



Planning Director Staff Report Hearing on March 21, 2024

County of Ventura • Resource Management Agency

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

WIRELESS COMMUNICATION FACILITY (WCF) – CROWN CASTLE: OJAI VALLEY MINOR MODIFICATION TO CONDITIONAL USE PERMIT (CUP), CASE NO. PL22-0065

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP 4661, CUP 5241, Case No. LU12-0047) to authorize the continued operation and maintenance of an existing WCF for a 10-year period (Case No. PL22-0065).
2. **Applicant:** Crown Castle, C/O Jim Lee, 8020 Katy Freeway, Houston, TX 77024
3. **Property Owner:** Richard Roll, 10725 Cranks Road, Culver City, CA 90274
4. **Applicant's Representative:** Scott Dunaway, 1114 State Street, Suite 234, Santa Barbara, CA 93101
5. **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.
6. **Project Site Size, Location, and Parcel Number:** The 160-acre project site is located at 11811 Santa Paula Ojai Road (State Route 150) in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 030-0-030-580, 030-0-030-540, and 030-0-030-550 (APNs 030-0-030-550, 030-0-030-570, 030-0-030-580, and 030-0-030-590 combined are one legal lot. APNs -550, -570, and -590 are cell site lease areas with a different tax rate from the remainder of the lot) (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Ojai Valley Area Plan Land Use Map Designation: OS-20 ac (Open Space, 20-acre minimum lot size)
 - c. Zoning Designation: AE-40 ac/SRP (Agricultural Exclusive, 40-acre minimum lot size, Scenic Resource Protection Overlay)

8. Adjacent Zoning and Land Uses/Development (Table 1):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-80 ac/SRP (Open Space, 80-acre minimum lot size, Scenic Resource Protection Overlay)	Open Space – Los Padres National Forest
East	AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size), OS-80 ac	Open Space
South	AE-80 ac/SRP/HCWC (Agricultural Exclusive, 80-acre minimum lot size, Scenic Resource Protection Overlay, Habitat Connectivity and Wildlife Corridor Overlay)	Open Space
West	AE-40 ac	Open Space

9. History: On March 18, 1991, the planning director approved CUP 4661, which authorized the construction and use of a WCF. The Planning Director approved a minor modification of CUP 4661 (Case No. CUP 5241) authorizing continued use, operation, and maintenance of the existing WCF for an additional 10-year period with facility upgrades. The Planning Director then approved another minor modification of CUP 4661 (Case No. LU12-0047) authorizing the continued use, operation, and maintenance for an additional 10-year period with technological upgrades.

On January 3, 2024, an application was submitted to the County Planning Division requesting that a Minor Modification of CUP 4661 (Case No. PL22-0065) be granted to authorize use, operation, and maintenance of this existing WCF for another 10-year period.

10. Project Description: The applicant requests a minor modification of CUP 4661 (Case No. PL22-0065) be granted to authorize the continued use, operation, and maintenance of a WCF for a 10-year period. The existing WCF is designed as a stealth facility comprised of four approximately 15-foot-tall support structures, twelve panel antennas, equipment shelter housing cabinets, approximately 2,650 square feet of leasing area, and an emergency backup generator.

The proposed WCF will be unmanned, except for occasional periodic maintenance visits, and would operate 24 hours per day. The WCF does not require water to operate. The site is accessed by an unpaved dirt road connected to Ojai Valley School Road. (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 for 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 includes the continued operation of an existing WCF with no proposed operational or physical changes. Therefore, the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2 and, therefore, no further environmental review is required.

C. CONSISTENCY WITH THE GENERAL PLAN / OJAI VALLEY AREA PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and Ojai Valley Area Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General Plan is included as Exhibit 4 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 AE-40 ac zone district with the granting of a CUP. Upon the granting of the CUP, the Permittee would be in compliance with the Ventura County NCZO.

The proposed project includes the continuation of an existing telecommunications facility that is subject to the development standards of the Ventura County NCZO (Section 8106-1.1) Table 2 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 2 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area	40 acres	Yes
Maximum Percentage of Building Coverage	5 %	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	35 feet	Yes

The proposed WCF is subject to the special use standards of the Ventura County NCZO (Section 8107-45). Table 3 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards. This staff report includes site photos of the existing WCF (Exhibit 5).

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</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>Sec. 8107-45.4(b) Exceptions to Stealth and Building-Concealed Facilities: A non-stealth facility may be permitted when the applicant demonstrates that the project location and design meet one or more of the following criteria:</p> <ul style="list-style-type: none"> (1) The facility is not prominently visible from a public viewpoint and could not be prominently visible from a public viewpoint following a Section 6409(a) Modification. This standard may be achieved by blending the facility into its surroundings as defined in Sec. 8107-45.4(c); or (2) The non-stealth facility is prominently visible from a public viewpoint but meets one or more of the following criteria: <ul style="list-style-type: none"> (a) It is located on a ridgeline and meets the requirements in Sec. 8107-45.4(l); or (b) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more stealth facilities (see Sec. 8107-45.4(f)(4)); or (c) It is used solely for the provision of public safety and the decision-making authority waives this development standard pursuant to Sec. 8107-45.2.4. 	<p>Yes, the WCF is designed with low-profile (22-foot max height), stealth characteristics and painted to blend into the surrounding area. Furthermore, the WCF is located on a hillside north of Ojai Valley and not prominently visible from public view (Exhibit 2.1 Viewshed Analysis).</p>
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</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"> (1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or 	<p>Yes, the WCF is painted to blend into the surrounding setting and terrain. The topography and distance to valley floor screen the facility from view.</p>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>structures effectively screen and/or camouflage the proposed facility; and</p> <p>(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.</p>	
<p>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</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> <ol style="list-style-type: none"> (1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6). (2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones. (3) Where the wireless communication facility is not prominently visible from a public viewpoint. (4) Within an area zoned Industrial. (5) Near existing public or private access roads. (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>Section 8107-45.4 (e), Non-Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall not be sited in the following locations:</p> <ol style="list-style-type: none"> (1) Within an area zoned Urban Residential (2) Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when prominently visible from public viewpoints. Where the wireless communication facility is not prominently visible from a public viewpoint. (3) On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)). (4) Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)). (5) Within environmentally sensitive areas (see Sec. 	<p>Yes, the WCF is an existing structure, located on a hillside north of the Ojai Valley. Concealment measures and a collocation strategy among multiple carriers justify the current location as optimal for service coverage.</p>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
8107-45.4(k)).	
<p>Section 8107-45.4 (f) Height for Stealth Facilities:</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>(2) Minimizing Visual Impacts: The height of a wireless communication facility shall be limited to what is necessary to provide adequate service or coverage.</p> <p>(4) a. The maximum allowable height of a faux structure shall be the height limits in Table 1 below, or the average height of representative structures commonly found in the local setting, whichever is less.</p>	<p>Yes, the WCF panel antennas are 10-feet in height (22-feet max height from ground) and sized to provide adequate coverage to the area. No height changes are proposed.</p>
<p>Section 8107-45.4 (g)(1)(2), Setbacks:</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 set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit.</p>	<p>Yes, the WCF meets the front, side, and rear yard setbacks for the AE zone. There are no offsite dwelling units within 50-feet of the WCF.</p>
<p>Section 8107-45.4 (h), Retention of Concealment Elements:</p> <p>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> <p>(1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or</p> <p>(2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or</p> <p>(3) Equipment and antennas are no longer concealed by the permitted stealth design features; or</p> <p>(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</p>	<p>Yes, this is an existing WCF. There are no proposed changes to the structure or site which would impact the concealment elements.</p>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design</p>	
<p>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</p> <p>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 facility will have no significant, adverse effect on the historical resource.</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>
<p>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</p> <p>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 existing WCF is designed for minimum impact to sensitive species and no changes are proposed.</p>
<p>Section 8107-45.4 (n), Accessory Equipment:</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 equipment shelter is screened with fencing, and per the viewshed analysis in Exhibit 2.1, not prominently visible from any public viewpoint.</p>
<p>Section 8107-45.4 (o), Colors and Materials:</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. The WCF is designed with low-profile, panel antennas. All colors and materials blend with the natural surroundings. There are no reflective materials.</p>
<p>Section 8107-45.4 (p), Noise:</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 must be operated and maintained to comply with the Ventura County noise standards set forth in General Plan Policy HAZ 9.2 Noise Compatibility Standards.</p>
<p>Section 8107-45.4 (q), Landscaping and Screening:</p>	<p>Yes. No new landscaping is proposed. The WCF does not require additional</p>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<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 (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>screening as it is not prominently visible from public view.</p>
<p>Section 8107-45.4 (r), Security:</p> <ul style="list-style-type: none"> (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. (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>Yes. The WCF equipment is located far from public access via a private dirt road connected to Ojai Santa Paula Road. Equipment shelters are enclosed with chain-link fencing and warning signage is placed around the facility to deter access.</p>
<p>Section 8107-45.4 (s), Lighting:</p> <ul style="list-style-type: none"> (1) No facility may be illuminated unless specifically required by the FAA or other government agency. (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>Yes, the WCF has no lighting.</p>
<p>Section 8107-45.4 (t), Signage:</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>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4 (u), Access Roads:</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 accessed by an existing, unpaved, private dirt road connected to Ojai Santa Paula Road.</p>
<p>Section 8109-4.8.2.2 (c.) – Outdoor Lighting Requirement Exemptions</p> <p>Lighting for <i>wireless communication facilities</i> to the extent required by the Federal Aviation Administration, except for the requirements set forth in Sec. 8109-4.8.2.4.b(9).</p>	<p>Yes, the WCF will not be lit.</p>
<p>Section 8109-4.8.3.3 – Prohibitions</p> <p>Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:</p> <ul style="list-style-type: none"> a. The intentional planting of <i>invasive plants</i>, unless planted as a commercial agricultural crop or grown as commercial nursery stock. b. The installation of new <i>wildlife impermeable fencing</i> that forms an enclosed area on a <i>lot</i> that has no existing, lawfully established principal use. c. The installation of new <i>wildlife impermeable fencing</i> around the perimeter of a <i>lot</i> that forms an enclosed area, unless exempt pursuant to Sec. 8109-4.8.3.7. d. Any new <i>fence</i> post, corner post, or gate upright with open, vertical pipes on <i>lots</i> zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such <i>fence</i> posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps. 	<p>Yes, the applicant is not proposing any landscaping and the fencing is located solely around the back-up generator, an area encompassing approximately 2650-square-feet (SF). Therefore, no invasive plants or fencing upgrades will be installed.</p>

Table 3 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8109-4.8.3.8 (b.) Development Guidelines</p> <p>Development, including any resulting <i>fuel modification</i> required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, should comply with the following applicable development guidelines to the extent feasible:</p> <ul style="list-style-type: none"> (1) Development should be sited and conducted outside the applicable setback areas set forth in Sec. 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible; (2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support <i>functional connectivity</i> and wildlife movement; (3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and (4) <i>Wildlife impermeable fencing</i> should be sited and designed to minimize potential impacts to wildlife movement. 	<p>Yes, the existing structures associated with the WCF occupy approximately 2950 square feet. The proposed project does not include any additions to, or enlargement of, the permit area or existing facilities.</p>

The proposed project is located within a Scenic Resource Protection (SRP) Overlay Zone and subject to the standards analyzed in Table 4.

Table 4 – Scenic Resource Protection (SRP) Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Section 8109-4.1.5 (a.) - Siting Standards:</p> <p>All <i>discretionary</i> development shall be sited and designed to:</p> <ul style="list-style-type: none"> (1) Prevent significant degradation of a scenic view or vista; (2) Minimize alteration of the natural topography, physical features and vegetation; (3) Utilize native plants indigenous to the area for re-vegetation of graded slopes, where appropriate considering the surrounding vegetative conditions; 	<p>Yes, the WCF is not prominently visible from public view (Exhibit 2.1 Viewshed Analysis) and is sited for optimal service coverage. Materials and colors blend with the surrounding landscape and are not reflective. No upward lighting exists on the WCF.</p>

Table 4 – Scenic Resource Protection (SRP) Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>(4) Avoid silhouetting of structures on ridge tops that are within public view;</p> <p>(5) Use materials and colors that blend in with the natural surroundings and avoid materials and colors that are highly reflective or that contrast with the surrounding vegetation and terrain, such as large un-shaded windows, light colored roofs, galvanized metal, and white or brightly colored exteriors.</p> <p>(6) Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas.</p>	
<p>Section 8109-4.1.5 (b.) - Sign Standards</p> <p>All on-site freestanding advertising, identification and non-commercial message signs in excess of five feet in height and all off-site advertising signs are prohibited in the Scenic Resource Protection (SRP) Overlay Zone.</p>	<p>Yes, all signs required for the WCF meet these height requirements.</p>
<p>Section 8109-4.8.2.2 (c.) – Outdoor Lighting Requirement Exemptions</p> <p>Lighting for <i>wireless communication facilities</i> to the extent required by the Federal Aviation Administration, except for the requirements set forth in Sec. 8109-4.8.2.4.b(9).</p>	<p>Yes, the WCF will not be lit.</p>
<p>Section 8109-4.8.3.3 – Prohibitions</p> <p>Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:</p> <ul style="list-style-type: none"> a. The intentional planting of <i>invasive plants</i>, unless planted as a commercial agricultural crop or grown as commercial nursery stock. b. The installation of new <i>wildlife impermeable fencing</i> that forms an enclosed area on a 	<p>Yes, the applicant is not proposing any landscaping and the fencing is located solely around the back-up generator and equipment area, encompassing approximately 2650-square-feet (SF). Therefore, no invasive plants or fencing upgrades will be installed.</p>

Table 4 – Scenic Resource Protection (SRP) Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p><i>lot</i> that has no existing, lawfully established principal use.</p> <p>c. The installation of new <i>wildlife impermeable fencing</i> around the perimeter of a <i>lot</i> that forms an enclosed area, unless exempt pursuant to Sec. 8109-4.8.3.7.</p> <p>d. Any new <i>fence</i> post, corner post, or gate upright with open, vertical pipes on <i>lots</i> zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such <i>fence</i> posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps.</p>	
<p>Section 8109-4.8.3.8 (b.) Development Guidelines</p> <p>Development, including any resulting <i>fuel modification</i> required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, should comply with the following applicable development guidelines to the extent feasible:</p> <p>(1) Development should be sited and conducted outside the applicable setback areas set forth in Sec. 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible;</p> <p>(2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support <i>functional connectivity</i> and wildlife movement;</p> <p>(3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and</p>	<p>Yes, the existing structures associated with the WCF occupy approximately 2950 SF. The proposed project does not include any additions to, or enlargement of, the permit area or existing facilities.</p>

Table 4 – Scenic Resource Protection (SRP) Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
(4) <i>Wildlife impermeable fencing</i> should be sited and designed to minimize potential impacts to wildlife movement.	

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1a 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 8111-1.2.1.1a.a].**

Based on the information and analysis presented in Section D and Exhibit 5 of this staff report, the finding that 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 can be made.

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

The project involves the continued operation of an existing, unmanned WCF located on a tract of mountainous agricultural land north of Ojai Valley. The facility is painted to blend in with the site surroundings (Condition No. 19), and low-profile, stealth antennae blend with surrounding vegetation and terrain. Remoteness and topography mask the facility from public view as evidenced by the Viewshed Analysis (Exhibit 2.1). A collocation strategy with multiple carriers reduces the footprint (Condition No.18). No new effects on the surrounding land uses have been identified.

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 8111-1.2.1.1a.c].**

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, Conditions 14, 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 8111-1.2.1.1a.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 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 20).

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 8111-1.2.1.1a.e].

The existing WCF is compatible with the surrounding agricultural land use. Designed for semi-concealment, the WCF blends with nearby and collocated facilities and is painted to be the same color as the surrounding vegetation and landscape. Remoteness and terrain mask the facility from public view. No new effects on existing or potential 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 8111-1.2.1.1a.f].

APNs 030-0-030-550, 030-0-030-570, 030-0-030-580, and 030-0-030-590 combined are one legal lot. APNs -550, -570, and -590 are cell site lease areas with a different tax rate from the remainder of the lot. The original lot, APN 030-0-030-040, has been split multiple times since the three (3) WCFs were approved and constructed. However, the configuration of the entire 159-acre lot has remain unchanged since it was legally created by a grant deed recorded on May 7, 1951 in Book 997, Page 490 of Official Records, in the Office of the Recorder, County of Ventura, in compliance with the Subdivision Map Act.

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 [Section 8111-1.2.1.1a.g].

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.

8. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [Section 8111-1.2.1.2.a].

The existing WCF is located both on and adjacent to land that is designated as agriculture. A minimal footprint and collocation strategy with other carriers reduces impacts to these resources. Furthermore, the terrain is not conducive to most agricultural operations. (Exhibit 5)

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

9. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [Section 8111-1.2.1.2.b].

The existing WCF is located both on and adjacent to land that is designated as agriculture. Impacts to these agricultural uses are prevented by a minimal footprint, collocation strategy with other carriers, remoteness, and buffer areas consisting of access roads and steep terrain. (Exhibit 5)

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

10. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [Section 8111-1.2.1.2.c].

The existing WCF is located both on and adjacent to land that is designated as agriculture. A minimal footprint and collocation strategy with other carriers, limits the amount of land that could otherwise be used for agricultural production. (Exhibit 5)

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

11. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.4 and Article 9].

As discussed in Section D (above), the project complies with the policies of the Scenic Resource Protection Overlay Zone of the Ventura County Non-Coastal Zoning Ordinance.

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 March 8, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On March 8, 2024 the Planning Division placed a legal ad in the Ojai Valley News.

The project site is located within the City of Ojai's Area of Interest. Therefore, on January 4, 2024 the Planning Division notified the City of Ojai of the proposed project and requested the City of Camarillo to submit any comments that the City might have on the proposed project. As of the publication date of this report, no comments have been received from the City of Ojai.

H. 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 approve a Minor Modification of CUP application Case No. PL22-0065 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. **APPROVE** Minor Modification of CUP application case No. PL22-0065, subject to the conditions of approval (Exhibit 6).
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 10th 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.

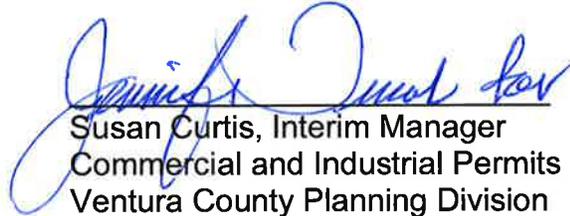
If you have any questions concerning the information presented above, please contact Benjamin Reinert at (805) 654-2466 or benjamin.reinert@ventura.org.

Prepared by:

Benjamin Reinert

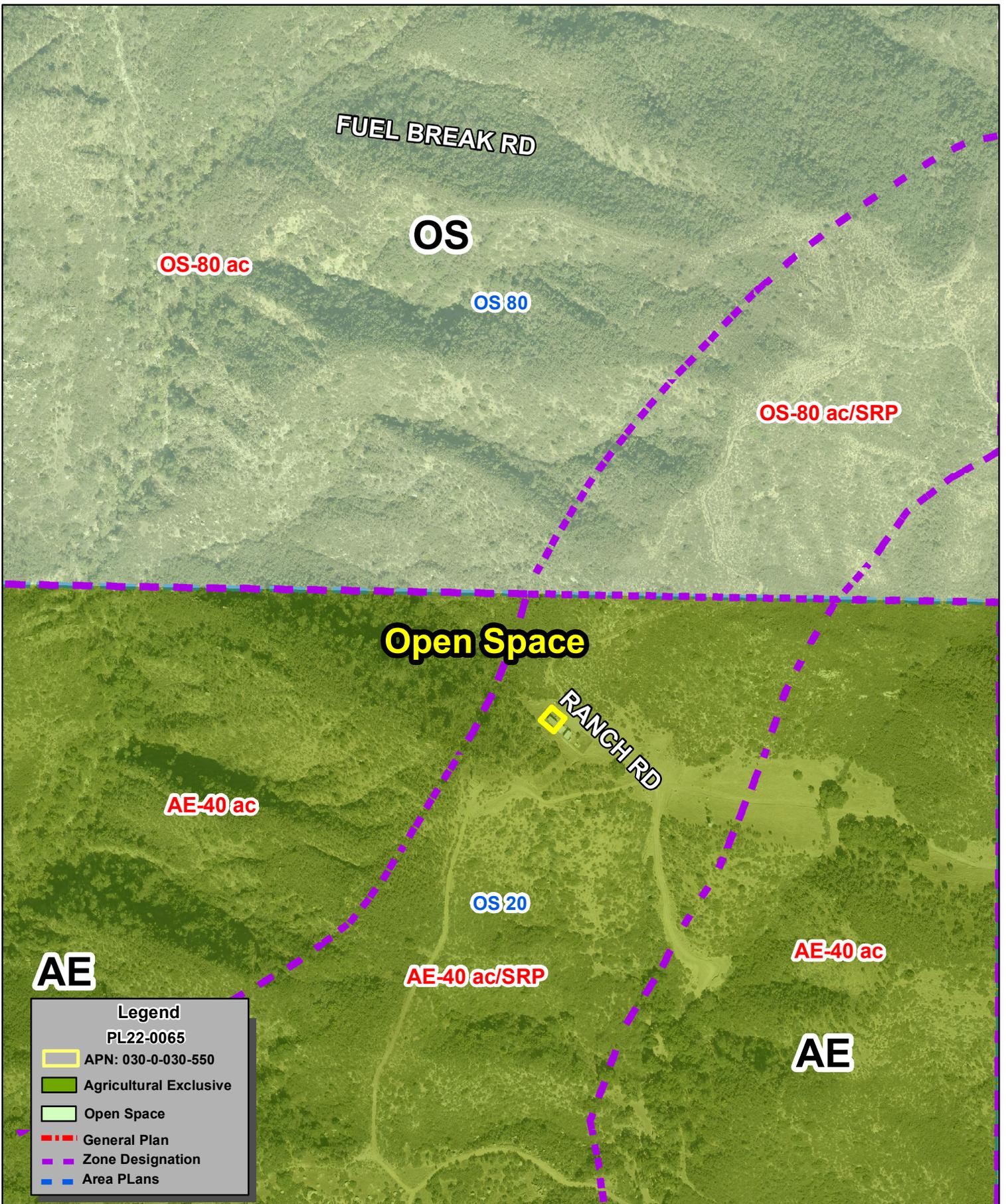
Benjamin Reinert, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

Reviewed by:


Susan Curtis, Interim Manager
Commercial and Industrial Permits
Ventura County Planning Division

EXHIBITS

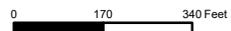
- Exhibit 2 Maps
- Exhibit 2.1 Viewshed Analysis
- Exhibit 3 Site Plans
- Exhibit 4 General Plan Consistency Analysis
- Exhibit 5 Site Photo
- Exhibit 6 Conditions of Approval



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 1-08-2024
 This aerial imagery is under the
 Source: Vexcel 2022



**County of Ventura
 Planning Director Hearing
 Case No. PL22-0065
 Exhibit 2 - Maps
 General Plan and Zoning**



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 not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



RH



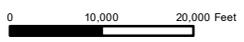
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 1-08-2024



**County of Ventura
Planning Director Hearing
Case No. PL22-0065
Exhibit 2 - Maps
Location**



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 not 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
GIS Development & Mapping Services
Map Created on 1-08-2024
This aerial imagery is under the
copyrights of Vexcel 2022



**County of Ventura
Planning Director Hearing
Case No. PL22-0065
Exhibit 2 - Maps
Aerial Photography**



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 not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





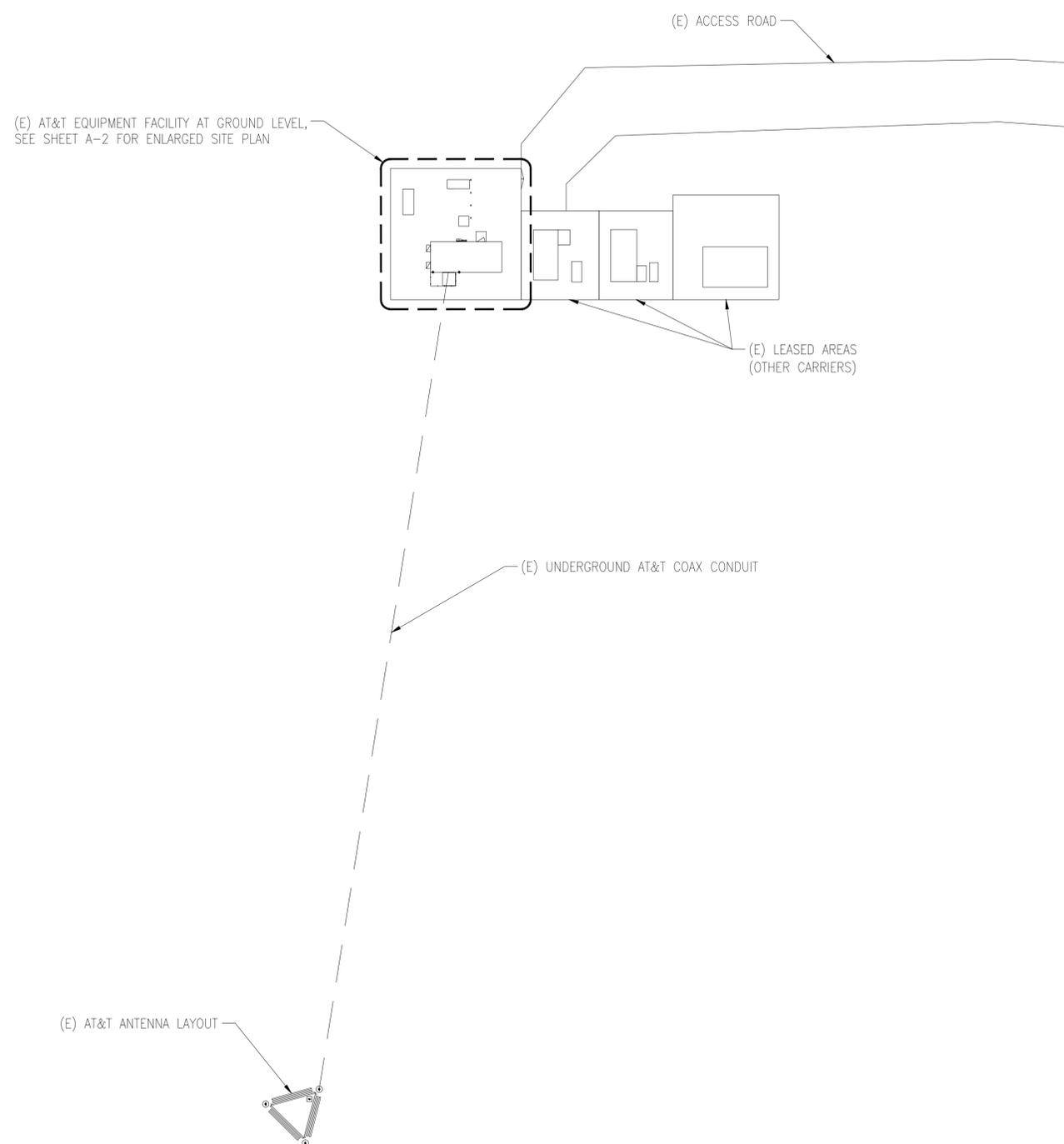
200 Spectrum Center Drive, Suite 1700
Irvine, California 92618

PLANS PREPARED BY:



D4 Communications, LLC

1114 State Street, Suite 234
Santa Barbara, CA 93101



REVISIONS			
REV.	DATE	DESCRIPTION	INIT.
0	1/28/22	CUP RENEWAL	KWB

SITE INFORMATION:

OJAI

845322

11818 OJAI SANTA PAULA RD.
OJAI, CA 93023

SHEET TITLE:

**OVERALL
SITE PLAN**

SHEET NUMBER:

A-1

 **1 OVERALL SITE PLAN**
SCALE: 1" = 30'



Exhibit 4 – General Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • vcrma.org/divisions/planning

CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN FOR CROWN CASTLE OJAI VALLEY WIRELESS COMMUNICATION FACILITY (WCF) (CASE NO. PL22-0065)

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

California law requires that every county and city adopt a general plan “for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” (Gov. Code, § 65300.) A general plan serves as the jurisdiction’s “constitution” or “blueprint” for future decisions concerning a variety of issues including land use, health and safety, and resource conservation. 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 proposed project would modify Conditional Use Permit (CUP) 4661, as modified by Minor Modification CUP, Case No. PL22-0065 for the continued use, operation, and maintenance of a WCF for a 10-year period.

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

General Plan

- COS-3.5 Ridgeline and Hilltop Preservation:** *The County shall ensure that ridgelines and major hilltops remain undeveloped, and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar facilities.*

COS-3.6 Open Space Character: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

County of Ventura
Planning Director Hearing
Case No. PL22-0065
Exhibit 4 – General Plan Consistency Analysis

The existing WCF is on a hillside north of Ojai Valley. Per the viewshed analysis in Exhibit 2.1, this facility is not prominently visible from major roads. The WCF was designed with low-profile, stealth characteristics and painted to blend into the surrounding area. The facility is largely screened by topography and was selected for optimal provision of services to the surrounding area.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-3.5 and COS-3.6.

2. **AG-1.1 Agricultural Land Protection and Preservation:** *The County shall continue to protect and preserve agricultural land by directing growth away from productive agricultural lands into cities, unincorporated urban areas, or existing communities and by supporting the acquisition or voluntary dedication of agriculture conservation easements.*

AG-2.1 Discretionary Development Adjacent to Agriculturally Designated Lands: *The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.*

The existing WCF is located both on and adjacent to land that is designated as agriculture. Using a minimal footprint, and buffer areas consisting of access roads and steep terrain, the use neither prevents agricultural uses nor generates impacts to these agricultural uses.

Based on the discussion above, the proposed project is consistent with General Plan Policies AG-1.1 and AG-2.1.

3. **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 Resource Management Agency, Environmental Health Division (EHD) reviewed the proposed project. Based on EHD's recommendations, the CUP for the WCF would be subject to a condition of approval 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. 20).

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

- 4. HAZ-9.2 Noise Compatibility Standards:** *The County shall review discretionary development for noise compatibility with surrounding uses.*

The project does not involve noise sensitive or noise generating uses.

Based on the discussion above, the project is consistent with General Plan Policy HAZ-9.2.

- 5. WR-1.2 Watershed Planning:** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

WR-1.12 and WR-2.2 Water Quality Protection for Discretionary Development: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

The proposed project includes no new development or uses that could affect the hydrological conditions of the watershed in which the project site is located.

Based on the discussion above, the project is consistent with General Plan Policies WR-1.2, WR-1.12, and WR-2.2.

- 6. 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 County, including access to high quality cellular mobile communications. The continued use of the facility ensures that residents and businesses in the coverage area receive high quality access.

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

- 7. PFS-11.4 Emergency Vehicles Access:** *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

The proposed project will be subject to conditions of approval that the Ventura County Fire Protection District recommends (Condition #22 and #23) in order to provide adequate access to the project site.

Based on the discussion above, the project is consistent with General Plan Policy PFS-11.4.

- 8. LU-6.1 Agricultural Buffer:** *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

The existing WCF is located both on and adjacent to land that is designated as agriculture. Using a minimal footprint, and buffer areas consisting of access roads and steep terrain, the use does not generate impacts to these agricultural uses.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-6.1.

- 9. LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation:** *The County shall ensure that land designated as Agricultural is used for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

The proposed project involves the operation and maintenance of an existing WCF which support the agricultural industry by providing essential communication infrastructure.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-8.2.

10.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.*

The existing WCF is on land zoned AE and uses stealth characteristics to limit visual interference with the surrounding area. The facility provides essential wireless telecommunication coverage to the area. No new conflicts or impacts are introduced with the continued use of this WCF. The site is accessed by a private, dirt road connected to Santa Paula Ojai Road. No water is required.

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

Ojai Valley Area Plan

1. OV-15.3 Assurance of Agricultural Operations in Open Space: *The County shall prohibit all discretionary development that would have a significant unavoidable impact on agricultural operations in Open Space designated lands unless a statement of overriding considerations is adopted by the decision-making body.*

The proposed project involves the operation and maintenance of an existing WCF which supports the agricultural industry by providing essential communication infrastructure. Using a minimal footprint, and buffer areas consisting of access roads and steep terrain, the use neither prevents agricultural uses nor generates impacts to agricultural uses.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan Policy OV-15.3.

2. OV-17.1 Community Compatibility: *The County shall require all discretionary development projects to be reviewed and conditioned to ensure that they are compatible with their surroundings, are of high quality and good design, are consistent with the character of the Ojai Valley, and are beneficial to the community as a whole.*

The existing WCF is on land designated Open Space and Zoned Agriculture Exclusive and uses stealth characteristics to limit visual interference with the surrounding area. The facility provides essential wireless telecommunication coverage to the area. No new conflicts or impacts are introduced with the continued use of this WCF. The site is accessed by a private, dirt road connected to Santa Paula Ojai Road. No water is required.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan Policy OV-17.1.

- 3. OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements:** *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

OV-35.1 Adequate Water for Firefighting: *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District.*

The proposed project will be subject to conditions of approval that the Ventura County Fire Protection District recommends (Condition #22 and #23) in order to provide adequate access to the project site and ensure water supply and delivery are adequate for firefighting.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan Policies OV-34.1 and OV-35.1.

- 4. OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land:** *The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.*

OV-41.3 Prominent Ridgelines Protection: *The County shall require the area within 400 feet (horizontal) of prominent ridgelines as shown in Figure OV-3 to be zoned "Scenic Resource Protection Overlay" in order to ensure that visual impacts of grading and attendant structures are minimized to the maximum extent feasible. The County shall require discretionary development to be located and designed to minimize visibility and silhouetting against the skyline as viewed from nearby public roads, and to incorporate as many of the following planning techniques as feasible:*

- a. Limit construction to single-story structures on or near ridgelines;*
- b. Utilize large building pad setbacks (50 feet or more) from the edge of a ridgeline;*
- c. Utilize berms and landscaping to soften the visual impact of homes and graded areas;*
- d. Utilize raised foundations, split-level designs, roof materials consisting of clay or concrete plate tile with a natural color, and other techniques*

The WCF is on a hillside north of Ojai Valley. Per the viewshed analysis, this facility is not prominently visible from public roads or land (Exhibit 2.1). The WCF is designed with low-profile, stealth characteristics and painted to blend into the surrounding area. The facility is largely screened by topography and was selected for optimal provision of services to the surrounding area.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan Policies OV-41.1 and OV-41.3.

- 5. OV-42.1 Wireless Communication Facilities:** *The County shall grant discretionary development permits for wireless communication facilities only when necessary for public safety or to provide a substantial public benefit. The County shall condition such facilities to minimize visual impacts to the maximum extent feasible.*

OV-42.2 Wireless Communication Facility Height Restriction: *The County shall limit discretionary development permits for wireless communication facilities the height of such facilities, with the exception of monopole whip-type antennas, to 40 feet. The County prefers several shorter facilities to one large facility.*

The WCF will continue to provide service throughout the unincorporated County , 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. The WCF is on a hillside north of Ojai Valley. Pursuant to the viewshed analysis (Exhibit 2.1), this facility is not prominently visible from public roads or land. The WCF is designed with low-profile, stealth characteristics and painted to blend into the surrounding area. The tallest antennas reach 16 feet. The facility is largely screened by topography and was selected for optimal provision of services to the surrounding area.

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan Policies OV-42.1 and OV-42.2.



Exhibit 5 – Site Photo

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • vcrma.org/divisions/planning



County of Ventura
Planning Director Hearing
Case No. PL22-0065
Exhibit 5 - Site Photos

EXHIBIT 6

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) 4661 AS MODIFIED BY MINOR MODIFICATION CUP 5241, MINOR MODIFICATION CUP CASE NO. LU12-0047, AND MINOR MODIFICATION CASE NO. PL22-0065

THESE CONDITIONS OF APPROVAL SUPERSEDE ALL PREVIOUSLY APPROVED CONDITIONS OF APPROVAL

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division (PL) Conditions

1. Project Description

This Minor Modification of a Conditional Use Permit (CUP) Case No. PL22-0065 is based on and limited to compliance with the project description stated in this condition below, Exhibits 2, 3, 4, 5 and 6 of the Planning Director hearing on March 21, 2024, 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 minor modification of a CUP to authorize the continued use, operation, and maintenance of an existing WCF for a 10-year period. The existing facility consists of a 15-foot-tall faux rock with the associated antennas and equipment located inside the faux rock. These include ten panel antennas, four remote radio units (RRUs), 437 square feet of lease area, four equipment cabinets, and an emergency backup generator.

The WCF is unmanned, except for occasional periodic maintenance visits, and operates 24 hours per day. The WCF does not require water to operate. The site is accessed by an unpaved dirt road connected to Santa Paula Road. No changes are proposed with this renewal. (Exhibit 3).

The use and maintenance of the property, as well as the size, shape, arrangement, and location of structures, shall conform to the project description above, and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

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 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 of Approval No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description and approved site uses shall be stored on the site during the life of this permit.

Documentation: The Permittee shall maintain the Project site in compliance with Condition of Approval 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 of Approval 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 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.
- 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. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and 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 for the granting of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), which include, but are not limited to, the following actions:

- 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.

5. 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, 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 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 all fines, penalties, and sureties, must be paid or submitted 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 03/31/2034. 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 03/17/2034; 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.

6. Documentation of Compliance with Other Agencies' Requirements Related to this CUP

Purpose: To ensure compliance with and notification of federal, state, 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: Copies of all correspondence, reports, or information related to issues covered by this permit, which are received by the Permittee from, or sent by the Permittee to, other Federal, State, or local jurisdictions or agencies shall be provided to the Planning Division within 30 days of their receipt/issuance. 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 shall maintain the documentation provided by the Permittee in the respective project file. If 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.

7. Notice of CUP Requirements and Retention of CUP Conditions on the Project 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.

Timing: Prior to issuance of a Zoning Clearance for 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.

8. 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 Zoning Clearance for 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.

9. 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, 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.

Establishment of Revolving Compliance Account: Pursuant to the requirements of CUP Case No. LU12-0047, the Resource Management Agency created Condition Compliance Case No. CC06-0182 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. CC06-0182. The Planning Division will continue to use Condition Compliance Case No. CC06-0182 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 9.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. CC06-0182, 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.

- b. **Billing Process:** The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to 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.

10. 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

11. 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 any 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.

12. 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 may 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. 9 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.

13. 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/maintain a business tax certificate for the operation of the wireless communications facility. The certificate shall be prominently displayed at the Permittees' facility's business office for the life of the permit.

14. 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.

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 CUP 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 shall maintain the contact information provided by the Permittee in the respective 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.

15. Resolution of Complaints

The following process shall be used to resolve complaints related to this project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 14 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.
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this CUP is confirmed, County may initiate enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance.

16. Change of Permittee and/or Property Owner

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of property ownership or change of Permittee affecting the CUP site.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the name(s), address(es), telephone 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 Property Owner's and/or 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) 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.

17. Removal of Facility for 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 permit, or abandonment of the use, the Property Owner shall:

- a. notify the County that the Permittee has discontinued the use of the facility;
- b. remove the facility and all appurtenant structures;
- 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 Property Owner shall provide photos of the site after restoration is completed, to the County Planning Division.

Timing: The Property Owner shall complete the notification, removal, and restoration activities within 60 days of the expiration of this permit, 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.

18. Future Collocation of Wireless Communication 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 co-location 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.

19. Materials and Colors in the SRP Overlay Zone

Purpose: In order to ensure that buildings and structures comply with the development standards of the Scenic Resource Protection Overlay Zone § 8109-4.1.5 of the Ventura County Non-Coastal Zoning Ordinance and Ventura County General Plan Policy 1.7.2.2(3)(e) and blend in with the Project site's surroundings.

Requirement: The Permittee shall utilize materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) on exterior surfaces of all structures, including but not limited to wireless support structures, equipment shelters, and fencing.

Documentation: A copy of the approved plans denoting the building materials and colors.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit the building plans with the colors and materials noted on all structures for review and approval by the Planning Division. Prior to occupancy, the Permittee shall paint the structures according to the approved plans.

Monitoring and Reporting: The Planning Division maintains the approved plans in the Project file. Prior to occupancy, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures were treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the approved plans consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

II. Environmental Health Division (EHD) Conditions

20. Hazardous Materials/Waste Management (CUPA Permit Required)

Purpose: To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code, and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

Requirement: The Permittee shall submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Division/Certified Unified Program Agency (Ventura CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous wastes are generated, an EPA ID number issued by the California Department of Toxic Substances Control must be obtained and maintained in active status. Wastes identified as "non-hazardous" may require waste determination analysis to confirm if wastes are listed hazardous wastes, exhibits a hazardous characteristic through testing, or application of general knowledge.

Documentation: A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System (CERS). Maintain all records of hazardous waste determination testing and disposal and make available for review by this Ventura CUPA staff upon request.

Timing: HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

Monitoring and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff. 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 website: <https://vcrma.org/cupa>

III. Ventura County Air Pollution Control District (VCAPCD) Conditions

21. Complaints Regarding Air Pollutant Discharges (odors, dust, etc.)

Purpose: To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site operations are minimized to the greatest extent feasible.

Requirement: The Permittee shall operate the facility in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Documentation: No documentation is required for the purposes of this condition.

Timing: Throughout the life of the permit.

Reporting and Monitoring: Monitoring and enforcement of nuisance provision is enforceable by APCD on a complaint-driven basis.

IV. Ventura County Fire Protection District (VCFPD) Conditions

NOTICE IS HEREBY PROVIDED THAT THE SUBJECT PROPERTY (APNs 030-0-030-540 AND 030-0-030-550) ARE WITHIN A MODERATE, HIGH, OR VERY HIGH FIRE HAZARD SEVERITY ZONE, AS DESIGNATED BY THE CALIFORNIA STATE FIRE MARSHAL, OR A LOCAL HAZARDOUS FIRE AREA, AS DESIGNATED BY THE VENTURA COUNTY FIRE DEPARTMENT.

22. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall clear brush and maintain a brush clearance/defensible space zone adjacent to the footprint of all existing and new structures up to 100 feet, or the property line if less than 100 feet. All grass and brush shall be cleared and maintained to 30 feet from Wireless Communication Towers. Brush shall be cleared and maintained to 10 feet from all access roads, driveways, and turnarounds servicing the structure, or as otherwise required by the Ventura County Fire Protection District.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined before the start of construction of any structure.

Reporting and Monitoring: The VCFPD shall conduct on-site inspections to ensure compliance with this condition.

23. Obtain IFC Permits

Purpose: To comply with the requirements of the Ventura County Fire Code.

Requirement: The Permittee shall obtain all applicable Fire Code permits.

Documentation: A signed copy of the Fire Code permit(s).

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the VCFPD for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

Reporting and Monitoring: A copy of the approved Fire Code permits shall be kept on file with the VCFPD. The VCFPD shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the VCFPD, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

DRAFT