



## Planning Director Staff Report Hearing on July 27, 2023

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • [www.vcrma.org/divisions/planning](http://www.vcrma.org/divisions/planning)

### **CROWN CASTLE WIRELESS COMMUNICATION FACILITY: CROOKED PALM 845309 CONDITIONAL USE PERMIT (CUP), CASE NO. PL23-0022 (FORMERLY CASE NO. LU10-0100 AND CUP 4926)**

#### **A. PROJECT INFORMATION**

1. **Request:** The applicant requests a CUP to authorize the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0022).
2. **Applicant:** D4 Communications, C/O Scott Dunaway, 1114 State Street, Suite 234, Santa Barbara, CA 93101
3. **Property Owner:** Crown Castle, C/O Jim Lee, 200 Spectrum Center Drive, Suite 1700, Irvine, CA 92618
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site (APNs 063-0-050-345 and 063-0-050-355) is 0.18 acres and located at 5017 Crooked Palm Road, near the City of Ventura, in the unincorporated area of Ventura County.
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Industrial
  - b. North Ventura Avenue Area Plan Land Use Map Designation: Industrial
  - c. Zoning Designation: M3-10,000 sq ft (General Industrial, 10,000 square foot minimum lot size).

#### **7. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	M3-10,000 sq ft	Office, self-storage, and open space
South	M3-10,000 sq ft	Former oil refinery (Petrochem)
East	RE-1 ac (Rural Exclusive, 1-acre minimum lot size)	Crooked Palm Road, Highway 33, Agriculture, and Single-Family Residential

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	M3-10,000 sq ft	Former oil refinery (Petrochem), Open Space, Agriculture

8. **History:** In 1996, the Planning Director granted CUP 4926 to authorize an AT&T operated WCF for a term of 10 years. In 2006, the Planning Director approved a Permit Adjustment to CUP 4926 (LU06-0082) to allow the continued use of the WCF for an additional 5 years. In 2012, the Planning Director granted LU10-0100 which permitted the replacement of the existing 120' WCF with a new 80' WCF for a 10-year period. LU10-0100 expired on November 11, 2022.
  
9. **Project Description:** The applicant requests a CUP for the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The existing WCF is designed as a stealth mono-eucalyptus tree, 80-feet in height, and includes antennas for AT&T and T-Mobile. The project site includes two (2) existing telecommunication equipment shelters located within a fenced enclosure area.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a dirt driveway from Crooked Palm Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project (Exhibit 3).

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary of Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) as this CUP is for the permitting of an existing facility. Additionally, there are no physical or operational changes proposed as part of this project. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Therefore, this project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**C. CONSISTENCY WITH THE GENERAL PLAN AND NORTH VENTURA AVENUE AREA PLAN**

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and North Ventura Avenue Area Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General Plan and North Ventura Avenue Area Plan is included as Exhibit 5 of this Staff Report.

**D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the M3-10,000 sq ft zone district with the granting of a CUP. Upon the granting of the CUP, the project will comply with the requirements of the Ventura County NCZO.

The project is subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use standards and a description of whether the project complies with the special use standards.

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p><b>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</b></p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes. The WCF is designed as a stealth mono-eucalyptus tree. There are no physical or operational changes proposed as part of the project.</p>
<p><b>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</b></p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <ul style="list-style-type: none"> <li>(1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and</li> <li>(2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.</li> </ul>	<p>Yes. The WCF is located in an area where existing topography, vegetation, and structures effectively camouflage the WCF.</p>
<p><b>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</b></p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p>	<p>Yes. The WCF is located in an area zoned industrial.</p>

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p>(1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6).</p> <p>(2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.</p> <p>(3) Where the wireless communication facility is not prominently visible from a public viewpoint.</p> <p>(4) Within an area zoned Industrial.</p> <p>(5) Near existing public or private access roads.</p> <p>(6) On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan.</p>	
<p><b>Section 8107-45.4 (f)(4)(b)(ii), Height for Stealth Facilities:</b></p> <p>Stealth facilities shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.</p> <p>(b) Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see i,ii,iii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum height of a faux tree shall be as follows:</p> <p>ii. Tree Canopy: The maximum height of a faux tree located within, or adjacent to, a tree canopy may extend up to 15 feet above the maximum height of the existing tree canopy when both of the following criteria are met:</p> <ul style="list-style-type: none"> <li>• The applicant demonstrates to the satisfaction of the Planning Division that a lower faux tree height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and</li> <li>• The median tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the faux tree; and the faux tree is sited behind the canopy relative to public viewpoints.</li> </ul> <p>Table 2 (Section 8107-45.4(f)(4)) identifies the maximum height for a mono-eucalyptus tree to be 80 feet.</p>	<p>Yes. The WCF is a faux tree located in a tree canopy with trees of similar kind and height.</p>
<p><b>Section 8107-45.4 (g)(1)(2), Setbacks:</b></p> <p>(1) All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.</p> <p>(2) Ground-mounted wireless communication facilities shall be</p>	<p>Yes. The WCF meets all setback requirements.</p>

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p>set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit.</p>	
<p><b>Section 8107-45.4 (h), Retention of Concealment Elements:</b>                      No modification to an existing wireless communication facility shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</p> <ol style="list-style-type: none"> <li>(1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or</li> <li>(2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or</li> <li>(3) Equipment and antennas are no longer concealed by the permitted stealth design features; or</li> <li>(4) Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.</li> </ol>	<p>Yes. This is an existing WCF. There are no proposed changes to the project which would impact the concealment elements.</p>
<p><b>Section 8107-45.4 (i)(4), Standards for Faux Trees:</b></p> <ol style="list-style-type: none"> <li>(a) Shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible.</li> <li>(b) Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the faux tree’s height within five (5) years. (Also see Sec. 8107-45.4(q) for additional information on landscaping.)</li> <li>(c) Shall not exceed the maximum height limits established for faux trees stated in Sec. 8107-45.4(f)(4)(b).</li> <li>(d) Shall include antennas and antenna support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.</li> <li>(e) New trees required as part of a landscape plan for a faux tree shall be a minimum size of 36 inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.</li> </ol>	<p>Yes. The WCF is a mono-eucalyptus tree and is the appropriate height and color to blend with the surrounding trees.</p>
<p><b>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</b>                      A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed</p>	<p>Yes. The WCF is not constructed or installed on a structure, site, or district designated by a federal, state, or County agency as a historical landmark or site of merit.</p>

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p>facility will have no significant, adverse effect on the historical resource.</p>	
<p><b>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</b></p> <p>(1) All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes. The WCF is not located within an environmentally sensitive area. The WCF is located on an existing, legally disturbed area. There are no proposed modifications to the facility.</p>
<p><b>Section 8107-45.4 (m) Scenic Resource Protection Overlay Zone:</b></p> <p>With the exception of public safety described in Sec. 8107-45.2.4, a wireless communication facility shall not be prominently visible from a public viewpoint, and shall be designed as a stealth facility, when located within a Scenic Resource Protection Overlay Zone.</p>	<p>Yes. The WCF is designed as a stealth facility and not prominently visible from Highway 33, an Eligible Scenic Highway. The WCF is not located within a Scenic Resource Protection Overlay zone.</p>
<p><b>Section 8107-45.4 (n), Accessory Equipment:</b></p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes. The accessory equipment is effectively screened by existing vegetation and is not prominently visible from a public viewpoint.</p>
<p><b>Section 8107-45.4 (o), Colors and Materials:</b></p> <p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes. All colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials. The antenna arrays are painted to visually blend in with the surrounding trees.</p>
<p><b>Section 8107-45.4 (p), Noise:</b></p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes. The WCF is operated and maintained to comply with the Ventura County noise standards.</p>
<p><b>Section 8107-45.4 (q), Landscaping and Screening:</b></p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council</p>	<p>Yes. No new landscaping is proposed. The WCF is effectively screened by existing vegetation.</p>

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
(Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)	
<p><b>Section 8107-45.4 (r), Security:</b></p> <p>(1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.</p> <p>(2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</p>	<p>Yes. The WCF is located within a secure chain-link fence enclosure area topped with barbwire. The WCF is not located within areas designated as Urban and Existing Community in the General Plan.</p>
<p><b>Section 8107-45.4 (s), Lighting:</b></p> <p>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</p> <p>(2) Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</p>	<p>Yes. The existing WCF is not illuminated.</p>
<p><b>Section 8107-45.4 (t), Signage:</b></p> <p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</p>	<p>Yes. The site includes signage indicating all necessary information related to the equipment for the operation of the facility.</p>
<p><b>Section 8107-45.4 (u), Access Roads:</b></p> <p>(1) Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</p> <p>(2) Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.</p>	<p>Yes. The site is accessible via a dirt access road from Crooked Palm Road.</p>

## **E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Section D and Exhibit 5 of this staff report, the finding that the project is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

- 2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].**

The project involves the continued operation of an existing WCF. To the south and west of the project site is the former Petrochem oil refinery. The oil refinery closed in the mid-1980s and the site includes a number of vacant buildings. To the east is Crooked Palm Road, Highway 33, an agricultural operation, and single-family residential uses. The single-family homes are not impacted by the WCF, as the neighborhood is located east of Highway 33 and sufficiently buffered from impacts of the subject site by extensive landscaping. To the north of the project site is self-storage and office developments, most notably a Patagonia corporate campus. However, this development is buffered from the project site by an undeveloped, industrial-zoned, property which directly abuts the project site to the north. The project does not include any expansion or changes to the existing facility and will continue to blend in with the character of the surrounding area.

Based on the discussion above, this finding can be made.

- 3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].**

The project involves the continued operation and maintenance of an existing stealth WCF. The WCF does not generate substantial noise or pose a health threat. No adverse effect on neighboring property or uses has been identified. Additionally, the project is conditioned (Exhibit 6, Condition No. 15) to identify a contact person for the timely resolution of complaints.

Based on the discussion above, this finding can be made.

- 4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].**

The project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified. In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 6, Condition No. 15). Finally, the project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in conformance with all applicable County and state regulations (Exhibit 6, Condition No. 25).

Based on the discussion above, this finding can be made.

**5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].**

The project site and surrounding properties are zoned for industrial uses. Pursuant to Section 8107-45.4(d), industrial zones are identified as a preferred location for WCFs. The proposed project does not affect any surrounding land uses, and the project is not sensitive to impacts from these uses. No new effects on the surrounding land uses would occur with the issuance of this CUP.

Based on the discussion above, this finding can be made.

**6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1f].**

The subject lot (APNs 063-0-050-345 and 063-0-050-355) was legally created by conveyance (deed recorded November 29, 1940, in Book 628, Page 114 of Official Records, less a portion to the road). The lot was created prior to regulation by the State Subdivision Map Act and Ventura County Subdivision Ordinance, and therefore, is a legal lot.

Based on the discussion above, this finding can be made.

**7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.**

As discussed in Section B above, the CUP involves the continued use of an existing WCF on the subject property. The project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

Based on the discussion above, this finding can be made.

## F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On July 17, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On July 17, 2023, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received.

## G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** the requested CUP (Case No. PL23-0022), subject to the conditions of approval (Exhibit 6); and
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact AJ Bernhardt at (805) 654-3136 or [AJ.Bernhardt@ventura.org](mailto:AJ.Bernhardt@ventura.org).

Prepared by:



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AJ Bernhardt, Case Planner  
Commercial/Industrial Permits Section  
Ventura County Planning Division

Reviewed by:



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Mindy Fogg, Manager  
Commercial/Industrial Permits Section  
Ventura County Planning Division

**EXHIBITS**

- Exhibit 2 Maps
- Exhibit 3 Site Plans
- Exhibit 4 Photo
- Exhibit 5 General Plan and North Ventura Avenue Area Plan Consistency Analysis
- Exhibit 6 Conditions of Approval





**INDUSTRIAL**  
**Industrial**

**M3-10,000 sq ft**

**RE-1 ac**

**BOUNDS RD**

**CROOKED PALM RD**

**N VENTURA AV**

**S 38 FW**

**N 38 FW**

**Legend**  
PL23-0022

 APN: 063-0-050-345 & 355

 **General Plan**

 **Zoning**

 **Area Plans**



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Resource Management Agency  
GIS Development & Mapping Services  
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**County of Ventura**  
**Planning Director Hearing**  
**PL23-0022**  
**General Plan & Zoning Map**



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

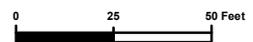




Ventura County, California  
Resource Management Agency  
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County of Ventura  
Planning Director Hearing  
PL23-0022  
**Aerial Photography**



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REVISIONS			
REV.	DATE	DESCRIPTION	INIT.
0	04/05/22	CUP RENEWAL	DL
1	06/19/23	CUP RENEWAL	DL

SITE INFORMATION:

**CROOKED PALM**

845309

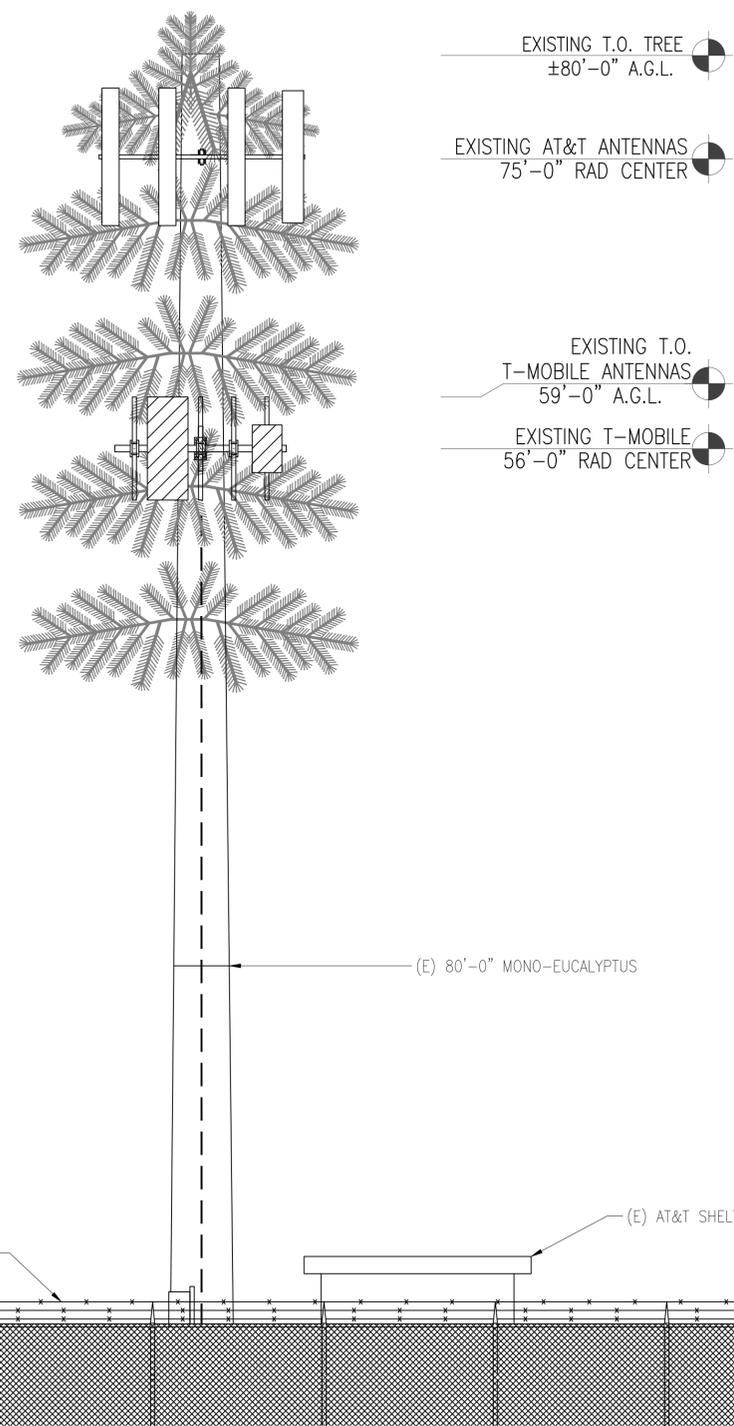
5017 CROOKED PALM RD,  
VENTURA, CA 93001

SHEET TITLE:

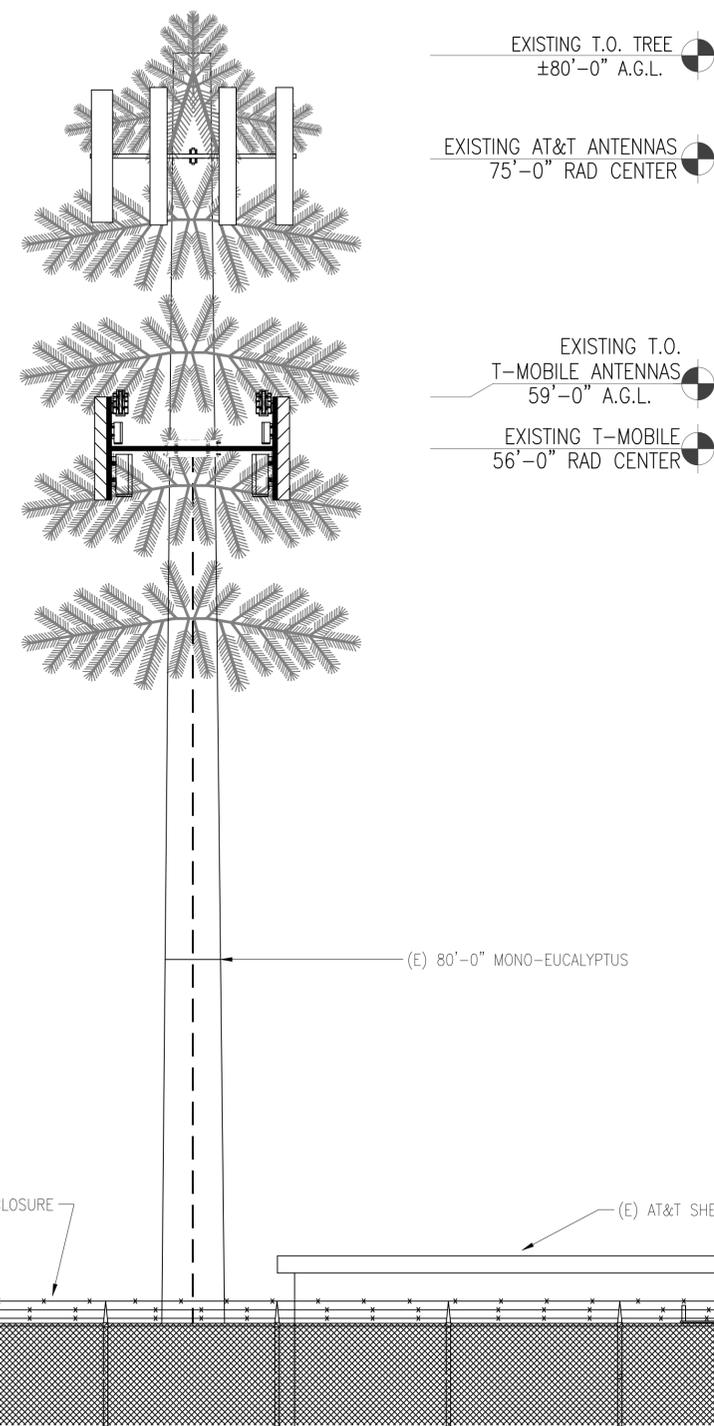
**ELEVATIONS**

SHEET NUMBER:

**A-3**



**1 EXISTING NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



**2 EXISTING EAST ELEVATION**  
SCALE: 3/16" = 1'-0"



County of Ventura  
Planning Director Hearing  
Case No. PL23-0022  
Exhibit 4 - Photo



## Exhibit 5 – General Plan and North Ventura Avenue Area Plan Consistency Analysis

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### CONSISTENCY WITH THE GENERAL PLAN AND NORTH VENTURA AVENUE AREA PLAN FOR CROWN CASTLE WIRELESS COMMUNICATION FACILITY: CROOKED PALM 845309 (CASE NO. PL23-0022)

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

*All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The project is a Conditional Use Permit (CUP) for the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0022).

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

- 1. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

**LU-16.2 Urban Design Standards for Commercial and Industrial Development:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

The WCF is located near the intersection of Crooked Palm Road and North Ventura Avenue and designed as an 80-foot mono-eucalyptus tree. The subject site is zoned M3-10,000 sq ft and surrounded by the former Petrochem oil refinery, office, residential, and industrial development. The WCF would continue to provide wireless telecommunication services to the surrounding area and remain compatible with the neighboring land uses. No new land use conflicts or visual impacts would occur with the continued use of the WCF. There are no operational or physical changes proposed to the existing WCF. The site is accessed by a dirt

County of Ventura  
Planning Director Hearing  
Case No. PL23-0022  
Exhibit 5 - General Plan & North Ventura  
Avenue Area Plan Consistency Analysis

access road that connects to Crooked Palm Road. No water is required for this project.

Based on the discussion above, the project is consistent with General Plan Policy LU-16.1 and LU-16.2.

- 2. COS 3.1 Scenic Roadways Policy:** *The County shall protect the visual character of scenic resources visible from state or County designated scenic roadways.*

**NV-1.12 Scenic Features:** *The State and the County of Ventura recognizes Highway 33 as eligible for official designation as a state adopted scenic highway. The highway can be officially designated as a scenic thoroughfare when the City develops a corridor protection program (e.g., building height limitations, requiring landscape screening of unaesthetic land uses, limiting signs and outdoor advertising, etc.).*

*Currently, the area where Highway 33 enters the City (Ventura Avenue and Shell Road), is designated as a scenic approach. Given that the City boundary will ultimately be located at the northerly boundary of the community, (Ventura Avenue and Canada Larga Road), the designation should be moved to that area.*

The WCF is adjacent to Highway 33, an Eligible Scenic Highway. The WCF is designed as a stealth mono-eucalyptus tree and located within a tree canopy that includes trees of similar height and kind. All colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials, and the antenna arrays are painted to visually blend in with the tree canopy. Due to these design features, the WCF is not prominently visible from Highway 33.

Based on the discussion above, the project is consistent with General Plan Policy COS-3.1 and North Ventura Avenue Area Plan Policy NV-1.12.

- 3. COS-1.4 Consideration of Impacts to Wildlife Movement:** *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

The existing WCF and associated equipment shelters are located within a small, fenced enclosure near Crooked Palm Road. No specific or cumulative impacts to wildlife movement will be generated from the implementation of the project.

Based on the discussion above, the project is consistent with General Plan Policy COS-1.4.

- 4. HAZ-5.2 Hazardous Materials and Waste Management Facilities:** *The County shall require discretionary development involving facilities and operations which*

*may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

The project was reviewed by the Department of Environmental Health (EHD). In response to EHD's review, the WCF would be conditioned to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 6, Condition No. 25).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-5.2.

- 5. PFS-1.1 Equitable Provision of Public Facilities and Services:** *The County shall require that facilities and services that are essential for public health and safety shall be equitably provided for all residents and businesses.*

**PFS-7.1 Accessible Public Utilities:** *The County shall work with utility companies and service providers to ensure that gas, electric, broadband, cellular mobile communications, cable television, and telephone utility transmission lines are located appropriately to provide for adequate services throughout the unincorporated area.*

**PFS-7.5 Broadband Service Access:** *The County shall encourage broadband service providers to expand service areas and provide high quality access to broadband (high-speed internet) and cellular mobile communications services to residents and businesses, including unserved and underserved areas.*

The WCF will continue to provide service throughout the unincorporated Ventura area, including access to high quality cellular mobile communications. The continued use of the facility ensures that residents and businesses in the coverage area receive a high quality of service.

Based on the discussion above, the project is consistent with General Plan Policy PFS-1.1, PFS-7.1, and PFS-7.5.

- 6. NV-1.1 Review Procedures:** *The County shall notify the City regarding development applications. Specific notification shall be given to the City by the County at the following points:*

- a. Pre-application meeting*
- b. Application review period*
- c. New case committee meetings (application completeness and environmental determination)*
- d. Development Advisory Committee meetings and permit hearings*

- e. *Environmental document hearings*
- f. *Notification of final decision*

*Project applicants shall be requested to contact both the County and the City for a discussion of projects as early as possible in the design phase of the proposal.*

The City of Ventura was notified via email throughout the duration of the project during all applicable noticing periods. No comments were provided by the City of Ventura.

Based on the discussion above, the project is consistent with the North Ventura Avenue Area Plan Policy NV-1.1.

- 7. NV-1.2 Development Standards:** *The North Ventura Avenue Area Plan requires all ministerial projects (those requiring only a zone clearance) to meet the development standards established by the County of Ventura's Zoning Ordinance. However, discretionary projects (those requiring a Planned Development Permit, Conditional Use Permit, etc.) in the North Avenue Community, shall conform to this Plan and the County and City development standards (if there is a difference in the standards between the two jurisdictions, the more stringent of the two standards shall apply). "Standards," as used above, involve conditionally permitted uses, parking requirements, signs, building setbacks, lot coverage, landscaping and building height. Facilities such as streets, bikeways, secondary drainage facilities, and water systems shall conform to the development standards of the City of Ventura as of the adoption of this plan, or as may be subsequently amended by the City and approved by the County.*

County of Ventura Planning staff reviewed Chapter 24.497 – Standards for Wireless Telecommunication Facilities of the City of Ventura Municipal Code and determined the WCF is in compliance with the development standards. Additionally, County of Ventura Planning staff notified the City of Ventura Planning Division via email regarding the project and no comments were provided.

Based on the discussion above, the project is consistent with the North Ventura Avenue Area Plan Policy NV-1.2.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.  
PL23-0022 FOR CROWN CASTLE WIRELESS COMMUNICATION FACILITY:  
CROOKED PALM 845309 (FORMERLY CASE NO. LU10-0100 AND CUP 4926)**

**RESOURCE MANAGEMENT AGENCY (RMA)**

**Planning Division Conditions**

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, exhibits of the Planning Director hearing on July 27, 2023, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The applicant requests a CUP for the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The existing WCF is designed as a stealth mono-eucalyptus tree, 80-feet in height, and includes antennas for AT&T and T-Mobile. The project site includes two (2) existing telecommunication equipment shelters located within a fenced enclosure area.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a dirt driveway from Crooked Palm Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project.

2. Site Maintenance

**Purpose:** To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

**Requirement:** The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

**Documentation:** The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

**Timing:** The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

### 3. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

### 4. Construction Activities (Note: No Construction Proposed)

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

### 5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the CUP conditions listed herein;
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- e. The imposition of civil administrative penalties; and/or
- f. Revocation of this CUP.

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations.

## 6. Time Limits

- a. Use inauguration:
  1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
  2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year (see the Ventura County Non-Coastal Zoning Ordinance (§ 8111-4.7)) from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
  3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.
- b. Permit Life or Operations Period: This CUP will expire on \_\_\_\_\_. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
  1. The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to \_\_\_\_\_; and
  2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

**Purpose:** To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this CUP.

**Requirement:** Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

**Documentation:** The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

8. Notice of CUP Requirements and Retention of CUP Conditions On-Site

**Purpose:** To ensure full and proper notice of these CUP conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

**Documentation:** The Permittee shall maintain a current set of CUP conditions and exhibits at the project site or, in the case of projects where this is impractical (e.g., telecommunication sites), use "present to the Planning Division staff copies of the conditions, upon Planning Division staff's request."

**Timing:** Prior to issuance of a Zoning Clearance for construction and use inauguration and throughout the life of the Project.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

9. Recorded Notice of Land Use Entitlement

**Purpose:** The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

**Requirement:** The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division and the conditions of this CUP with the deed of the property that is subject to this CUP.

**Documentation:** Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

**Timing:** The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for construction and use inauguration.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this CUP to Planning Division staff to be included in the Project file.

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

- b. Establishment of Revolving Compliance Account: Pursuant to the requirements of CUP Case No. LU10-0100, the Resource Management Agency created Condition Compliance Case No. CC13-0056 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU10-0100. The Planning Division will continue to use Condition Compliance Case No. CC13-0056 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC13-0056, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

## 11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.

- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

## 12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

## 13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and

qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 10 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

#### 14. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

The Permittee shall obtain a business tax certificate and regulatory licenses for the operation of the WCF.

#### 15. Contact Person

**Purpose:** To designate a person responsible for responding to complaints.

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this

CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

**Documentation:** The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 16. Resolution of Complaints

The following process shall be used to resolve complaints related to the Project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 15 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about a use as it is occurring may directly contact the Contact Person;
- b. If County staff receives a written complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and
- c. If following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this CUP is confirmed, County staff may initiate enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance.

#### 17. Change of Permittee

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

**Requirement:** The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

**Documentation:** The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 18. Reporting of Major Incidents

**Purpose:** To ensure that the Planning Director is notified of major incidents associated with, or resulting from, the Project.

**Requirement:** The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the Project Site.

**Documentation:** Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and the steps taken to prevent a recurrence of the incident.

**Timing:** The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of receiving the request.

**Monitoring and Reporting:** The Planning Division maintains any documentation provided by the Permittee related to major incidents in the Project file.

#### 19. Landscaping and Screening

**Purpose:** To comply with the County's landscaping and screening requirements.

**Requirement:** If determined by the Planning Director at any time, the Permittee shall retain a landscape architect to prepare a landscape plan that complies with the requirements of this condition and the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELO).

Landscaping Objectives: The Permittee must install and maintain landscaping and screening that serves the following functions:

- a. Screens undesirable views, incompatible land uses, or uses in natural settings. The Permittee must install landscaping and screening to screen the equipment shelter, WCF, and generator.
- b. Provides visual integration. The Permittee must install landscaping that blends structures with their surroundings.
- c. Ensures compatibility with community character. The Permittee must install landscaping that visually integrates the development with the character of the surrounding community.
- d. Restores or reclaims disturbed land. The Permittee must install landscaping that restores or reclaims disturbed land.

Landscaping Design: The Permittee shall design all landscaping such that the landscaping requires minimal amounts of water and uses required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria and must achieve the following design objectives:

- a. Use Available Non-Potable Sources of Water. The landscaping must involve the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, if available to the Project site.
- b. Protection of Solar Access. The Permittee must design the landscaping to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells or impair the function of a nearby building using passive solar heat collection.
- c. Protection of Existing Vegetation. Existing vegetation, especially trees, must be saved and integrated into landscape design wherever feasible, appropriate, or required by other regulations (e.g., the Tree Protection Ordinance).
- d. Create a Viable Growing Environment. The landscape design must address the needs of the plants to ensure their health, long-term viability, and protection.
- e. Species Diversity. The landscape plan must integrate a variety of plant species, heights, colors, and textures, as appropriate given the size of the landscape.
- f. Fire Resistance. Plant material installed in the fuel modification zone must be fire resistant.

**Documentation:** The Permittee shall submit three sets of a draft landscape plan to the Planning Division for review and approval. A California registered landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition (above) and § 8106-8.2 (General Landscaping and Water Conservation Requirements) of the Non-Coastal Zoning Ordinance. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan.

Prior to installation of the landscaping, the Permittee must obtain the Planning Director's approval of any changes to the landscape plans that affect the character or quantity of the plant material or irrigation system design.

**Timing:** The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for Construction. Landscaping installation and maintenance activities shall occur according to the timing requirements set forth in § 8106-8.2.8 of the Non-Coastal Zoning Ordinance.

**Monitoring and Reporting:** Landscaping shall be maintained for the life of the permit. Landscaping approval/installation and verification shall occur after the Permittee submits the Certificate of Completion for the landscape installation. County staff shall then conduct an onsite inspection to verify that the landscaping was installed as required by the approved landscape plan as set forth in § 8106-8.2.3(a) of the Non-Coastal Zoning Ordinance. Monitoring activities, and enforcement activities shall occur according to the procedures set forth in § 8106.8.2.8 of the Non-Coastal Zoning Ordinance. The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file.

## 20. Color/Material/Manufacture Specifications

**Purpose:** To comply with the Ventura County General Plan Policy COS-3.1.

**Requirement:** The Permittee shall:

- a. Construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. Provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. Construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. Provide photos to the Planning Division to verify that the facility is constructed as approved.

**Documentation:** The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division for review and approval. Prior to final inspection of the communication facility, the Permittee shall provide photographs demonstrating that the Permittee constructed the facility in compliance with the approved plans, photo simulations, and materials sample/color board.

**Monitoring and Reporting:** The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the Project file. The Permittee shall provide photos of the constructed facility to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee

constructed and painted the facility according to the approved plans, photo simulations, and materials sample/color board. The Planning Division maintains the Permittee's approved plans, photo simulations, materials sample/color board, and (if submitted in lieu of a site inspection) photo documentation in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

## 21. Future Collocation of Wireless Telecommunication Facilities and Equipment

**Purpose:** To reduce the number of communication facilities and minimize the potential environmental impacts associated with such facilities.

**Requirement:** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

- a. The party seeking the collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing;
- b. The Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk;
- c. The Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and
- d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

**Documentation:** Permittee shall demonstrate to the satisfaction of the Planning Director that the wireless telecommunications tower associated with the communication facility is engineered in a manner that can accommodate supplementary antennas to collocate at least one additional telecommunication carrier.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit evidence to the Planning Division that the facility is engineered to accommodate the collocation of at least one additional carrier.

**Monitoring and Reporting:** Prior to the issuance of a Certificate of Occupancy, Building and Safety inspectors and Planning Division staff have the authority to inspect the facility to confirm that is constructed as approved.

## 22. Removal of Facility upon Abandonment of Use or Expiration of Permit

**Purpose:** In compliance with § 8111-2.8 and § 8111-8.1 of the Ventura County Non-Coastal Zoning Ordinance and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

**Requirement:** Upon the expiration of this CUP, or abandonment of the use of the communication facility, the Permittee shall:

- a. Notify the County that the Permittee has discontinued the use of the facility;
- b. Remove the facility and all appurtenant structures; and
- c. Restore the premises to the conditions existing prior to the issuance of the CUP, to the extent feasible as determined by the Planning Director.

In the event that the Permittee fails to perform the required actions, the Property Owner shall be responsible for compliance with the requirements set forth in this condition. The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

**Documentation:** The Permittee shall provide photos of the site after restoration is completed, to the County Planning Division.

**Timing:** The Permittee shall complete the notification, removal, and restoration activities within 60 days of the expiration of this CUP, or abandonment of the use, unless the Planning Director grants (in writing) additional time.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

### 23. Paleontological Resources Inadvertently Discovered During Grading

**Purpose:** In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

**Requirement:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

1. Cease operations and assure the preservation of the area in which the discovery was made;
2. Notify the Planning Director in writing, within three days of the discovery;
3. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide a report that assesses the resources and sets forth recommendations on the proper disposition of the site;
4. Obtain the Planning Director's written concurrence with the recommended disposition of the site before resuming development; and
5. Implement the agreed upon recommendations.

**Documentation:** The Permittee shall submit the paleontologist's or geologist's reports. Additional documentation may be required to demonstrate that the Permittee has implemented the recommendations set forth in the paleontological report.

**Timing:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the paleontological report to the Planning Division immediately upon completion of the report.

**Monitoring and Reporting:** The Permittee shall provide the paleontological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. The paleontologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the paleontological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the paleontological report, consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 24. Archaeological Resources Discovered During Grading

**Purpose:** In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

**Requirement:** The Permittee shall implement the following procedures.

1. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - a. Cease operations and assure the preservation of the area in which the discovery was made;
  - b. Notify the Planning Director in writing, within three days of the discovery;
  - c. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
  - e. Implement the agreed upon recommendations.
2. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - a. Cease operations and assure the preservation of the area in which the discovery was made;
  - b. Immediately notify the County Coroner and the Planning Director;
  - c. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
  - e. Implement the agreed upon recommendations.

**Documentation:** If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

**Timing:** If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

**Monitoring and Reporting:** The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the archaeological report, consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

### **Environmental Health Division (EHD) Conditions**

#### **25. Hazardous Materials/Waste Reporting and Management – Battery Storage**

**Purpose:** To ensure the storage, handling, and disposal of any potentially hazardous material associated with batteries at wireless communication facilities complies with applicable State and local regulations.

**Requirement:** Used batteries must be properly disposed of or recycled in accordance with state and local regulations. If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. This threshold shall be calculated as the cumulative total of all batteries on the site. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency (CUPA) website: <https://vcrma.org/cupa>.

**Documentation and Reporting:** Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura County CUPA staff. CUPA staff may request any documentation needed to determine whether a substance is considered a hazardous material. CUPA staff may request a site visit to determine if reportable quantities are being stored at a location and therefore require the submission of a Hazardous Materials Business Plan (HMBP) and issuance of a permit.

**Conditions for CUP Case No. PL23-0022**

**Date of Public Hearing:** July 27, 2023

**Date of Approval:** TBD

**Permittee:** Crown Castle

**Location:** 5017 Crooked Palm Road, near Ventura

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**Monitoring:** Ventura County CUPA staff respond to issues related to the proper storage and disposal of hazardous materials and wastes. When applicable, the Ventura County CUPA issues hazardous material and hazardous waste permits and conducts site inspections.

**Ventura County Fire Protection District (VCFPD) Conditions**

26. Obtain IFC Permits: Obtain applicable Ventura County Fire Code Permits.