



## Planning Director Staff Report Hearing on November 30, 2023

County of Ventura • Resource Management Agency

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

### AMERICAN TOWER: 415140 FILLMORE WIRELESS COMMUNICAITON FACILITY CONDITONAL USE PERMIT (CUP) CASE NO. PL23-0104 (FORMERLY LU12-0054)

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests a Minor Modification of CUP LU12-0054 to authorize the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0104).
2. **Applicant:** American Tower, C/O Bonnie Belair, 10 Presidential Way Woburn, MA 01801
3. **Applicant's Representative:** Spectrasite Communications, C/O John Merritt, 630 Quintana Road, Suite 321, Morro Bay, CA 93442
4. **Property Owner:** William and Molly Burgett Trust, C/O William Burgett, 1150 Chambersburg Road, Fillmore, CA 93015
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 9.92-acre project site is located at 1150 ½ Chambersburg Road, near Fillmore, CA, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 500-0-010-050 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: ECU-Agricultural
  - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Agriculture
South	OS-160 (Open Space, 160-acre minimum lot size)	Agriculture

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	AE-40 ac	Agriculture
East	AE-40 ac	Agriculture

**9. History:** On September 18, 2013, the Planning Director approved CUP LU12-0054 which authorized the construction and use of a WCF comprised of a 65-foot faux palm tree and equipment shelter for Verizon Wireless.

**10. Project Description:** The applicant requests a Minor Modification to CUP LU12-0054 for the continued operation and maintenance of an existing WCF for an additional 10-year period (Case No. PL23-0104). The existing WCF is designed as a 65-foot faux palm tree with a ground mounted equipment shelter for Verizon Wireless.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. The site is accessed by an unpaved private dirt road connected to Chambersburg Road. There are no proposed operational or physical changes to the WCF as part of this project (Exhibit 3).

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

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

The State Legislature through the Secretary 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 AND OJAI AREA PLAN**

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

**D. ZONING ORDINANCE COMPLIANCE**

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

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

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

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

Special Use Standard	Complies?
<p><b>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</b></p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes. The WCF is designed as a stealth faux palm tree.</p>
<p><b>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</b></p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <ol style="list-style-type: none"> <li>(1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and</li> <li>(2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.</li> </ol>	<p>Yes. The WCF is located in an area where existing vegetation effectively camouflages the WCF. The WCF is designed as a faux palm tree and is situated among trees of similar kind and height.</p>
<p><b>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</b></p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ol style="list-style-type: none"> <li>(1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6).</li> <li>(2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.</li> <li>(3) Where the wireless communication facility is not prominently visible from a public viewpoint.</li> <li>(4) Within an area zoned Industrial.</li> <li>(5) Near existing public or private access roads.</li> </ol>	<p>Yes. The WCF is located near an existing public access road and effectively camouflaged so as not to be prominently visible from a public viewpoint.</p>

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

Special Use Standard	Complies?
<p>(6) On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan.</p>	
<p><b>Section 8107-45.4 (f)(4)(b)(iii), Height for Stealth Facilities:</b></p> <p>Stealth facilities shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.</p> <p>(b) Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see i, ii, and iii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum allowable height of a faux tree shall be as follows:</p> <p>iii. A faux tree may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist estimates average growth after five years, which may be added to existing height measurements.</p>	<p>Yes. The WCF is designed as a faux palm tree, 65 feet in height. The WCF is surrounded by palm trees that are significantly taller than the WCF.</p>
<p><b>Section 8107-45.4 (g)(1)(2), Setbacks:</b></p> <p>(1) All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.</p> <p>(2) Ground-mounted wireless communication facilities shall be 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 65 feet of the WCF.</p>
<p><b>Section 8107-45.4 (h), Retention of Concealment Elements:</b></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 building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.</p>	<p>Yes. This is an existing WCF. There are no proposed changes which would impact the concealment elements.</p>
<p><b>Section 8107-45.4 (i)(4), Standards for Faux Trees</b></p> <p>(a) Shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design</p>	<p>Yes. The WCF is designed as a faux palm tree with sufficient branching so that the WCF takes</p>

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

Special Use Standard	Complies?
<p>material so that the structure is as natural in appearance as technically feasible.</p> <p>(b) Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the faux tree's height within five (5) years. (Also see Sec. 8107-45.4(q) for additional information on landscaping.)</p> <p>(c) Shall not exceed the maximum height limits established for faux trees stated in Sec. 8107-45.4(f)(4)(b).</p> <p>(d) Shall include antennas and antenna support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.</p> <p>(e) New trees required as part of a landscape plan for a faux tree shall be a minimum size of 36 inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.</p>	<p>on a natural appearance. The WCF is surrounded by palm trees of similar height and meets the height requirements of the Ventura County NCZO. The antennas and support structures are painted to match the components of the faux tree. No new landscaping is proposed as part of the project, as the existing vegetation and landscaping sufficiently screens the WCF.</p>
<p><b>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</b></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><b>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</b></p> <p>(1) All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes. The WCF is not located within an environmentally sensitive area. The WCF is located within an active agricultural area (citrus orchard). There are no proposed modifications to the facility.</p>
<p><b>Section 8107-45.4 (n), Accessory Equipment:</b></p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes. The accessory equipment is located within a fenced enclosure that is screened by existing vegetation (surrounding citrus orchard). The WCF is not prominently visible from a public viewpoint.</p>

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

Special Use Standard	Complies?
<p><b>Section 8107-45.4 (o), Colors and Materials:</b></p> <p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes. All colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials.</p>
<p><b>Section 8107-45.4 (p), Noise:</b></p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes. The WCF is always operated and maintained to comply with the Ventura County noise standards.</p>
<p><b>Section 8107-45.4 (q), Landscaping and Screening:</b></p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>Yes. No new landscaping is proposed. The WCF is effectively screened by existing vegetation.</p>
<p><b>Section 8107-45.4 (r), Security:</b></p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul>	<p>Yes. The WCF is located within a secure, chain-link, fenced enclosure and includes signage deterring access. The project is not prominently visible from a public viewpoint and is not located within area designated as Urban and Existing Community in the General Plan.</p>
<p><b>Section 8107-45.4 (s), Lighting:</b></p> <ul style="list-style-type: none"> <li>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</li> <li>(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.</li> </ul>	<p>Yes. The WCF is not illuminated.</p>
<p><b>Section 8107-45.4 (t), Signage:</b></p> <p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address,</p>	<p>Yes. The site includes signage indicating all necessary information related to the equipment for the operation of the facility.</p>

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

Special Use Standard	Complies?
FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.	
<p><b>Section 8107-45.4 (u), Access Roads:</b></p> <p>(1) Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</p> <p>(2) Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County’s Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.</p>	<p>Yes. The site is accessed by an unpaved private dirt road connected to Chambersburg Road.</p>

**E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings to approve an application for a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

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

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

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

The project involves the continued operation of an existing WCF located on a project site that is actively farmed. The surrounding development is limited and comprised of large agricultural operations and related structures. The WCF, designed as a faux palm tree, blends in with a row of palm trees lining Chambersburg Road. 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 8111-1.2.1.1.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, Condition Nos. 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 8111-1.2.1.1.d].**

The project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified. In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 6, Condition No. 15). Finally, the project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in conformance with all applicable County and state regulations (Exhibit 6, Condition No. 21).

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

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

The existing WCF is compatible with the surrounding agricultural land uses. Designed as a faux palm tree, the WCF blends in with the palm trees and vegetation installed along Chambersburg Road. 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 8111-1.2.1.1.f].**

The subject lot was legally created as a remainder of conveyances (deeds recorded November 18, 1919, in Book 169, Page 81 of Deeds and November 18, 1919, in Book 169, Page 83 of Deeds after deed recorded November 16, 1919, in Book 169, Page 79 of Deeds), all prior to the regulation by the Subdivision Map Act or local subdivision ordinance.

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



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

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

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

**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].**

There are no proposed operational or physical changes with this project that would reduce, restrict, or adversely affect agricultural resources in the area.

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 occupies a small portion of the subject site, a 1,075-sf lease area on a nearly 10-acre property. The WCF is sited near the western property line and Chambersburg Road where agricultural activities are limited. There are no proposed operational or physical changes that would affect agricultural activities on-site or in the area.

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].**

No land for agricultural production will be removed as part of this project.

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 November 17, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On November

17, 2023, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received.

The project site is located within the City of Fillmore Area of Interest. On September 21, 2023, the County of Ventura Planning Division notified the City of Fillmore of the project and requested the City of Fillmore to provide written comment. On September 21, 2023, Kevin McSweeney, the Planning and Community Development Director for the City of Fillmore, stated the City of Fillmore did not have any comment on the project.

## **G. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process.
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record.
4. **APPROVE** the application for a modified CUP (Case No. PL23-0104), 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 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

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

Prepared by:



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

Reviewed by:

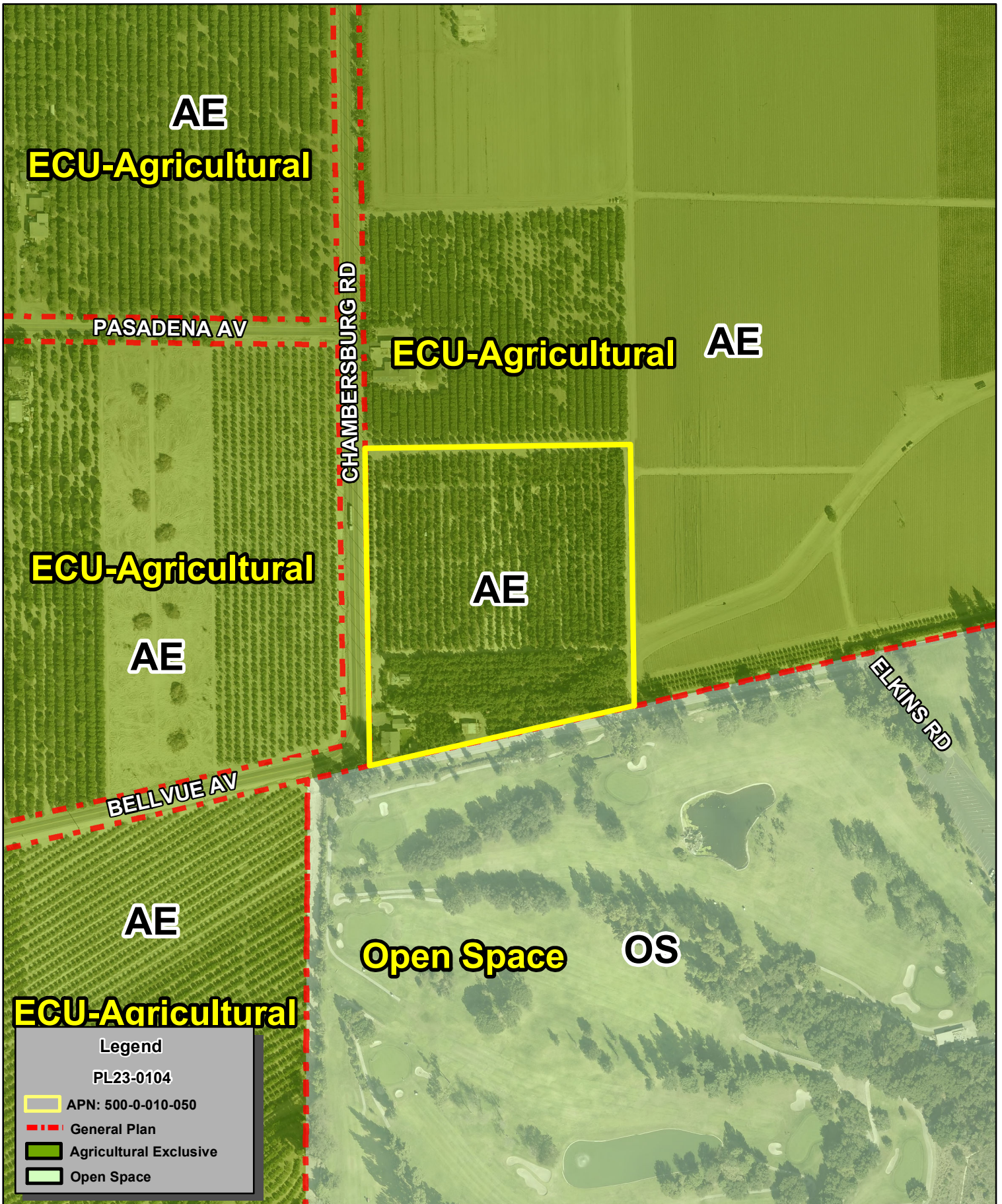


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Susan Curtis, Assistant Director  
Ventura County Planning Division

**EXHIBITS**

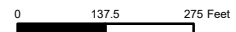
- Exhibit 2 Maps
- Exhibit 3 Site Plans
- Exhibit 4 Photos
- Exhibit 5 General Plan Consistency Analysis
- Exhibit 6 Conditions of Approval



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 10-05-2023  
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County of Ventura  
 Planning Director Hearing  
 Case No. PL23-0104  
 Exhibit 2 - Maps



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





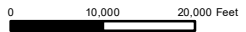
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



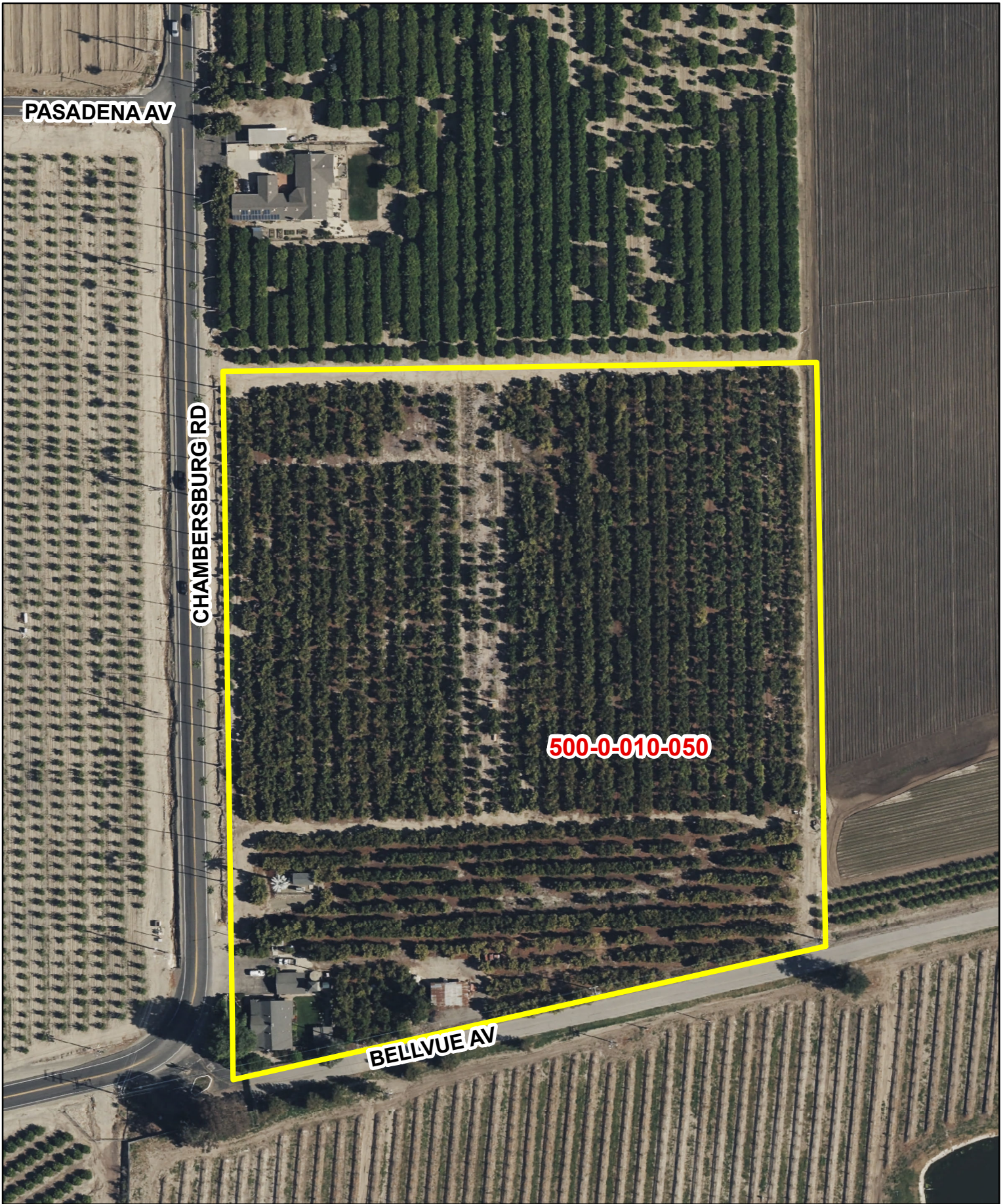
Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 10-05-2023



County of Ventura  
Planning Director Hearing  
PL23-0104  
Location Map



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.



**500-0-010-050**

**PASADENA AV**

**CHAMBERSBURG RD**

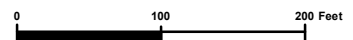
**BELLVUE AV**



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 10-05-2023  
Source: Vexcel 2022

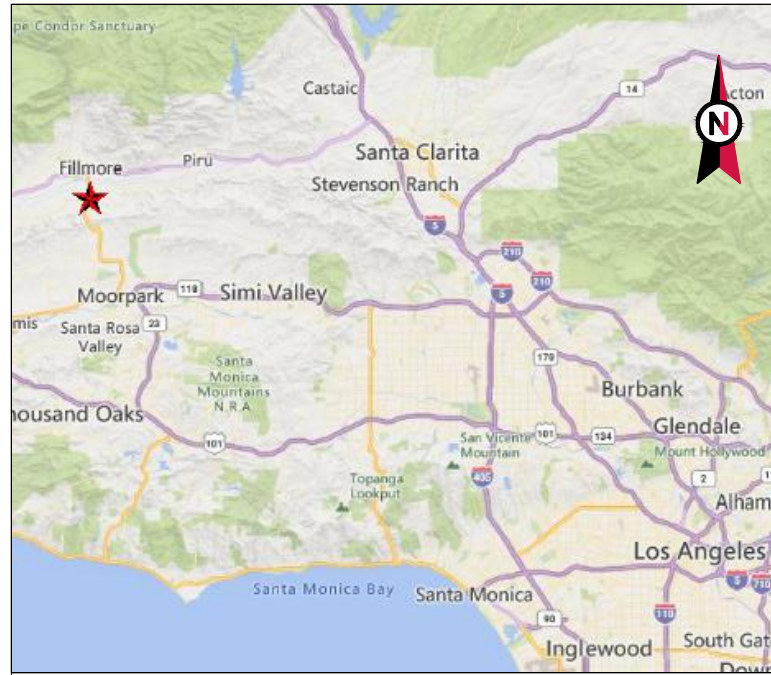


County of Ventura  
Planning director Hearing  
APN: 500-0-010-050  
PL23-0104  
**Aerial Photography**



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VICINITY MAP



**AMERICAN TOWER®**

**SITE NAME: FILLMORE CA**  
**SITE NUMBER: 415140**  
**SITE ADDRESS: 1150 1/2 CHAMBERSBURG**  
**FILLMORE, CA 93015**

Exhibit 3 - Site Plans

**CONDITIONAL USE PERMIT RENEWAL**



LOCATION MAP



**AMERICAN TOWER®**  
**ATC TOWER SERVICES, LLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 CARY, NC 27518  
 PHONE: (919) 468-0112

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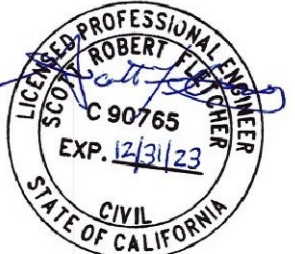
REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	08/30/23

ATC SITE NUMBER:  
**415140**

ATC SITE NAME:  
**FILLMORE CA**

SITE ADDRESS:  
 1150 1/2 CHAMBERSBURG  
 FILLMORE, CA 93015

SEAL:



**Scott Fletcher** Digitally signed by Scott Fletcher  
 Date: 2023.08.30 16:21:23 -04'00'

DATE DRAWN: 08/30/23  
 ATC JOB NO: 14534413\_E1

**TITLE SHEET**

SHEET NUMBER: **G-001** REVISION: **0**

COMPLIANCE CODE	PROJECT SUMMARY	PROJECT DESCRIPTION	SHEET INDEX					
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.  1. 2022 CALIFORNIA ADMINISTRATIVE CODE 2. 2022 CALIFORNIA BUILDING CODE 3. 2022 CALIFORNIA RESIDENTIAL CODE 4. 2022 CALIFORNIA ELECTRICAL CODE 5. 2022 CALIFORNIA PLUMBING CODE 6. 2022 CALIFORNIA ENERGY CODE 7. 2022 CALIFORNIA FIRE CODE 8. 2022 CALIFORNIA EXISTING BUILDING CODE 9. 2021 INTERNATIONAL BUILDING CODE (IBC) 10. LOCAL BUILDING CODE 11. CITY/COUNTY ORDINANCES	<u>SITE ADDRESS:</u> 1150 1/2 CHAMBERSBURG FILLMORE, CA 93015 COUNTY: VENTURA  <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.3729 LONGITUDE: -118.915297 GROUND ELEVATION: 458' AMSL  <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA COUNTY PARCEL NUMBER: 500-0-010-050	THIS SUBMITTAL IS FOR RE-PERMITTING WITH VENTURA COUNTY. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS. NO CHANGES TO EXISTING ARE PROPOSED.  <u>PROJECT NOTES</u> 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. EXISTING FACILITY MEETS OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE. 5. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED. 6. HANDICAP ACCESS IS NOT REQUIRED.	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:	
	<u>PROJECT TEAM</u>  <u>TOWER OWNER:</u> ATC SEQUOIA LLC 10 PRESIDENTIAL WAY WOBURN, MA 01801  <u>PROPERTY OWNER:</u> WILLIAM R BURGETT 1150 1/2 CHAMBERSBURG FILLMORE, CA 93015  <u>ENGINEER:</u> ATC TOWER SERVICES 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518  <u>AGENT:</u> BONNIE BELAIR ATTORNEY, AMERICAN TOWER 10 PRESIDENTIAL WAY WOBURN, MA 01801	<u>PROJECT LOCATION DIRECTIONS</u>  FROM THE 101 N GO NORTH ON 23 AND EXIT LOS ANGELES AVE/ 23 - LEFT. SPRING ST - R, WALNUT CANYON RD - RIGHT, BROADWAY RD - LEFT, GRIMES CANYON RD - RIGHT, ON BARSDALE AVE GO RIGHT, SITE IS ON THE CORNER OF BARSDALE AND CHAMBERSBURG RD.						
	<u>UTILITY COMPANIES</u>  POWER COMPANY: N/A PHONE: UNKNOWN  TELEPHONE COMPANY: N/A PHONE: UNKNOWN							

County of Ventura  
 Planning Director Hearing  
 Case No. PL23-0104  
 Exhibit 3 - Site Plans



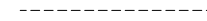







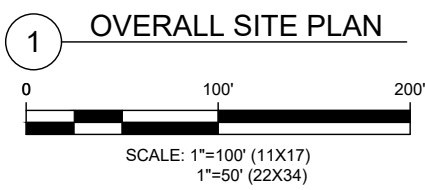
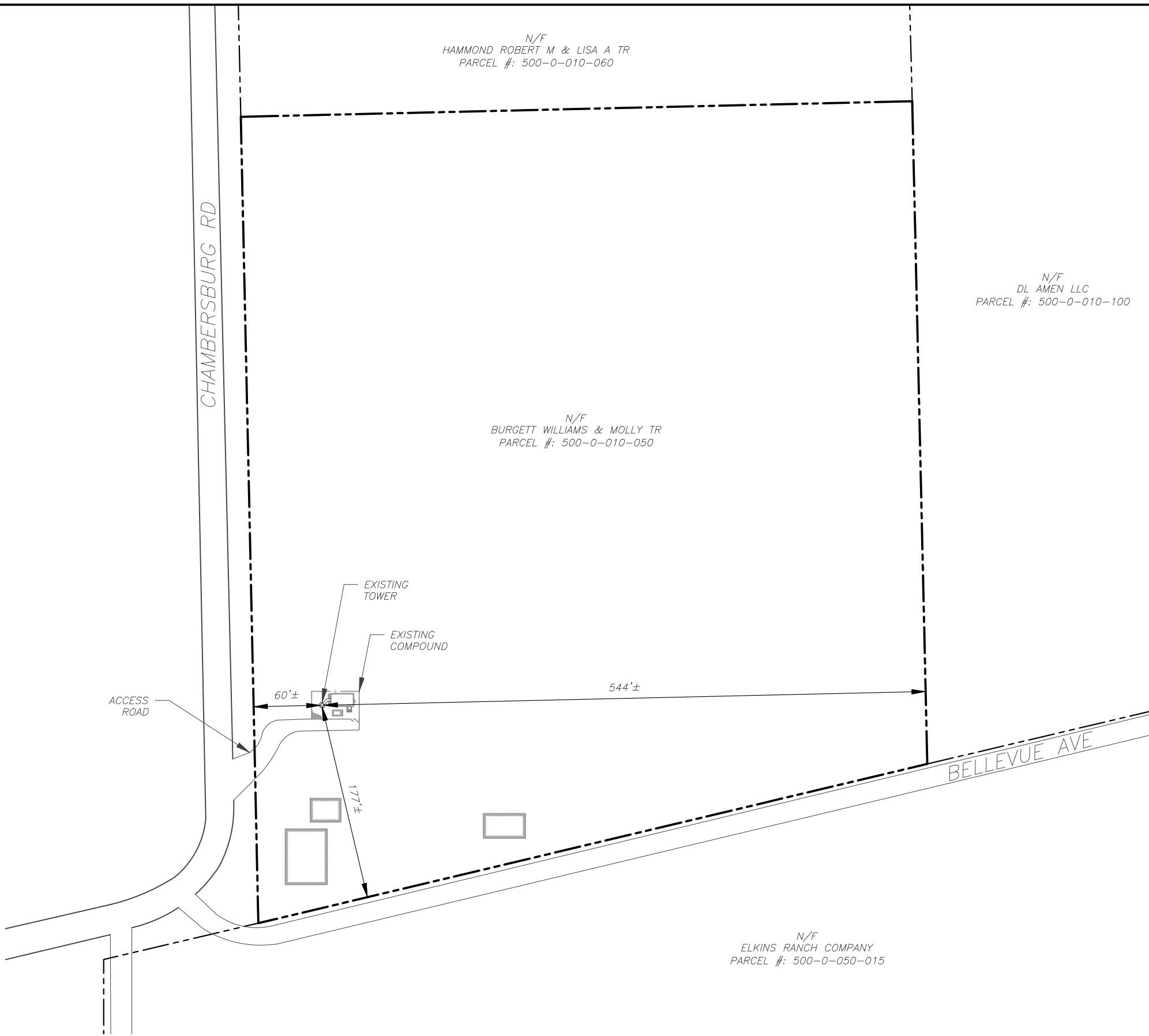
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**NOTES:**

1. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
2. BOUNDARY INFORMATION OBTAINED FROM: DATATREE ONLINE GIS

**SURVEY LEGEND**

	EXISTING PROPERTY
	EXISTING ADJ. PROPERTY
	EXISTING EASEMENT
	EXISTING CHAINLINK FENCE
	EXISTING BUILDING
	EXISTING ROAD (DIRT)
	EXISTING ROAD (PAVED)
	EXISTING CONCRETE



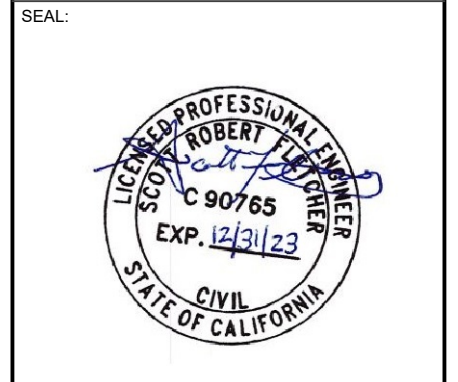
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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	08/30/23

ATC SITE NUMBER:  
**415140**

ATC SITE NAME:  
**FILLMORE CA**

SITE ADDRESS:  
 1150 1/2 CHAMBERSBURG  
 FILLMORE, CA 93015



Digitally Signed: 2023-08-30

DATE DRAWN:	08/30/23
ATC JOB NO:	14534413_E1

<b>OVERALL SITE PLAN</b>	
SHEET NUMBER: <b>C-101</b>	REVISION: <b>0</b>

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**AMERICAN TOWER®**  
**ATC TOWER SERVICES, LLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 CARY, NC 27518  
 PHONE: (919) 468-0112

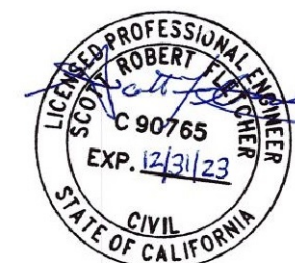
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0	FOR CONSTRUCTION	EB	08/30/23

ATC SITE NUMBER:  
**415140**  
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SITE ADDRESS:  
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 FILLMORE, CA 93015

SEAL:



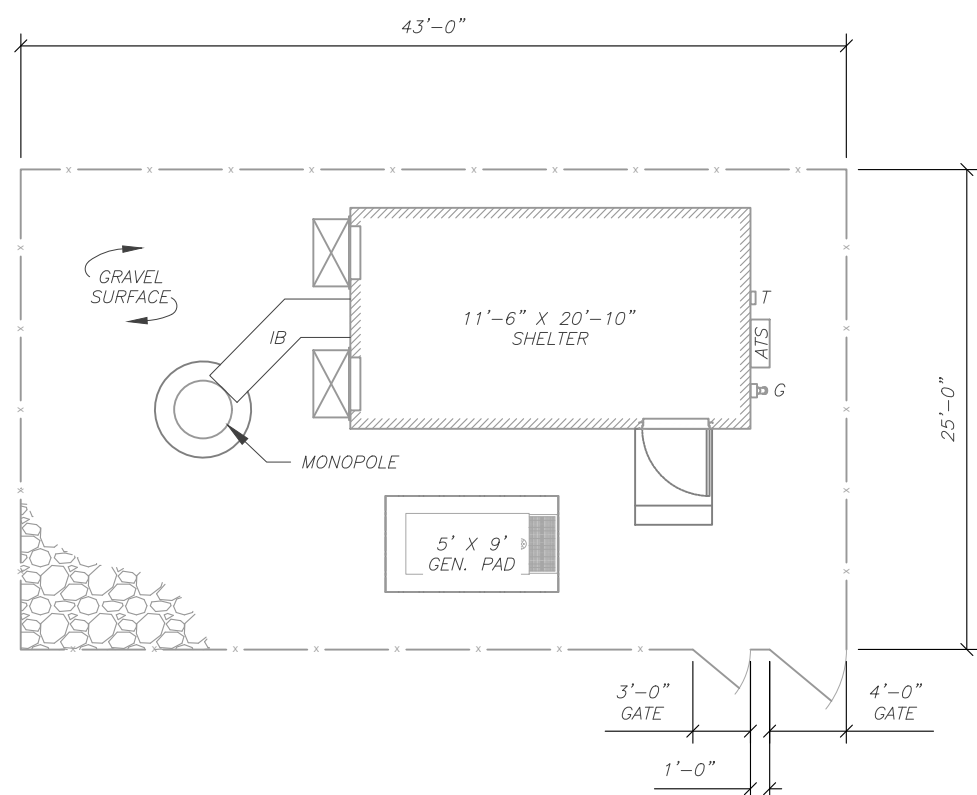
Digitally Signed: 2023-08-30

DATE DRAWN: 08/30/23  
 ATC JOB NO: 14534413\_E1

**DETAILED SITE PLAN & TOWER ELEVATION**

SHEET NUMBER:  
**C-102**  
 REVISION:  
**0**

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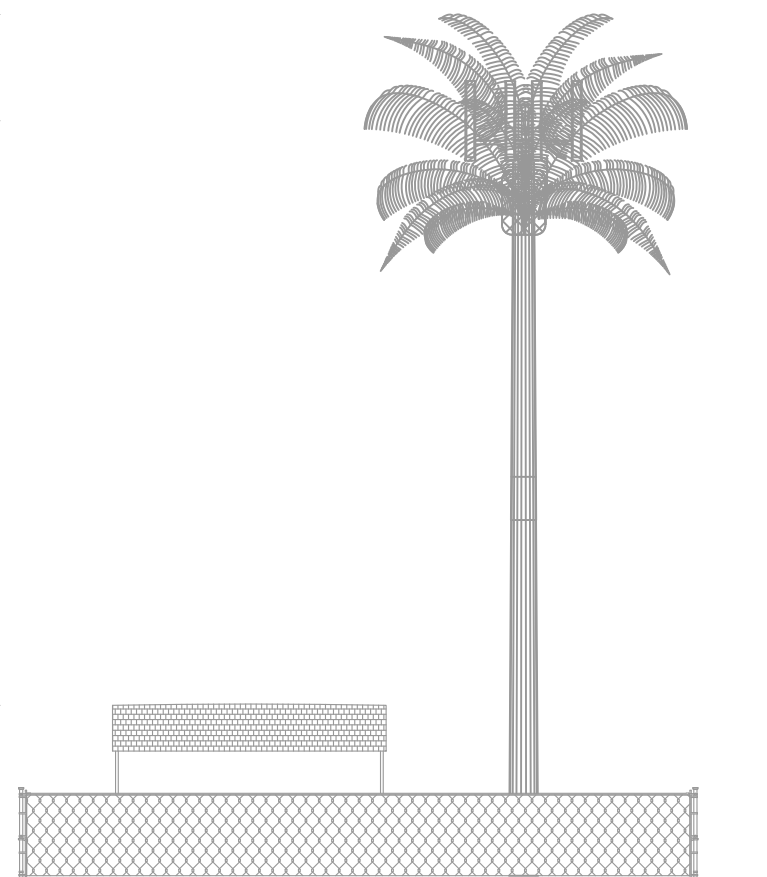


TOP OF EXISTING HIGHEST APPURTENANCE  
 ELEV. 65'

TOP OF EXISTING TOWER  
 ELEV. 57'

SHELTER HEIGHT  
 ELEV. 13'-3"

GRADE LEVEL  
 ELEV. 0'



# CAUTION



Beyond this point:  
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission rules on radio frequency emissions 47 CFR 1.1307(b)

# NO TRESPASSING

ATC CAUTION AND NO TRESPASSING SIGN

# WARNING



Beyond this point:  
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission rules on radio frequency emissions 47 CFR 1.1307(b)

ATC RF WARNING AND FCC NUMBER SIGN

## FCC TOWER REGISTRATION #

1294591

### Posting of sign required by law

ATC STAND-ALONE FCC TOWER REGISTRATION SIGN



EXISTING SIGNAGE PHOTO

## NOTICE

### GUIDELINES FOR WORKING IN RADIOFREQUENCY ENVIRONMENTS

- ⚠ All personnel should have electromagnetic energy (EME) awareness training.
- ⚠ All personnel entering this site must be authorized.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not stop in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without shields during normal operation.
- ⚠ Do not operate base station antennas in equipment room.

ATC RF PROGRAM NOTICE SIGN

**AMERICAN TOWER®**  
**ATC TOWER SERVICES, LLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 CARY, NC 27518  
 PHONE: (919) 468-0112

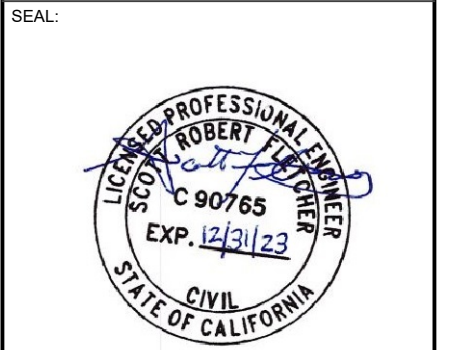
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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	08/30/23

ATC SITE NUMBER:  
**415140**

ATC SITE NAME:  
**FILLMORE CA**

SITE ADDRESS:  
1150 1/2 CHAMBERSBURG  
FILLMORE, CA 93015



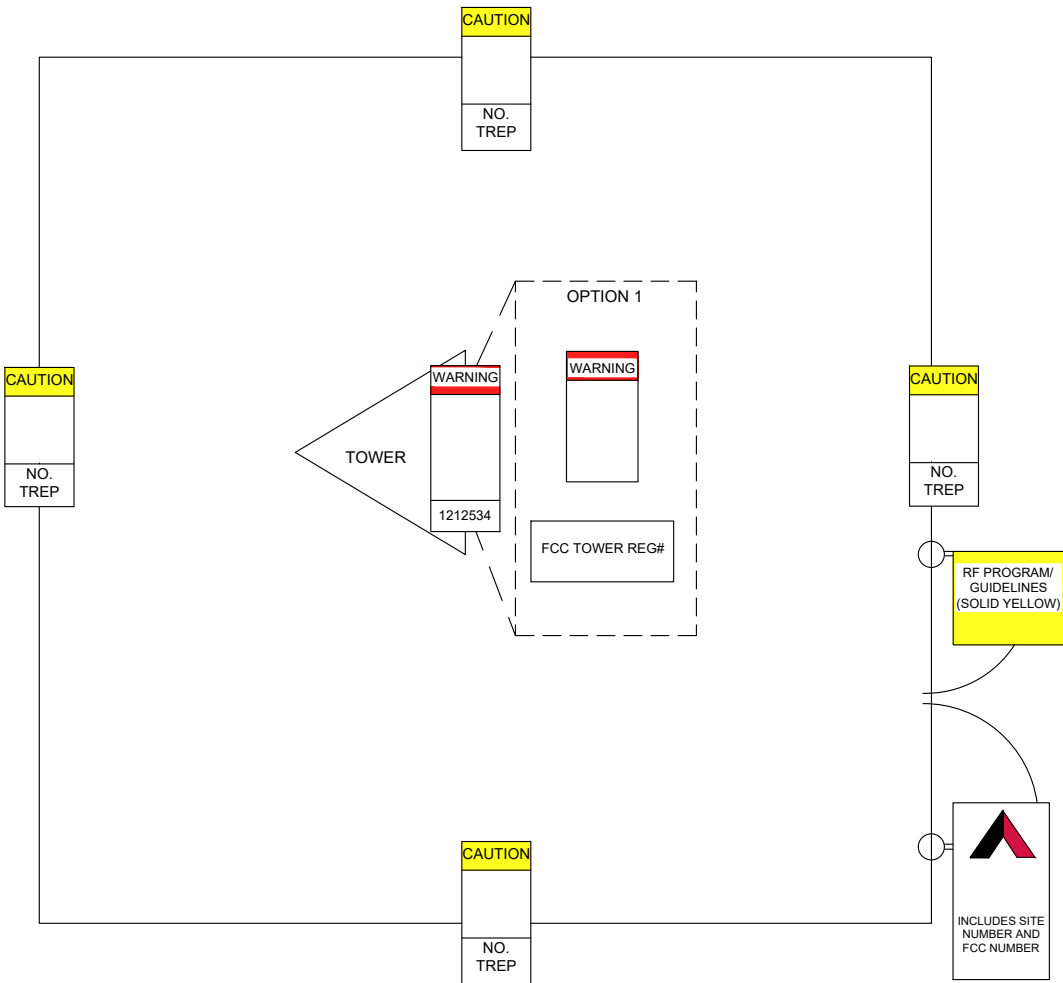
Digitally Signed: 2023-08-30

DATE DRAWN:	08/30/23
ATC JOB NO:	14534413_E1

**SIGNAGE**

SHEET NUMBER: **C-501**      REVISION: **0**

A "NO TRESPASSING" SIGN MUST BE POSTED A MINIMUM OF EVERY 50'.



THERE MUST BE AN ATC SIGN WITH SITE INFORMATION AND FCC REGISTRATION NUMBER AT BOTH THE ACCESS ROAD GATE (GATE OFF OF MAIN ROAD, IF APPLICABLE) AND COMPOUND FENCE (IF NO COMPOUND FENCE, THEN IN A CONSPICUOUS PLACE UPON DRIVE UP). IN ADDITION, PLEASE LOOK AT DIAGRAM FOR ALL ADDITIONAL SIGNS REQUIRED.

OPTION 1 MAY BE USED TO POST TOWER REGISTRATION NUMBERS AT THE BASE OF THE TOWER IF A WARNING SIGN DOES NOT HAVE SPACE FOR THE TOWER REGISTRATION NUMBER.

IMPORTANT: FOR ANY ATC SIGN THAT DOES NOT MEET THE ATC SPECIFICATION FOR SIGNAGE (I.E., SHARPIE/PAINT PEN, WORN LABELS, ETC.), BRING IT INTO COMPLIANCE (RE-WRITE IF WORN) AND FLAG FOR REPLACEMENT ASAP WITH THE APPROPRIATE PERMANENT SIGN (YOU CAN ORDER THESE THROUGH THE WAREHOUSE).

ONLY LABELS PRINTED BY A ZEBRA LABEL PRINTER WILL BE ACCEPTED.

**AMERICAN TOWER**

---

**SITE NAME :** FILLMORE CA  
**SITE NUMBER :** 415140  
**FCC REGISTRATION # :** 1294591

---

FOR LEASING INFORMATION: **877-282-7483**  
**877-ATC-SITE**

FOR EMERGENCIES CALL: **877-518-6937**  
**877-51-TOWER**

**NO TRESPASSING**

**www.americantower.com**

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

**REPLACEMENT OF SIGNAGE:**

AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 60 DAYS UNLESS OTHERWISE SPECIFIED. ANY SITE SOLD SHOULD HAVE THE ATC SIGNS REMOVED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. ALL FCC OR REGULATORY SIGNAGE MUST BE INSTALLED OR REPLACED AS REQUIRED TO MEET OUR STANDARD. SIGNS SHOULD BE REPLACED ON NORMAL, QUARTERLY MAINTENANCE VISITS BY CONTRACTORS OR SITE MANAGERS, UNLESS OTHERWISE REQUIRED ON A CASE-BY-CASE BASIS.

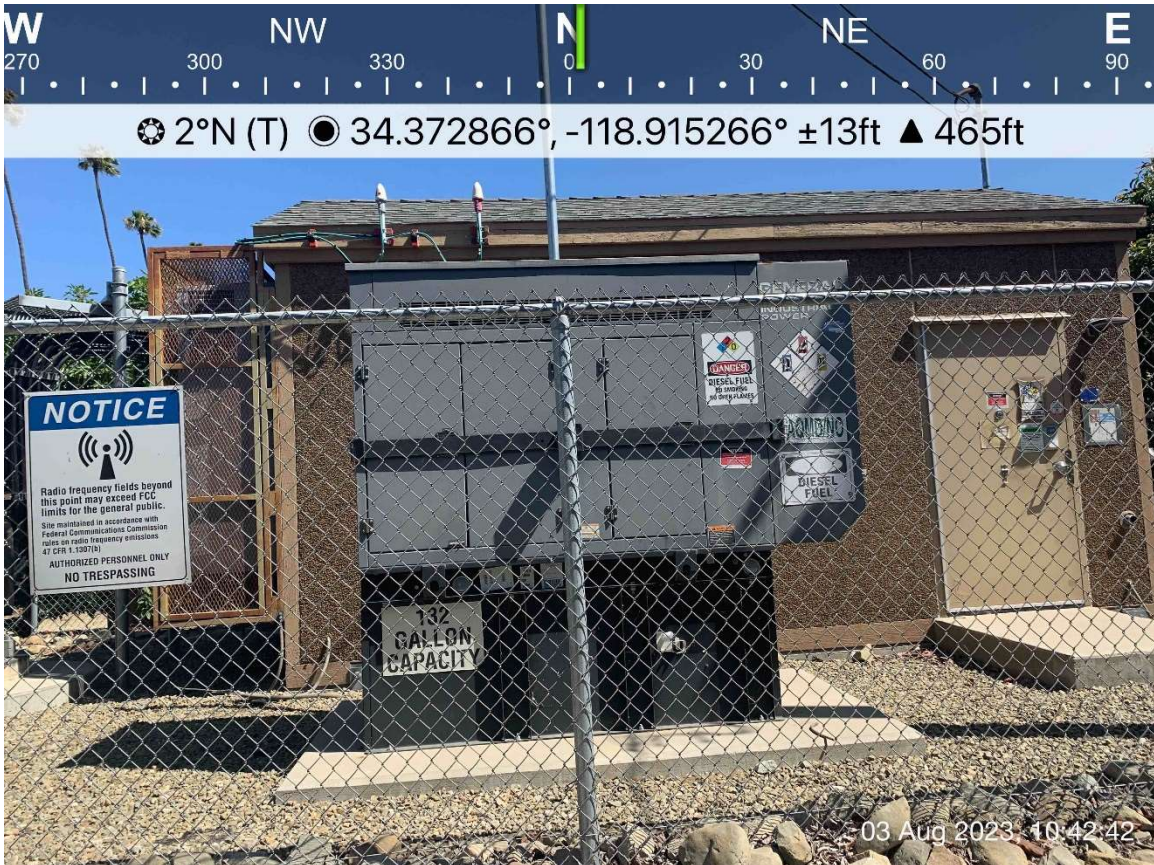
**NOTE:**

EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE FCC. ALL EXISTING SIGNAGE AND ANY FUTURE SIGNAGE WILL BE COMPLIANT WITH STATUTE 164-43.4 NO HIGH-VOLTAGE SIGNAGE IS NECESSARY. NO HIGH-VOLTAGE EQUIPMENT PRESENT.



## Exhibit 4 - Photos

County of Ventura  
Planning Director Hearing  
Case No. PL23-0104  
Exhibit 4 - Photos



630 Quintana Road, Suite 321  
Morro Bay, CA 93442

805-771-0123

JTMEMC@protonmail.com

## North Elevation

☉ 177°S (T) ● 34.374420°, -118.915704° ±13ft ▲ 457ft



## North Elevation

☉ 183°S (T) ● 34.374434°, -118.915570° ±13ft ▲ 453ft



630 Quintana Road, Suite 321  
Morro Bay, CA 93442

805-771-0123

JTMEC@protonmail.com



## Exhibit 5 – 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](http://vcrma.org/divisions/planning)

### CONSISTENCY WITH THE GENERAL PLAN FOR AMERICAN TOWER WIRELESS COMMUNICATION FACILITY: 415140 FILLMORE (CASE NO. PL23-0104)

The 2040 Ventura County General Plan (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 project is a Minor Modification of CUP LU12-0054 to authorize the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0104).

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

- 1. AG-1.2 Agricultural Land Use Designation:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide importance on the States Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

**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.*

**LU-6.1 Agricultural Buffers:** *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.*

County of Ventura  
Planning Director Hearing  
Case No. PL23-0104  
Exhibit 5 - General Plan Consistency Analysis

The project consists of the continued operation and maintenance of an existing WCF. The WCF occupies a 1,075 square-foot lease area on a nearly 10-acre property predominately used for crop production. No modifications or physical changes are proposed as part of this project. Additionally, the project will not affect agricultural uses on the subject and adjacent properties. Finally, the WCF is fenced and sited on the subject site to avoid impacts to active agricultural operations.

Based on the discussion above, the project is consistent with General Plan Policies AG-1.2, AG-2-1, and LU-6.1.

2. **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 subject site is zoned Agricultural Exclusive (AE) and surrounded by similar properties with active agricultural operations. The WCF would continue to provide wireless telecommunication services to the surrounding area and remain compatible with the neighboring land uses. No land use conflicts or visual impacts would occur with the continued use of the WCF. There are no operational or physical changes proposed to the existing WCF. The site is accessed by an unpaved dirt road connected to Chambersburg Road. No water is required for this project.

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

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

The WCF is adjacent to State Route 23, an Eligible County Scenic Highway. The WCF is designed as a faux palm tree, designed to blend in with the palm trees and vegetation installed along Chambersburg Road. Additionally, the accessory equipment shelter is screened from view of State Route 23 by existing crops and vegetation on the project site.

Based on the discussion above, the project is consistent with General Plan Policy COS-3.1.

4. **HAZ-5.2 Hazardous Materials and Waste Management Facilities:** *The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

The project was reviewed by the Department of Environmental Health (EHD). In response to EHD's review, the 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. 21).

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

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

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

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

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

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



**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.  
PL23-0104 FOR AMERICAN TOWER: 45140 FILLMORE WIRELESS  
COMMUNICATION FACILITY (WCF) (FORMERLY CUP CASE NO. LU12-0054)**

**Planning Division Conditions**

1. Project Description

This Conditional Use Permit is (CUP) is based on and limited to compliance with the project description stated in this condition below, exhibits of the Planning Director hearing on November 30, 2023, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County 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 CUP and applicable law.

The Project description is as follows:

This CUP authorizes the continued operation and maintenance of an existing WCF (originally authorized pursuant to CUP Case No. LU12-0054) until [REDACTED]. The existing WCF is designed as a 65-foot faux palm tree with a ground mounted equipment shelter for Verizon Wireless.

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 private dirt road connected to Chambersburg Road. There are no operational or physical changes to the WCF as part of this project.

2. Site Maintenance

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

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

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

County of Ventura  
Planning Director Hearing  
Case No. PL23-0104  
Exhibit 6 - Conditions of Approval

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

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

### 3. CUP Modification

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

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

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

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

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

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

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/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration to initiate the land uses described in Condition No. 1.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective (Ventura County Non-Coastal Zoning Ordinance § 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on [REDACTED]. 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 [REDACTED]; 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 Verifying Compliance with Other Agencies' Requirements Related to this CUP

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

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

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

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

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Permittee in the respective Project file. If the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, then 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-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 present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

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

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

## 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 for the property that is subject to this CUP.

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

**Timing:** The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for 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, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Pursuant to the requirements of CUP Case No. LU12-0054, the Resource Management Agency created Condition Compliance Case No. CC13-0066 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU12-0054. The Planning Division will continue to use Condition Compliance Case No. CC13-0066 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. CC13-0066, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

#### 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 10.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 the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

#### 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 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 conflicts with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

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

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

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

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

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should



change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

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

#### 15. Resolution of Complaints

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

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

#### 16. Change of Permittee

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

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

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

**Timing:** The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide

the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

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

#### 17. Reporting of Major Incidents

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

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

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

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

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

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

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

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

- a. Notify the County that the Permittee has discontinued the use of the facility.
- b. Remove the facility and all appurtenant structures.
- 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.

If the Permittee fails to perform the required actions, then the Property Owner shall be responsible for complying with this condition. The facility shall be considered “abandoned” if it has not been in use for 12 continuous months.

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

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

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

#### 19. Color/Material/Manufacture Specifications

**Purpose:** In order to ensure that buildings and structures comply with the development standards of the Ventura County Non-Coastal Zoning Ordinance and Ventura County General Plan Policy COS-3.1.

**Requirement:** The Permittee shall:

- a. Maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints).
- b. Maintain the site in compliance with the approved plans and photo-simulations.

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

**Timing:** The Permittee must maintain the project site in compliance with the approved plans, photo simulations, and a materials sample/color board, throughout the life of the project.

**Monitoring and Reporting:** The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### **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. The 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>.

### **Ventura County Fire Protection District**

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

### **Ventura County Department of Agriculture**

22. Designated Facility Point of Contact

**Purpose:** In order to prevent the entry of service technicians or other facility personnel to the permitted site during a pesticide application or the Restricted Entry Interval of an application, the Permittee must designate a point of contact and post the contact information on or at the facility.

**Requirement:** The Permittee shall designate a point of contact for agricultural operators to inform the relevant person(s) of pesticide applications near the facility and the Restricted Entry Intervals of said applications. The Permittee shall post on or at the facility the contact information of the designated point of contact. The posting must:

- Be visible and readable from at least as far as the CUP boundary.
- Be written in both English and Spanish.
- Include language equivalent to “To inform service technicians of pesticide applications and Restricted Entry Intervals, please contact...”
- Have current, accurate contact information for a point of contact that responds to contact from agricultural operators in a timely fashion during normal business hours.

**Documentation:** Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall receive approval from the Planning Division and post the required information on site. This information must be updated and maintained for the life of the permit.

**Timing:** Throughout the life of the permit.

**Monitoring and Reporting:** AWM shall report any failure to comply with this condition to the Planning Division.

### **Ventura County Air Pollution Control District (APCD)**

#### 23. Nuisance

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

**Requirement:** The Permittee shall operate and maintain the WCF in accordance with the Rules and Regulations of the APCD, 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.

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