply with all applicable laws and regulations of every local, state, and federal entity; and all such requirements and enactments will be incorporated by reference as conditions of this permit. The duty of inquiry as to such requirements and any amendments thereto will be upon Applicant and his or her transferees or successor in interest.
- A-4 Applicant agrees that if any of the conditions or limitations of this permit are held to be invalid by a court of competent jurisdiction, that holding will render this permit to be null and void.
- A-5 Applicant must provide to the Deputy Director/City Planner a copy of all conditions of approval recorded with the Ventura County Recorder's Office within 30 days of this permit approval.
- *A-6 This permit is granted for a maximum of eight cows on the property. Applicant must not keep any additional farm animals on the property that are not permitted within the Limited Farm Animal Overlay Zone pursuant to SVMC Section 9-44.060.E.1.b.
- *A-7 Applicant must keep the cows within fenced areas at the south rear portion of the property, as shown on Exhibit Arch-1 dated November 10, 2009, unless otherwise accompanied with the Applicants.
- *A-8 Applicant must keep all enclosures or structures housing farm animals, including corrals and pasture areas, in a sanitary manner, free from litter, garbage and the accumulation of manure. Applicant must control flies by: 1) collecting manure on a daily basis and placing it in a fly-proof sanitary container(s); 2) providing and maintaining flytraps; 3) maintaining insecticide ear tags on cattle; and 4) spraying insecticide where the animals are kept.
- *A-9 Applicant must provide the City full access to the property after a 24-hour notice in order to inspect the premises for compliance with conditions of this permit approval and the requirements of the Simi Valley Municipal Code.
- *A-10 Applicant must install a recirculation pump for any standing water on the property. The pump must circulate the water to prevent a standing or stagnant pool of water as a source for mosquito breeding per SVMC Section 6-9.01. Applicant must obtain a Zoning Clearance and Building Permit prior to installation of any solar or electrical-operated recirculation pump.

END OF ALL CONDITIONS