



Planning Director Staff Report Hearing on December 14, 2023

County of Ventura • Resource Management Agency

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

AMERICAN TOWER: OXNARD CA 6 WIRELESS COMMUNICAITON FACILITY CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0112 (FORMERLY PL13-0123 AND CUP 4262)

A. PROJECT INFORMATION

1. **Request:** The applicant requests a Minor Modification of CUP PL13-0123 to authorize the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0112).
2. **Applicant:** California Tower, Inc., C/O Bonnie Belair, 10 Presidential Way Woburn, MA 01801
3. **Applicant's Representative:** Empire Media Corporation, C/O John Merritt, 630 Quintana Road, Suite 321, Morro Bay, CA 93442
4. **Property Owner:** Bengard/DeBusschere Land Company, LLC, C/O Paul DeBusschere, P.O. Box 80090, Salinas, CA 93912
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 0.08-acre project site is located at 4620 Laguna Road, near Oxnard, CA, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 218-0-042-380 (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	AE-40 ac	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 October 5, 1984, the Planning Director approved CUP 4262, authorizing the construction and use of a WCF designed as a 117-foot monopole and 576 square-foot equipment shelter. The Planning Director has approved four modifications since the issuance of the original CUP. In 1989, Modification No. 1 authorized the height of the monopole to be increased to 150 feet. In 1993, Modification No. 2 authorized the installation of additional telecommunication equipment. In 2003, Modification No. 3 authorized the extension of the permit term through 2013. In 2016, Modification No. 4 (Case No. PL13-0123) authorized the modification WCF and continued operation of the WCF for 10 years. The modifications included a reduction of the monopole height from 150 feet to 120 feet and the installation of additional telecommunication equipment. CUP PL13-0123 will expire on December 27, 2023, unless extended.

10. Project Description: The applicant requests a Minor Modification to CUP PL13-0123 for the continued operation and maintenance of an existing WCF for a 10-year period. The existing WCF includes a 120-foot monopole and 1,885 square-foot-fenced telecommunication equipment enclosure.

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 driveway connected to Laguna 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.

On October 5, 1984, the Planning Director adopted a Negative Declaration (ND) for CUP 4262 that evaluated the environmental impacts of the project which included the construction and use of a WCF designed as a 117-foot monopole and 576 square-foot telecommunication equipment enclosure. On September 15, 1989, the Planning Director approved Modification No. 1 to CUP 4262 which authorized the height of the monopole to be increased to 150 feet. The environmental impacts of this project modification were found to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. On April 28, 2016, the Planning Director adopted an addendum to the 1984 Negative Declaration that evaluated the environmental impacts of the project which included reducing the monopole height from 150 feet to 120 feet. The 1984 Negative Declaration and 2016 Addendum to the 1984 Negative Declaration are attached as Exhibit 8.

The CEQA Guidelines [Section 15164(b)] state that the lead agency shall prepare an addendum to an adopted ND if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent ND have occurred. Exhibit 7 includes a description of the changes or additions that are necessary to the ND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent ND.

Therefore, there is no substantial evidence to warrant the preparation of a subsequent ND. The addendum to the ND (Exhibit 7) reflects the County’s independent judgement and analysis.

C. CONSISTENCY WITH THE GENERAL 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>Section 8107-45.4 (b)(2)(b), Exceptions to Stealth and Building-Concealed Facilities:</p> <p>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> <p>(2) The non-stealth facility is prominently visible from a public viewpoint but meets one or more of the following criteria:</p> <p>b. The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more stealth facilities.</p>	<p>Yes. The WCF is designed as non-stealth monopole, 120-feet in height.</p> <p>120-feet is the minimum height required for adequate service. When reduced to 80 feet (the maximum height of a stealth facility), significant coverage gaps are evident to the southeast and southwest of the project site.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<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> <ol style="list-style-type: none"> (1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and (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>Yes.</p> <p>The WCF is located behind eucalyptus trees that help screen the WCF from public viewpoints along Laguna Road.</p> <p>The WCF is designed as a non-stealth monopole, similar to utility poles and power lines installed on Laguna Road. Additionally, faux ivy screening will be added to the existing fencing fronting Laguna Road to screen the WCF's accessory equipment (Exhibit 6. Condition No. 21).</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>Yes. The WCF is located near public or private access roads. The site is accessed by a private dirt driveway accessible from Laguna Road.</p>
<p>Section 8107-45.4 (f)(5), Height:</p> <ol style="list-style-type: none"> (a) Notwithstanding subparts (b) and (c) below, in no event shall a non-stealth facility exceed the maximum height stated in the applicable Area Plan. (b) Unless a greater height limit is approved in accordance with subsection (c) below, non-stealth facilities shall not exceed 50 feet in height. (c) When the Planning Commission (or the Board of Supervisors, upon appeal) is the assigned decision-making authority for a proposed wireless communication facility entitlement pursuant to Sec. 8105-4 or Sec. 8105-5, a non-stealth facility may be approved if one or more of the following findings are made: 	<p>Yes.</p> <p>(a) The project site is not subject to any Ventura County Area Plans.</p> <p>(b)(c) The WCF is designed as a non-stealth monopole, 120-feet in height. The facility is sited on the northern portion of the project site, abutting Laguna Road. As such, the greater height results in the same visual and environmental impacts when</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<ul style="list-style-type: none"> i. The greater height results in the same or reduced visual and environmental impacts when compared to the standard applicable height limits; or ii. The applicant demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities; or iii. The greater height is necessary for the provision of public safety (see Sec. 8107-45.2.4). 	<p>compared to the standard height limits outlined in Section 8107-45. Finally, pursuant to Section 8107-45.12(a), the Planning Director will act on this application for a Minor Modification to a (previously modified) CUP.</p>
<p>Section 8107-45.4 (g)(1)(2), Setbacks:</p> <ul style="list-style-type: none"> (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. (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>Yes. The WCF complies with all setback requirements.</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> <ul style="list-style-type: none"> (1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or (2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or (3) Equipment and antennas are no longer concealed by the permitted stealth design features; or (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>Yes. There are no proposed changes that would impact the concealment elements of this WCF.</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> <ul style="list-style-type: none"> (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 	<p>Yes. The WCF is not located within an environmentally sensitive area. The WCF is located on an existing, legally developed area. There are no</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>habitat, and other environmentally sensitive areas as determined by the County’s Initial Study Assessment Guidelines.</p>	<p>proposed modifications to the facility.</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. Faux ivy screening will be added to the existing fencing to screen the accessory equipment visible from Laguna Road (Exhibit 6, Condition No. 21).</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. All colors and materials used for the WCF blend in with the man-made 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 is operated and maintained to comply with the Ventura County noise standards.</p>
<p>Section 8107-45.4 (q), Landscaping and Screening:</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.</p>
<p>Section 8107-45.4 (r), Security:</p> <p>(1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.</p> <p>(2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</p>	<p>Yes. The WCF includes signage and security fencing that deters access to the WCF and associated equipment. The project site is not located in an area designated as Urban and Existing Community in the General Plan.</p>
<p>Section 8107-45.4 (s), Lighting:</p> <p>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</p>	<p>Yes. The existing WCF is not illuminated.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
(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>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>
<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. A private dirt driveway provides access to the site from Laguna Road.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

In order to approve a minor modification to a CUP, the Planning Director must make the same findings that are required 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 comprised of large agricultural operations and related structures. Eucalyptus trees lining Laguna Road screen the WCF. No new effects on the surrounding land uses would occur.

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 would occur. 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 would occur. In addition 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. 22).

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. The design of the facility is compatible with utility infrastructure nearby, including powerlines and power poles. Issuance of this Modified CUP will not impact current and future agricultural uses in the area.

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

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

Pursuant to a preliminary legal lot determination prepared by the County of Ventura Public Works Agency, County Surveyor Division, the project site (APN 218-0-042-

380) is located on a legal lot identified in Book 218, Page 04 of Official Records. The legal lot includes the project site (APN 218-0-042-380), as well as APN 218-0-042-390 and APN 218-0-042-330.

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, staff prepared an addendum to the previously adopted ND (Exhibit 7) that complies with the California Environmental Quality Act. The applicant must operate the WCF in accordance with federal requirements (e.g., Federal Communication Commission's Wireless Infrastructure Report and Order).

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 0.08-acre lease area on a nearly 290-acre property. The WCF is sited near the northern property line and Laguna 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 December 1, 2023, the Planning Division mailed notice to owners of property within 2,500 feet of the property on which the project site is located. On December 1, 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 Oxnard Area of Interest. On October 19, 2023, the County of Ventura Planning Division notified the City of Oxnard of the project and requested the City of Oxnard to provide written comment. As of the date of this hearing, no comments have been received from the City of Oxnard.

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 none of the conditions have occurred or exist as set forth in CEQA Guidelines Section 15162 to require the preparation of a subsequent ND or environmental impact report for the subject CUP, and that the addendum to the adopted 1984 ND (Exhibit 7) satisfies the environmental requirements of CEQA.
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. PL23-0112), 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 AJ Bernhardt at (805) 654-3136 or AJ.Bernhardt@ventura.org.

Prepared by:



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

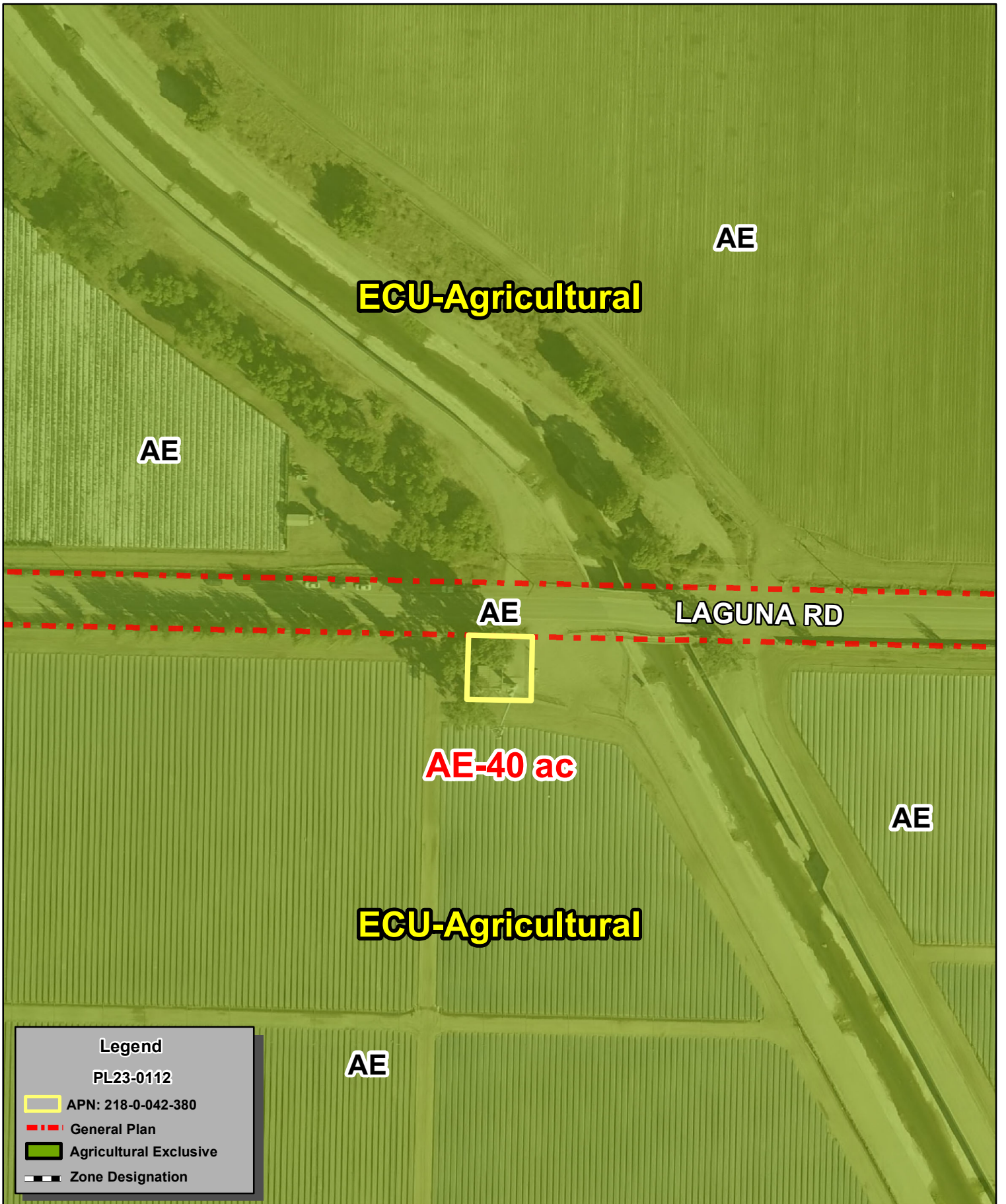
Reviewed by:



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
- Exhibit 7 Addendum to the Adopted 1984 Negative Declaration
- Exhibit 8 Negative Declaration for CUP 4262 (includes 2016 Addendum to the 1984 ND)



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 11-06-2023
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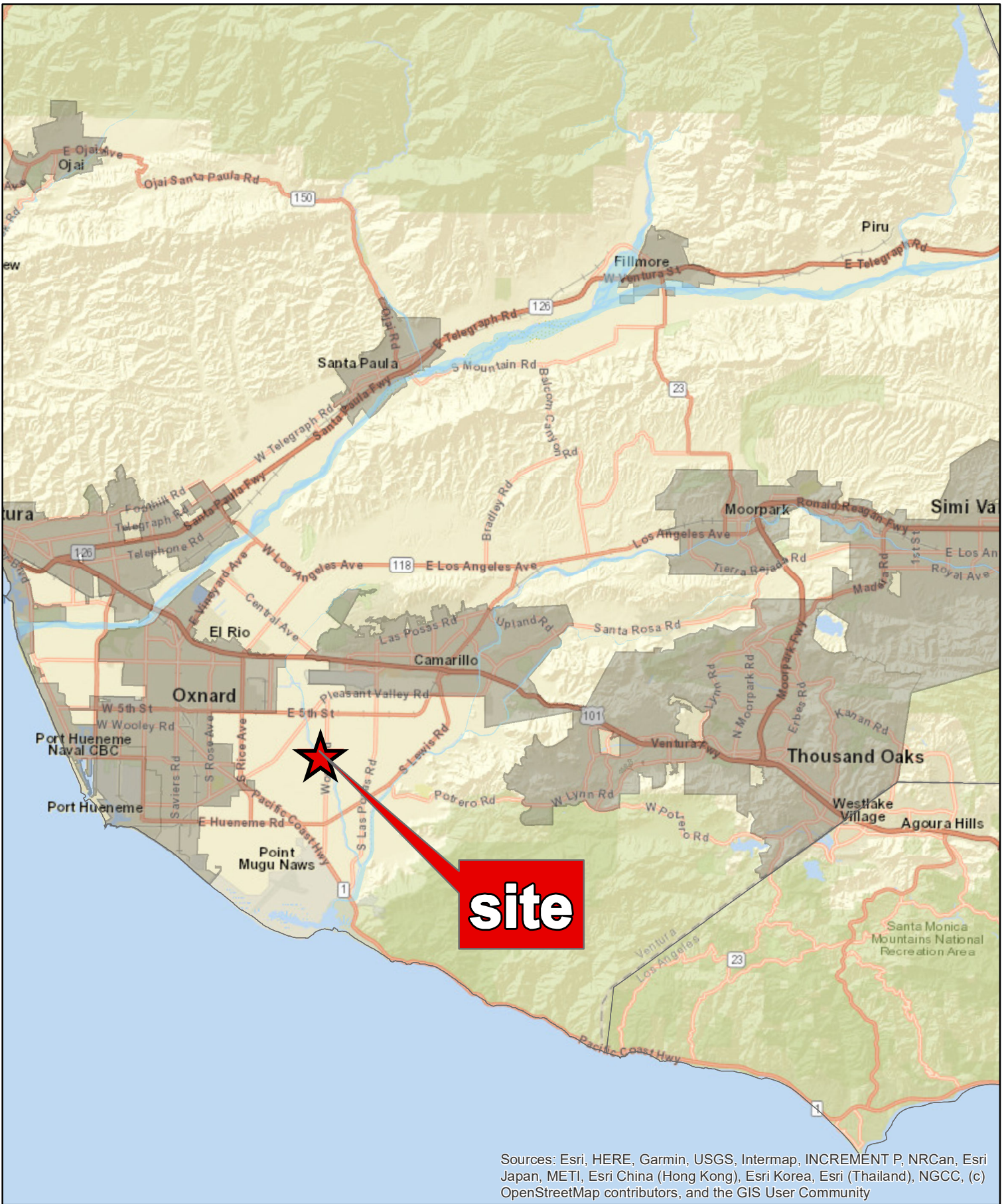


County of Ventura
 Planning Director Hearing
 Case No. PL23-0112
 Exhibit 2 - Maps



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 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.





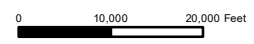
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Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-06-2023

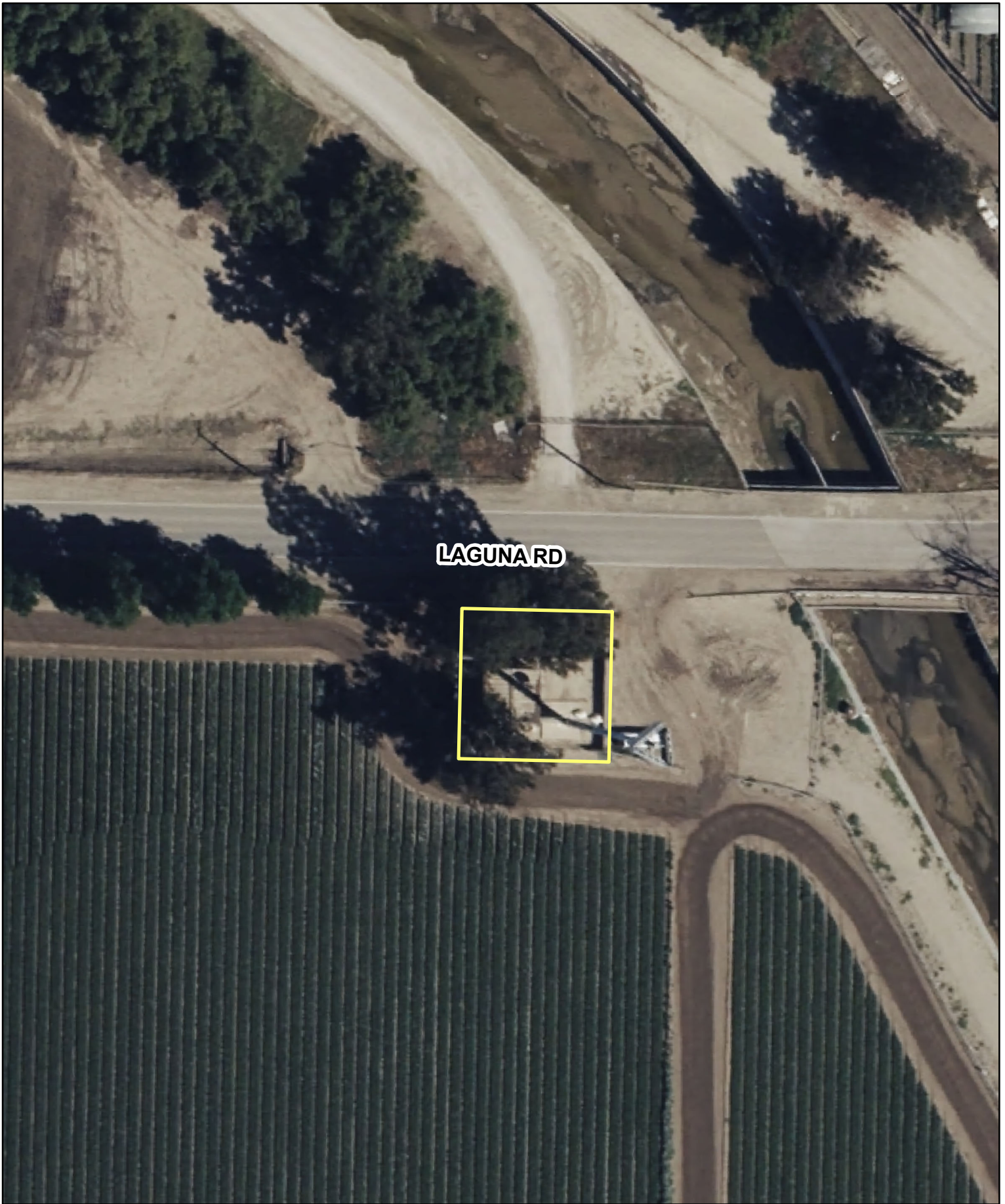


**County of Ventura
Planning Director Hearing
PL23-0112
Location Map**

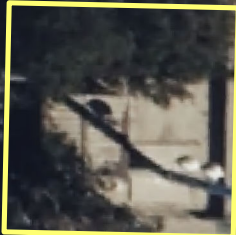


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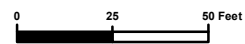
LAGUNARD



Ventura County, California
Resource Management Agency
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County of Ventura
Planning director Hearing
APN: 218-0-042-380
PL23-0112
Aerial Photography



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VICINITY MAP



AMERICAN TOWER®

SITE NAME: OXNARD CA 6
 SITE NUMBER: 300796
 SITE ADDRESS: 4620 LAGUNA ROAD
 OXNARD, CA 93033



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	ES	07/20/23
1	TOWER OWNER & DEATILS	EB	08/02/23
2	REV TWR & PROP. OWNERS	EB	08/23/23

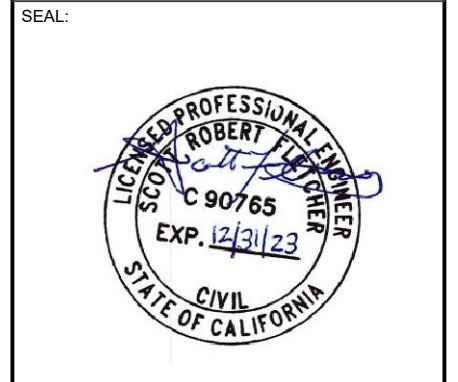
CONDITIONAL USE PERMIT RENEWAL

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. 2019 CALIFORNIA ADMINISTRATIVE CODE 2. 2019 CALIFORNIA BUILDING CODE 3. 2019 CALIFORNIA RESIDENTIAL CODE 4. 2019 CALIFORNIA ELECTRICAL CODE 5. 2019 CALIFORNIA PLUMBING CODE 6. 2019 CALIFORNIA ENERGY CODE 7. 2019 CALIFORNIA FIRE CODE 8. 2019 CALIFORNIA EXISTING BUILDING CODE 9. 2018 INTERNATIONAL BUILDING CODE (IBC) 10. NATIONAL ELECTRIC CODE (NEC) 11. LOCAL BUILDING CODE 12. CITY/COUNTY ORDINANCES	<u>SITE ADDRESS:</u> 4620 LAGUNA ROAD OXNARD, CA 93033 COUNTY: VENTURA <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.17609652 LONGITUDE: -119.10027888 GROUND ELEVATION: 27' AMSL <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA COUNTY PARCEL NUMBER: 218-0-0420380	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. PROJECT NOTES 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. 7. THE PROJECT DEPICTED IN THESE PLANS QUALIFIES AS AN ELIGIBLE FACILITIES REQUEST ENTITLED TO EXPEDITED REVIEW UNDER 47 U.S.C. § 1455(A) AS A MODIFICATION OF AN EXISTING WIRELESS TOWER THAT INVOLVES THE COLLOCATION, REMOVAL, AND/OR REPLACEMENT OF TRANSMISSION EQUIPMENT THAT IS NOT A SUBSTANTIAL CHANGE UNDER CFR § 1.61000 (B)(7).	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:	
	PROJECT TEAM <u>TOWER OWNER:</u> CALIFORNIA TOWER INC. 10 PRESIDENTIAL WAY WOBURN, MA 01801 <u>PROPERTY OWNER:</u> BENGARD/DEBUSSCHERE LAND COMPANY, LLC 4526 E HUENEME RD OXNARD, CA 93033 <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	PROJECT LOCATION DIRECTIONS FROM I 405 & 101 FRWY: TAKE 101 NORTH VENTURA. TO PLEASANT VALLEY RD (EXIT 52), EXIT, TURN LEFT. PROCEED ON PLEASANT VALLEY RD. TO LEWIS RD, TURN LEFT. TO LAGUNA RD, TURN RIGHT. PROCEED TO SITE ADDRESS ON LEFT SIDE OF ROAD.						
	UTILITY COMPANIES POWER COMPANY: SOUTHERN CALIFORNIA EDISON PHONE: (800) 655-4555 TELEPHONE COMPANY: VERIZON PHONE: (800) 483-1000							

County of Ventura
 Planning Director Hearing
 Case No. PL23-0112
 Exhibit 3 - Site Plans

ATC SITE NUMBER:
300796
 ATC SITE NAME:
OXNARD CA 6

 SITE ADDRESS:
 4620 LAGUNA ROAD
 OXNARD, CA 93033



Scott Fletcher
 Digitally signed by Scott Fletcher
 Date: 2023.09.11 17:01:25 -04'00'

DATE DRAWN: 07/20/23
 ATC JOB NO: 14522439_E1

TITLE SHEET
 SHEET NUMBER: **G-001**
 REVISION: **2**



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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. FIELD SURVEY DATE: NA
3. BOUNDARY INFORMATION OBTAINED FROM: DATATREE

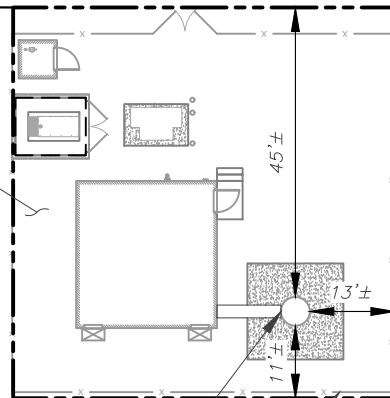
N/F
CARR CANYON PROPERTIES LP
PARCEL#: 218-0-020-345

N/F
VENTURA COUNTY FL CTRL DIST
PARCEL#: 218-0-020-545

REVOLON SLOUGH

LAGUNA ROAD

N/F
BENGARD
DEBUSSCHERE/LESSOR
DEBUSSCHERE
PARCEL#: 218-0-042-380



EXISTING TOWER

EXISTING COMPOUND

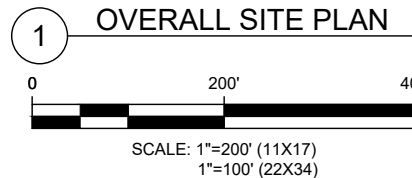
N/F
VENTURA COUNTY FL CTRL DIST
PARCEL#: 218-0-042-310

N/F
BENGARD DEBUSSCHERE LAND CO
PARCEL #: 218-0-042-390

N/F
BENGARD DEBUSSCHERE LAND CO
PARCEL #: 218-0-042-330

SURVEY LEGEND

- EXISTING PROPERTY
- - - EXISTING ADJ. PROPERTY
- - - - EXISTING EASEMENT
- - - XXX - - - EXISTING CONTOUR (MAJOR)
- - - - XXX - - - EXISTING CONTOUR (MINOR)
- ~ ~ ~ EXISTING TREELINE
- x - x - EXISTING CHAINLINK FENCE
- [Hatched Box] EXISTING BUILDING
- SD - SD - EXISTING STORM DRAIN
- ===== EXISTING ROAD (DIRT)
- ===== EXISTING ROAD (STONE)
- ===== EXISTING ROAD (PAVED)
- [Stippled Box] EXISTING CONCRETE
- - - - - EXISTING LEASE AREA



1 OVERALL SITE PLAN



THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	ES	07/20/23

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300796

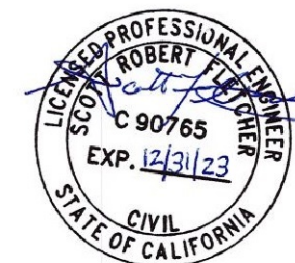
ATC SITE NAME:

OXNARD CA 6

SITE ADDRESS:

4620 LAGUNA ROAD
OXNARD, CA 93033

SEAL:



Digitally Signed: 2023-09-11

DATE DRAWN: 07/20/23

ATC JOB NO: 14522439_E1

OVERALL SITE PLAN

SHEET NUMBER:

C-101

REVISION:

0

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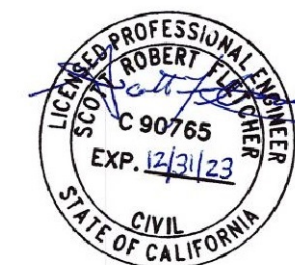
REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	ES	07/20/23
1	TOWER OWNER & DEATILS	EB	08/02/23

ATC SITE NUMBER:
300796

ATC SITE NAME:
OXNARD CA 6

SITE ADDRESS:
 4620 LAGUNA ROAD
 OXNARD, CA 93033

SEAL:



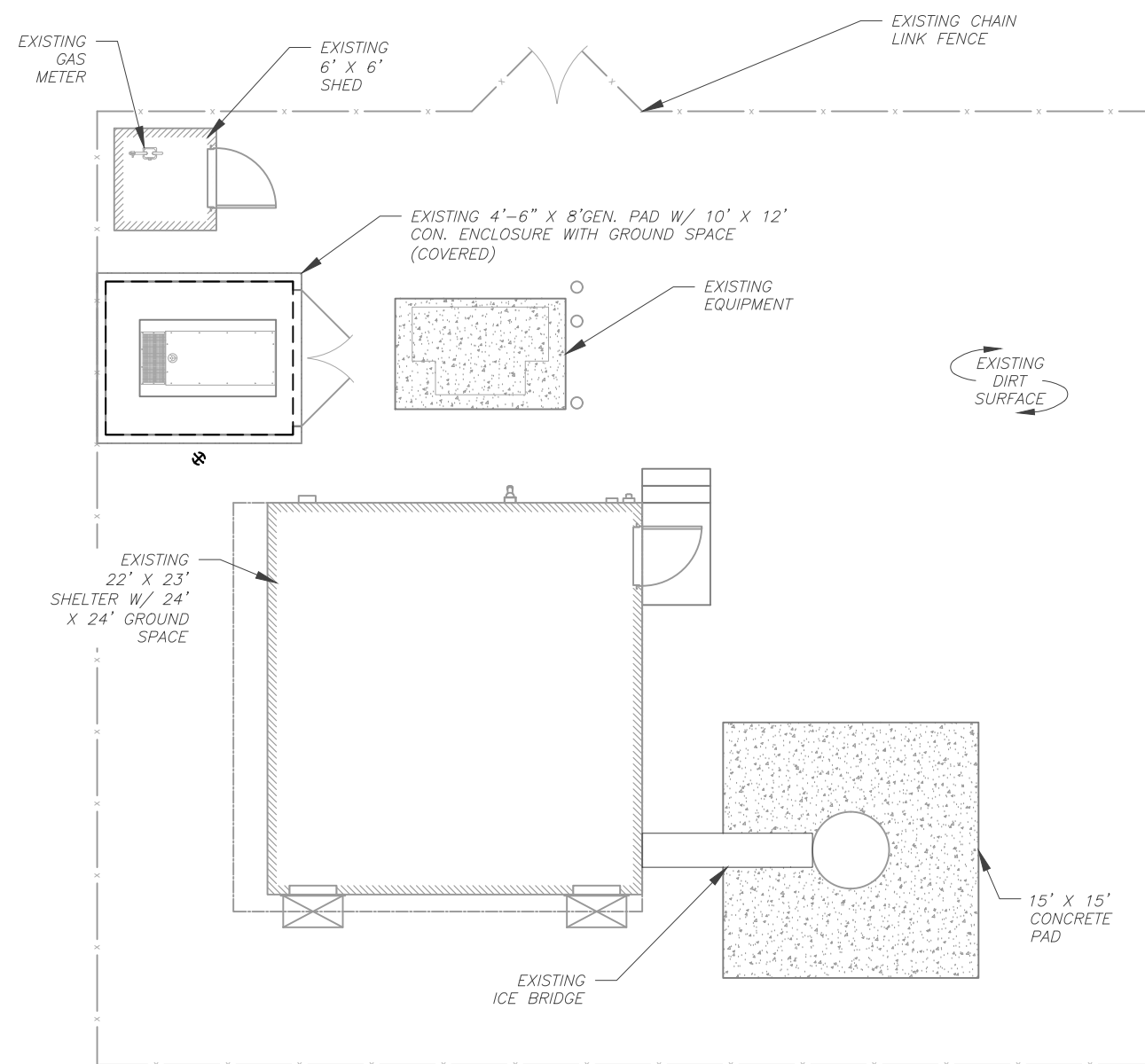
Digitally Signed: 2023-09-11

DATE DRAWN: 07/20/23
 ATC JOB NO: 14522439_E1

DETAILED SITE PLAN & TOWER ELEVATION

SHEET NUMBER:
C-102

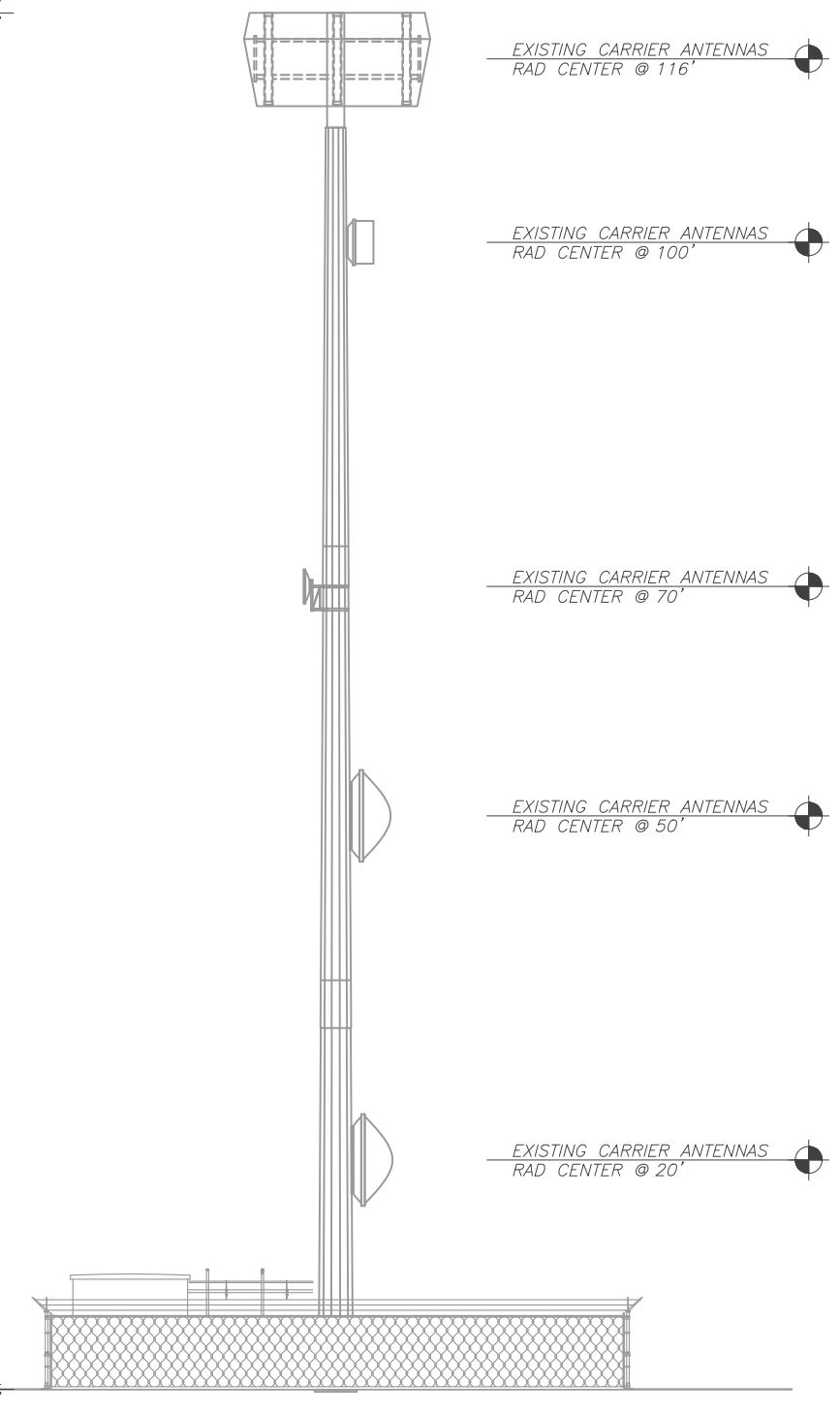
REVISION:
1



1 DETAILED SITE PLAN




EXISTING TOP OF TOWER
 ELEV. 120.9'



2 TOWER ELEVATION
 SCALE: NOT TO SCALE

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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 #

1061800

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	ES	07/20/23
1	TOWER OWNER & DEATILS	EB	08/02/23

ATC SITE NUMBER:

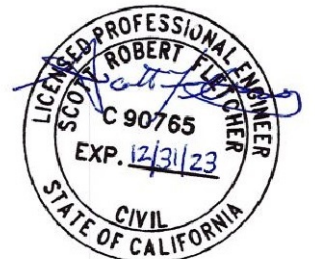
300796

ATC SITE NAME:

OXNARD CA 6

SITE ADDRESS:
4620 LAGUNA ROAD
OXNARD, CA 93033

SEAL:



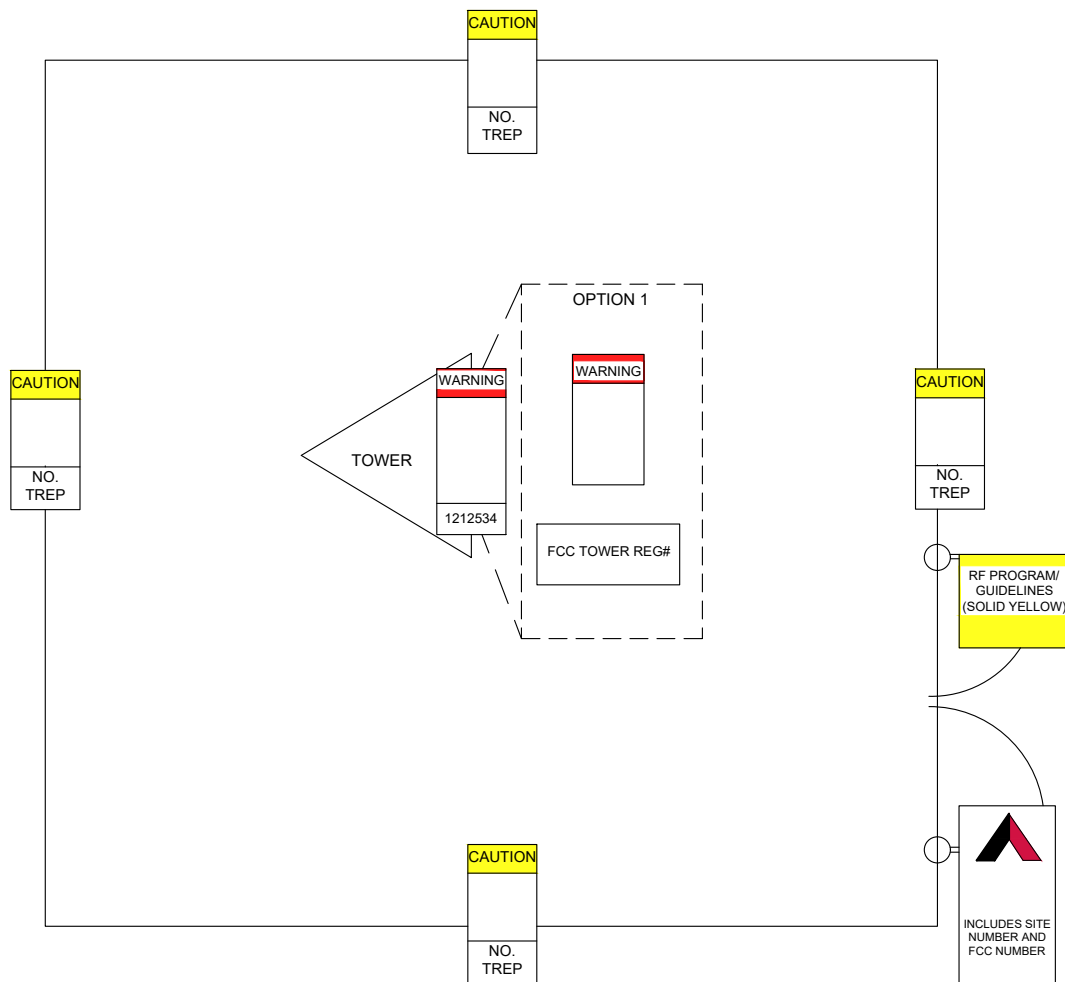
Digitally Signed: 2023-09-11

DATE DRAWN: 07/20/23
ATC JOB NO: 14522439_E1

SIGNAGE

SHEET NUMBER: **C-501**
REVISION: **1**

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.



SITE NAME : OXNARD CA 6
SITE NUMBER : 300796
FCC REGISTRATION # : 1061800

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:

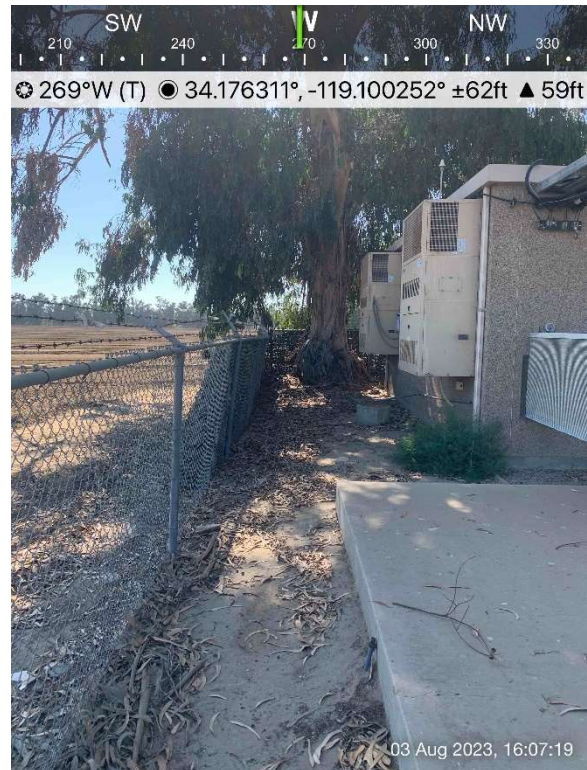
AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 60 DAYS UNLESS OTHERWISE SPECIFIED. ANY SITE SOLD SHOULD HAVE THE ATC SIGNS REMOVED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. ALL FCC 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.

ATC SITE 300796 OXNARD PERMIT PL13-0123 RENEWAL

PHOTO'S EVIDENCING CURRENT SITE CONDITIONS

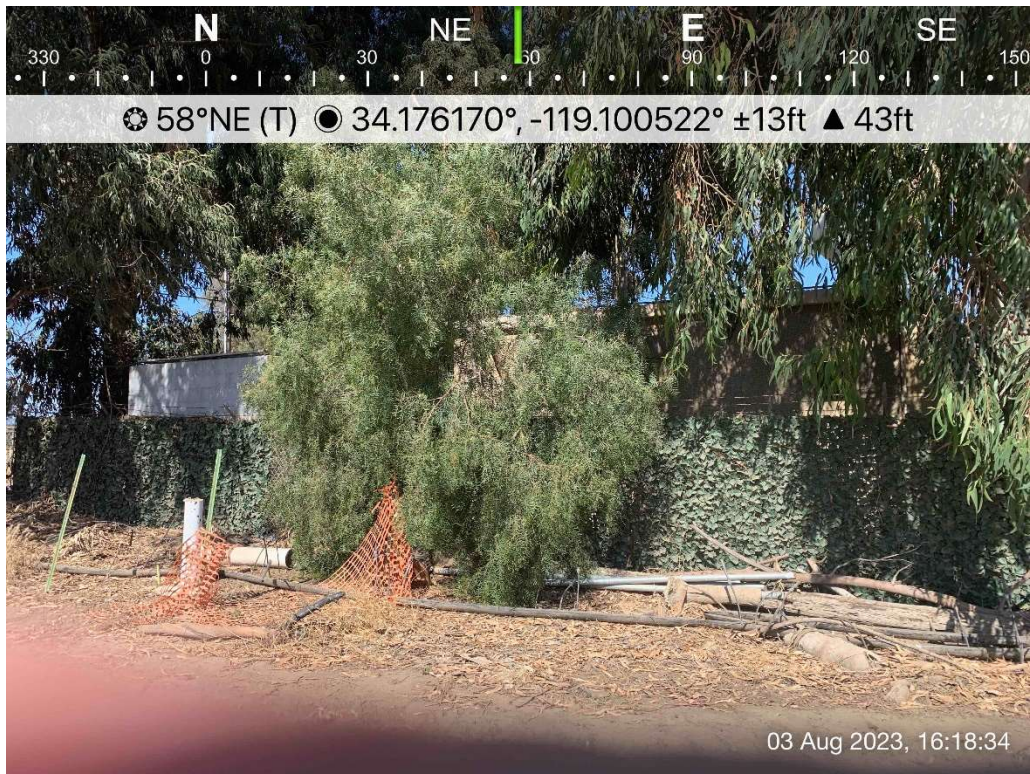
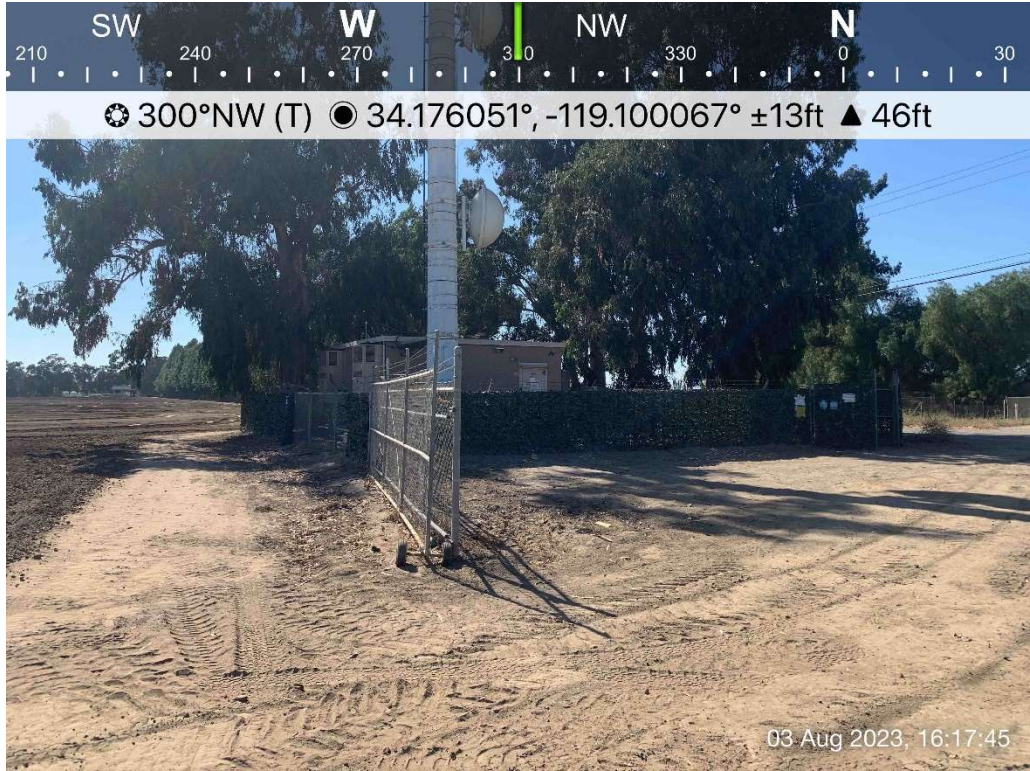


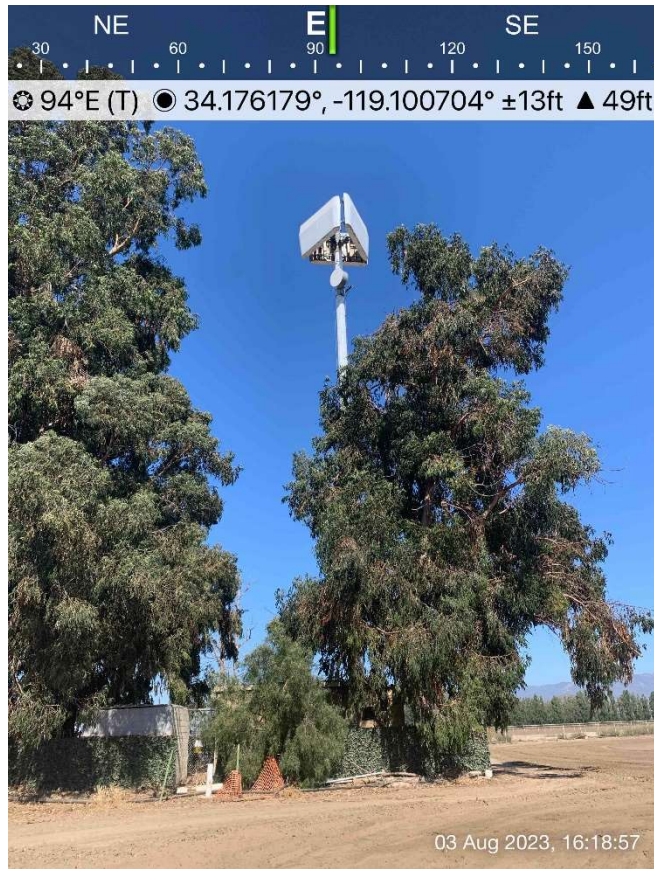
630 Quintana Road, Suite 321
Morro Bay, CA 93442

County of Ventura
Planning Director Hearing
Case No. PL23-0112
Exhibit 4 - Photos

805-771-0123
JTMEMC@protonmail.com







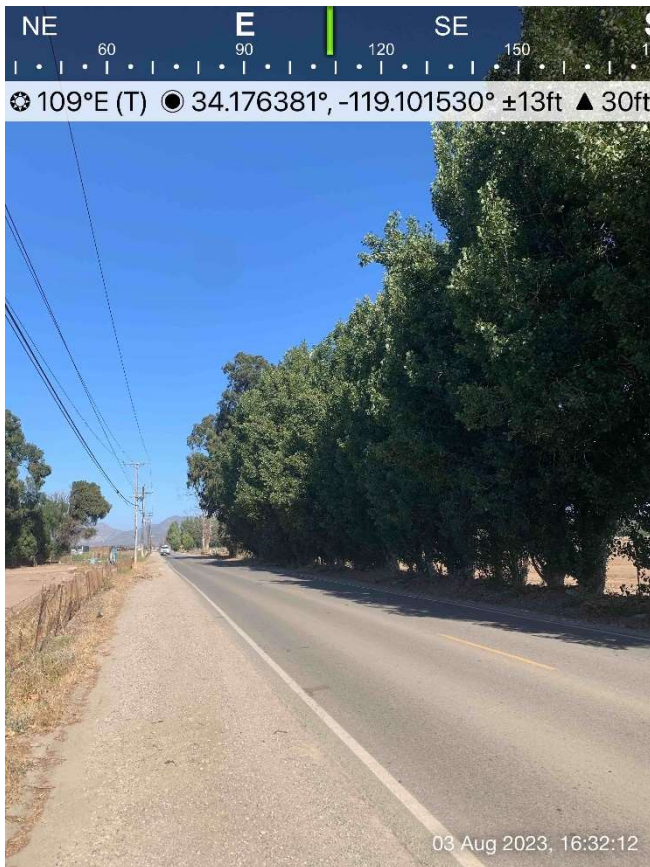
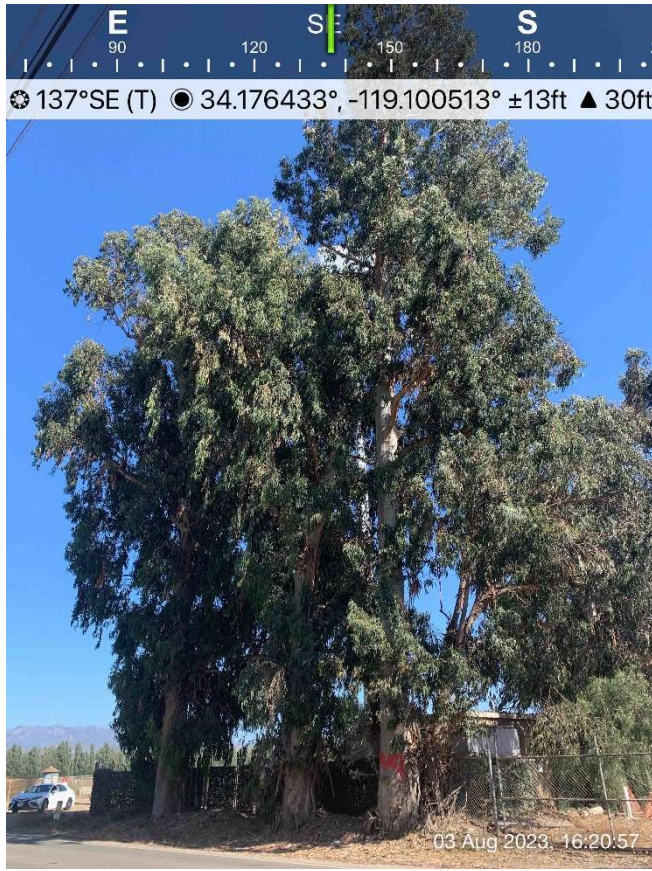




Exhibit 5 – General Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

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

CONSISTENCY WITH THE GENERAL PLAN FOR AMERICAN TOWER WIRELESS COMMUNICATION FACILITY: OXNARD CA 6 (CASE NO. PL23-0112)

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 includes a request for a Minor Modification of CUP PL13-0123 to authorize the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0112).

Evaluated below is the consistency of the proposed project with the applicable policies of the 2040 General Plan.

- 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.*

The project consists of the continued operation and maintenance of an existing WCF. The WCF occupies a 0.08-acre lease area on a nearly 290-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 Laguna. No water is required for this project.

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

- 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 Department of Environmental Health (EHD) reviewed the project application. Pursuant to EHD's recommendation, 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. 22).

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

- 4. 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 County 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 Policies PFS-1.1, PFS-7.1, and PFS-7.5.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.
PL23-0112 FOR AMERICAN TOWER: OXNARD CA 6 WIRELESS
COMMUNICATION FACILITY (WCF) (FORMERLY CUP CASE NO. CUP 4262 AND
PL13-0123)**

Planning Division Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, exhibits of the Planning Director hearing on December 14, 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 4262) until [REDACTED]. The existing WCF includes a 120-foot monopole and 1,885 square-foot-fenced telecommunication equipment enclosure.

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. An unpaved private dirt driveway provides access to the site from Laguna 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.

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 notification(s) of conditions, upon Planning Division staff's request.

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 purpose of this condition is to notify 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. PL13-0123, the Resource Management Agency created Condition Compliance Case No. CC16-0015 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. PL13-0123. The Planning Division will continue to use Condition Compliance Case No. CC16-0015 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. CC16-0015, 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, 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 the 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.

20. Bird Deterrents to Prevent Nesting

Purpose: To prevent birds from using the WCF as a nesting site.

Requirement: The Permittee shall prevent birds from nesting in or on the WCF by maintaining the existing bird deterrent devices. The devices shall be made of durable materials and replaced as needed to ensure they effectively prevent nesting.

Documentation: The Permittee shall provide photographs of the bird deterrent devices when requested by the Planning Division.

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee must provide photographs to the Planning Division of the bird deterrent devices.

Monitoring and Reporting: Bird deterrent devices shall be maintained throughout the life of the permit. Monitoring and enforcement activities shall occur according to the procedures set forth in § 8106-8.2.8 of the Ventura County Non-Coastal Zoning Ordinance.

21. Site Improvements: Fence Screening

Purpose: To ensure the telecommunication equipment enclosure is screened from public viewpoints.

Requirement: The Permittee shall modify the WCF by installing faux ivy screening fabric, as approved by the County of Ventura Planning Division, on the fencing surrounding the telecommunication equipment enclosure.

Documentation: The Permittee shall provide photographs of the completed improvements.

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee must provide photographs to the Planning Division of the completed improvements.

Monitoring and Reporting: Screening shall be maintained throughout the life of the permit. Monitoring and enforcement activities shall occur according to the procedures set forth in § 8106-8.2.8 of the Ventura County Non-Coastal Zoning Ordinance.

Environmental Health Division (EHD) Conditions

22. 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>.

Ventura County Air Pollution Control District

23. Complaint Driven Nuisance for Discharge of Air Pollutants

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 in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, as follows:

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: The Ventura County Air Pollution Control District monitors and enforces regulations regarding nuisances, on a complaint-driven basis.

Ventura County Fire Protection District

24. Fire Code Permits: The Permittee shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.

DRAFT



Exhibit 7 – Negative Declaration (ND) Addendum

County of Ventura • Resource Management Agency • Planning Division

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NEGATIVE DECLARATION (ND) ADDENDUM FOR PL23-0112

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Minor Modification of Conditional Use Permit (CUP) PL13-0123 for the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0112).
2. **Applicant:** California Tower, Inc. C/O Bonnie Belair, 10 Presidential Way Woburn, MA 01801
3. **Applicant's Representative:** Empire Media Corporation, C/O John Merritt, 630 Quintana Road, Suite 321, Morro Bay, CA 93442
3. **Property Owner:** Bengard/DeBusschere Land Company, LLC, C/O Paul DeBusschere, P.O. Box 80090, Salinas, CA 93912
4. **Location:** 4620 Laguna Road, near Oxnard
5. **Tax Assessor's Parcel Number:** 218-0-042-380
6. **Lot Size:** 0.08 acres
7. **General Plan Land Use Designation:** ECU-Agricultural
8. **Zoning Designation:** AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
10. **Project Description:** The applicant requests a Minor Modification to CUP PL13-0123 for the continued operation and maintenance of an existing WCF for a 10-year period (Case No. PL23-0112). The existing WCF includes a 120-foot monopole and 1,885 square-foot-fenced telecommunication equipment enclosure.

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 driveway connected to Laguna Road. There are no proposed operational or physical changes to the WCF as part of this project.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On October 5, 1984, the Planning Director adopted a ND for CUP 4262 that evaluated the environmental impacts of the project which included the construction and use of a WCF designed as a 117-foot monopole and 576 square-foot telecommunication equipment enclosure. On September 15, 1989, the Planning Director approved Modification No. 1 to CUP 4262 which authorized the height of the monopole to be increased to 150 feet. The environmental impacts of this project modification were found to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. On April 28, 2016, the Planning Director adopted an addendum to the 1984

County of Ventura
Planning Director Hearing
Case No. PL23-0112
Exhibit 7 - Addendum to the Adopted
1984 Negative Declaration

ND that evaluated the environmental impacts of the project which included reducing the monopole height from 150 feet to 120 feet.

Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted ND if: (1) only minor technical changes or additions are necessary; and (2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or ND have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent ND, are provided below, along with a discussion as to why an EIR or subsequent ND is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The proposed project is for the continued operation of an existing WCF constructed in compliance with the conditions of approval of CUP 4262 and subsequent modifications. There are no physical or operational changes proposed with this project.

Based on the discussion above, the project would not generate new environmental effects or a substantial increase in the severity of previously identified significant effects.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].**

The environmental conditions that constituted the baseline for the analysis of environmental impacts have not changed substantially since the ND was adopted in 1984 with CUP 4262 or the addendum to the ND was adopted in 2016 with CUP PL13-0123.

Since no physical or operational changes are proposed with this project, the project would not involve new significant environmental effects. No significant effects were identified in the previously adopted ND or addendum to the ND.

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous ND, shows any of the following:**

a. The project will have one or more significant effects not discussed in the previous ND [§ 15162(a)(3)(A)].

Since no physical or operational changes are proposed with this project, there are no additional significant effects the project may have that were not discussed in the previously adopted ND or addendum to the ND.

b. Significant effects previously examined will be substantially more severe than shown in the previous ND [§ 15162(a)(3)(B)].

No significant effects were identified in the previously adopted ND or addendum to the ND.

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative [§ 15162(a)(3)(C)].

No mitigation measures or alternatives were identified in the previous ND and addendum to the ND.

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous ND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative [§15162(a)(3)(D)].

No mitigation measures or alternatives were identified in the previous ND and addendum to the ND. The WCF was constructed in compliance with the conditions of approval of CUP 4262 and subsequent modifications.

Therefore, based on the information provided above, there is no substantial evidence to warrant the preparation of an EIR or subsequent ND. The decision-making body shall consider this addendum to the adopted ND prior to deciding on the project.

C. PUBLIC REVIEW:

Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the ND does not need to be circulated for public review, and shall be included in, or attached to, the adopted ND.

SIGNATURES ON THE FOLLOWING PAGE

Prepared by:



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

Reviewed by:



Susan Curtis, Assistant Director
Ventura County Planning Division



Negative Declaration Addendum

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CONDITIONAL USE PERMIT NO. PL13-0123 (MODIFICATION OF CUP 4262)

Wireless Communication Facility

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

- 1. Entitlement:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the modification and continued operation of the existing unmanned wireless communication facility (WCF) for an additional 10-year period.
- 2. Applicant:** American Tower Corporation, 10 Presidential Way, Woburn, MA, 01801.
- 3. Property Owner:** Bengard/Debusschere Lessor, P.O. Box 80090, Salinas, CA, 93912.
- 4. Applicant's Representative:** Sonal Thakur/Core Development Services, 3350 East Birch St. #250, Brea, CA, 92821.
- 5. Location:** Laguna Road, immediately west of Revlon Slough (Oxnard area).
- 6. Assessor's Parcel Number:** 218-0-042-380
- 7. Lot Size:** 0.08 acres
- 8. General Plan Land Use Designation:** Agricultural
- 9. Zoning Designation:** AE-40 acres
- 10. Responsible and/or Trustee Agencies:** California Department of Fish and Wildlife
- 11. Project Description:** The requested permit would authorize the modification and continued operation of the existing unmanned wireless communication facility (WCF) for an additional 10-year period. The proposed facility includes a 120-foot tall antenna tower (to be lowered from 150 feet) with the following components:

County of Ventura
Planning Director Hearing
Case No. PL23-0112
Exhibit 8 - Negative Declaration for CUP 4262
(includes 2016 Addendum to the 1984 ND)

County of Ventura
Planning Director Hearing
PL13-0123
Exhibit 4 – Addendum to Negative
Declaration (includes adopted ND)

- A 6-foot diameter microwave dish mounted at 20 feet;
- A 6-foot diameter microwave dish mounted at 50 feet;
- A 2-foot diameter microwave dish mounted at 70 feet;
- A 4-foot diameter microwave dish mounted at 100 feet;
- Twelve antennas and RRUs;
- A screening shroud that covers all antennas and RRUs; and
- Two omni antennas mounted at 116 feet.

A section of the existing chain link fencing will be replaced and a new gate installed. The entire fence will be fitted with faux ivy and maintained around the perimeter of the equipment enclosure. The monopole, bracket, panel, whip antennas, microwave dishes and screening shroud will be painted a galvanized metal (gray-silver) color.

Access to the wireless communication facility lease area will be provided by Laguna Road.

No grading or land clearing will be conducted. Minor tree trimming may be required. The foundation/base of the existing WCF will not be altered. Minor excavation will occur as necessary to install the replacement section of the chain link fencing and a gate.

No water will be utilized to operate and maintain the wireless communication facility. No new generators, tanks or batteries are proposed.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On October 5, 1984 the Planning Director adopted a Negative Declaration (ND) that evaluated the environmental impacts of the project which included a 117-foot antenna and an unmanned 576 square-foot telecommunication facility building. The ND concluded that no significant environmental effects would result from the implementation of the project. This ND is attached as Exhibit 4b.

On September 15, 1989, the Planning Director authorized the antenna tower at the subject facility to be increased in height to 150 feet. The environmental impacts of this project modification were found to be categorically exempt pursuant to Section 15301 of the CEQA Guidelines. No new significant impacts were identified to result from this previous modification of the facility. As indicated in the above Project Description, the current proposal involves lowering the tower height to 120 feet. The tower equipment will not substantially change from the existing permitted condition.

Section 15164(b) of the CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3) states that the decision-making body may adopt an addendum to an adopted ND if: (1) only minor technical changes or additions are necessary and, (2) none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of an Environmental Impact Report (EIR) or subsequent ND have occurred.

The conditions described in Section 15162 of the CEQA Guidelines which require the preparation of an EIR or subsequent ND, are provided below, along with a discussion as to why an EIR or subsequent ND is not required:

- 1. Substantial changes are proposed in the project which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(1)].**

The proposed project involves the modification and continued operation of an existing wireless communication facility. The modified facility will be similar in height to that analyzed in the previous ND, and will be lowered from the existing permitted height. Additionally, the painting of the tower and attached equipment, as well as the screening shroud, will minimize visual impacts by blending the facility into the surrounding environment. The new faux ivy screening around the equipment enclosure will also improve the overall facility appearance from public viewpoints, and the facility will continue to be screened to some extent by the existing trees in the area. The proposed changes in the existing facility will not result in a significant impact on visual resources.

Minor tree trimming may be required for the tower modifications, and minor excavation will be required for the installation of the replacement section of the chain link fencing and gate. Although the proposed project would not involve any new impacts on biological resources, the recommended conditions of approval include measures to minimize the use of the antenna tower by nesting birds and minimize any effects that may occur during temporary construction activities. No significant environmental effects on biological resources would result from the proposed facility modifications. Additionally, no cultural resource impacts have been identified. Further, the standard condition of approval has been included which identifies actions to be taken in the unlikely event cultural resources are discovered during construction activities.

Based on the above discussion, the proposed project will not involve any new significant environmental impacts that were not identified in the ND. Major revisions of the ND are not required.

- 2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due**

to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects [§ 15162(a)(2)].

As was the case when the subject facility was first permitted, the surrounding area is essentially undeveloped and primarily used for agriculture. There have been no substantial changes in the circumstances under which the subject facility was permitted and has operated. No new significant environmental effects or an increase in severity of any environmental effect has been identified that would result from the proposed project. Major revisions of the previous ND are not required.

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous ND, shows any of the following:**
 - a. The project will have one or more significant effects not discussed in the previous ND [§ 15162(a)(3)(A)].**

The proposed modification and continued operation of the wireless communications facility will not result in any new potentially significant environmental impacts that are not discussed in the adopted ND. This conclusion is based on the minor nature of the modifications of the existing permitted facility. The most substantial change, a reduction in antenna tower height from 150 to 120 feet, would lessen any adverse effects on visual resources.


While new CEQA-related required analyses are now in effect which could not have been known at the time the previous ND was adopted (e.g., the requirement to analyze Greenhouse Gas Emissions (GHGs), as well as AB 52 requirements for tribal consultation and potentially new analyses), the proposed project would not have any new associated significant effects due to the nature of the project and limited construction-related activities. The minor construction vehicle-related emissions would generate less than significant GHGs emissions. Further, the facility is operated with electrical power and does not emit GHGs. With respect to tribal cultural resources, no significant impacts were identified as a result of the minor construction activities.

Based on the information provided above, there is no substantial evidence to warrant the preparation of a subsequent ND. The decision-making body shall consider this addendum to the adopted ND prior to making a decision on the project.

C. PUBLIC REVIEW:

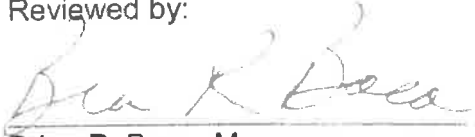
Pursuant to the CEQA Guidelines §15164(c), this addendum to the ND does not need to be circulated for public review, and shall be included in, or attached to, the adopted ND.

Prepared by:



Monica Hood, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

Reviewed by:



Brian R. Baca, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

Approved by:



Kimberly Prillhart, Director
Ventura County Planning Division

NEGATIVE DECLARATION

VENTURA COUNTY RESOURCE MANAGEMENT AGENCY
100 South Victoria Avenue
Ventura California 93009

1. PROJECT DESCRIPTION

1. Zoning Designation: "A-E" (Agricultural Exclusive)
2. General Plan Designation: Agriculture
3. Enticement: CUP-4251
4. Applicant: PacTel Mobile Access
5. Proposal: Telecommunication Facility building (5/6 square feet) and 117' antenna.
6. Location and Parcel Number(s): (See attached map)
Laguna Road, 1,150 feet west of Wood Road, Oxnard Plains
7. Responsible Agencies: None

12. STATEMENT OF ENVIRONMENTAL FINDINGS

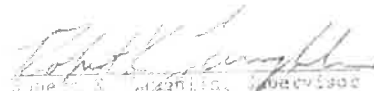
An initial study was conducted by the Planning Division to evaluate the potential effect of this project upon the environment. Based upon the findings contained in the attached initial study it has been determined that this project will not have a significant effect upon the environment.

13. PUBLIC REVIEW

1. Legal Notice Method: Direct mailing to property owners within 200 feet.
2. Document Posting Period: September 19, 1984 to October 3, 1984
3. Environmental Report Review Committee Hearing: October 9, 1984

Prepared by: Ingrid Hachtala

Approved by:


Robert K. Lippert, Supervisor
Commercial/Industrial Land Use Section

Date Oct. 5, 1984

RKL:IH:/EIR14

INITIAL STUDY CHECKLIST

I. BACKGROUND

1. Name of Applicant PACTEL MOBILE ACCESS
2. Project Description UNMANNED TELECOM-
MUNICATIONS FACILITY BUILDING 24x24"
AND ANTENNA
3. Project Location LAGUNA ROAD 1500 WEST
OF WOOD ROAD
4. Date Checklist Completed 9/17/1989

II. ENVIRONMENTAL IMPACTS

<u>Planning Division Input</u>	<u>Yes</u>	<u>Maybe</u>	<u>No*</u>
1. <u>Land Use.</u> Will the proposal result in a substantial alteration of the present or planned land use of an area?	—	—	<u>X</u>
2. <u>Population.</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	<u>X</u>
3. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing?	—	—	<u>X</u>
4. <u>Aesthetics.</u> Will the proposal result in the obstruction of an scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	—	—	<u>X</u>
5. <u>Recreation.</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	—	—	<u>X</u>
6. <u>Natural Resources.</u> Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	—	—	<u>X</u>
b. Substantial depletion of any non-renewable natural resources (e.g., loss of prime agricultural land)?	—	—	<u>X</u>
7. <u>Public Services.</u> Will the proposal and/or the cumulative demands of other pending projects have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Sanitation	—	—	<u>X</u>
b. Water (not under County Jurisdiction)?	—	—	<u>X</u>
c. Fire Protection?	—	—	<u>X</u>
d. Police Protection?	—	—	<u>X</u>
e. Schools?	—	—	<u>X</u>
f. Parks or other recreational facilities?	—	—	<u>X</u>
g. Other governmental services?	—	—	<u>X</u>

* The County reviewing agency has determined this issue not to be significant

<u>APCD Input</u>		<u>Yes</u>	<u>Maybe</u>	<u>No*</u>
8.	<u>Air.</u> Will the proposal result in:			
a.	Substantial air emissions or deterioration of ambient air quality?	___	___	X
b.	The creation of objectionable odors?	___	___	X
c.	Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	___	___	X
d.	Is there a potential for cumulative adverse impacts on air quality in the project area?	___	___	X
<u>Public Works Agency Input</u>				
9.	<u>Earth.</u> Will the proposal result in:			
a.	Unstable earth conditions or in changes in geologic substructures?	___	___	X
b.	Disruptions, displacements, compaction or overcovering of the soil?	___	___	X
c.	Change in topography or ground surface relief features?	___	___	X
d.	The destruction, covering or modification of any unique geologic or physical features?	___	___	X
e.	Any increase in wind or water erosion of soils, either on or off the site?	___	___	X
f.	Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	___	___	X
g.	Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, tsunami or similar hazards?	___	___	X
10.	<u>Transportation/Circulation.</u> Will the proposal result in:			
a.	Generation of substantial additional vehicular movement?	___	___	X
b.	Effects on existing parking facilities, or demand for new parking?	___	___	X
c.	Substantial impact upon existing transportation systems?	___	___	X
d.	Alterations to present patterns of circulation or movement of people and/or goods?	___	___	X
e.	Alterations to waterborne, rail or air traffic?	___	___	X
f.	Increase in traffic problems to motor vehicles, bicyclists or pedestrians?	___	___	X

* The County reviewing agency has determined this issue not to be significant.

Yes Maybe No*

- g. Would the project area system of roads be unable to accommodate the traffic to be generated by the project and all other pending projects in the area? X
11. Utilities. Will the proposal and/or the cumulative demands of other pending projects impact or result in a need for new public service systems, or substantial alterations to the following utilities?
- a. Electricity or natural gas? X
- b. Communication systems? X
- c. Street lighting annexation and improvements? X
12. Energy. Will the proposal result in:
- a. Use of substantial amounts of fuel or energy? X
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? X
- Flood Control and Water Resources Department Input
13. Hydrology. Will the proposed result in:
- a. Effects upon a Flood Control District's jurisdiction channel? X
- b. Effects upon a secondary drain? X
- c. Changes in drainage patterns or the rate and amount of surface water runoff? X
- d. Alterations to the course or flow of flood waters? X
- e. Exposure of people to water related hazards such as flooding or tsunami? X
- f. Degradation of groundwater quality? X
- g. Degradation of surface water quality? X
- h. Reduction in groundwater quantity? X
- i. Increase in groundwater quantity? X
- j. High groundwater table? X
- k. Sewage disposal limitations? X
14. Plant Life. Will the proposal result in:
- a. Affect any unique, rare or endangered plant species? X
- b. Change the diversity of plant species? X

*The County reviewing agency has determined this issue not to be significant

	<u>Yes</u>	<u>Maybe</u>	<u>No*</u>
c. Threaten to eliminate or otherwise reduce either <u>native</u> , <u>ornamental</u> or <u>agricultural</u> plant populations?	—	—	<u>X</u>
d. Introduce new plant species into an area which will represent a <u>fire hazard</u> to project residences?	—	—	<u>X</u>
15. <u>Animal Life</u> . Will the proposal result in:			
a. Restrict the range of or otherwise affect any <u>rare</u> or endangered animal species?	—	—	<u>X</u>
b. Restrict the range of or otherwise affect any <u>unique</u> animal species?	—	—	<u>X</u>
c. Change the <u>diversity</u> of animal species?	—	—	<u>X</u>
d. Reduce wildlife populations?	—	—	<u>X</u>
e. Introduce new wildlife species in an area?	—	—	<u>X</u>
f. Affect existing wildlife <u>food webs</u> , <u>habitat</u> or <u>migration patterns</u> ?	—	—	<u>X</u>
g. Deteriorate or cause an existing <u>fish</u> or <u>wildlife</u> population to drop below self-sustaining levels?	—	—	<u>X</u>
16. <u>Archaeological/Historical</u> . Will the proposal:			
a. Affect possible unknown archaeological or historical sites?	—	—	<u>X</u>
b. Result in destruction or alteration of a known archaeological or historical site within the vicinity of the project?	—	—	<u>X</u>
c. Result in destruction or alteration of a known archaeological or historical site near the vicinity of the project?	—	—	<u>X</u>
17. <u>Water Supply Purveyors Under County Jurisdiction</u> . Will the proposal result in:			
a. A project and/or cumulative demand for additional off-site water facilities?	—	—	<u>X</u>
b. A significant project and/or cumulative demand on existing water supply?	—	—	<u>X</u>

Environmental Health Input

18. <u>Sanitation</u> . If the proposal will utilize septic tank systems, can the sewage generated by the project create a significant adverse health impact on the area?	—	—	<u>X</u>
19. <u>Water</u> . Will the proposal and/or all other pending projects in the area result in substantial reduction in the amount of water otherwise available from public water supplies?	—	—	<u>X</u>

* The County reviewing agency has determined this issue not to be significant

IV. RECOMMENDATION

On the basis of this initial evaluation:

In conformance with Section 15060 of the State EIR Guidelines, I find with certainty that the proposal would not have a significant impact on the environment.

I find the proposed project is categorically exempt pursuant to Class _____.

I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet could be applied to the project. A MITIGATED NEGATIVE DECLARATION SHOULD BE PREPARED.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find the proposed project MAY have a significant effect on the environment, and an ADDENDUM to an existing certified Environmental Impact Report is required.

I find the proposed project MAY have a significant effect on the environment, and this effect is adequately addressed in a certified Environmental Impact Report, and thus SUBSEQUENT USE of the existing EIR is required.

Date: September 17, 1984

Ingrid Heimberg
Signature of Environmental Planner

Initial Study Contributors:

- EECC
- City of Grand
- EA
- PLJ
- HPCD

JH:es/491

Fire Dept
Sherriff's Dept.
Police Dept.

Communications and Test Serv's