



Planning Director Staff Report Hearing on January 26, 2023

County of Ventura • Resource Management Agency

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

VERIZON: “LIRIO” MINOR MODIFICATION OF CONDITIONAL USE PERMIT (CUP) LU11-0104, CASE NO. PL22-0109

A. PROJECT INFORMATION

1. **Request:** The applicant requests a minor modification of CUP LU11-0140 to authorize the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL22-0109).
2. **Applicant/Property Owner:** Shane Butler Growers, LLC, PO Box 4008, Ventura, CA 93007.
4. **Applicant’s Representative:** John Merritt, 630 Quintana Road #321, Morro Bay, CA 93442.
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 modification.
6. **Project Site Size, Location, and Parcel Number:** The 20.27-acre project site is located at 3135 W. Los Angeles Avenue, near the intersection of Los Angeles Avenue and SP Milling Ranch Road, near the city of San Buenaventura, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitute the project site is 109-0-010-120 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: OS-80 ac/MRP (Open Space, 80-acre minimum lot size/Mineral Resources Protection Overlay)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-80 ac/MRP	Agricultural – planted citrus orchards
East	OS-80 ac/MRP	Infiltration ponds
South	OS-80 ac/MRP	Industrial – aggregate mining facilities
West	OS-80 ac/MRP	Santa Clara River

- 9. History:** On November 13, 2012, CUP LU11-0104 was approved for the development of a new 100-foot-tall stealth Verizon WCF designed as mono-eucalyptus.

On August 17, 2022, the subject CUP modification application (PL22-0109) was submitted to authorize a 10-year time extension for the ongoing operation of the subject WCF.

10. Project Description: The applicant requests a minor modification of CUP (LU11-0104) for the continued use, operation, and maintenance of an existing Verizon WCF for an additional 10-year period. The existing WCF is designed as a 100-foot-tall stealth mono-eucalyptus and is comprised of the following components:

- Twelve (12) panel antennas with Radiation (RAD) centers mounted 93 feet above grade;
- One (1) microwave antenna dish mounted 87 feet above grade;
- A 184-square-foot equipment shelter with a Global Positioning System (GPS) located on the roof of the shelter. The equipment shelter is located approximately 6 feet north from the existing WCF; and
- A 700-square-foot lease area enclosed by a 11-foot-tall chain-link fence. A 30kw diesel emergency generator is located within the lease area.

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

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project would include the continued use, operation, and maintenance of an existing WCF. Therefore, the proposed project qualifies for a Class I Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA

Guidelines. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

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

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 4 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO Section 8105-4, the proposed use is allowed in the OS-80ac zone district with the granting of a CUP modification. Upon the granting of the modified CUP, the proposed project will comply with this requirement.

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 standard 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 (a), Partial and Full-Concealment Requirements:</p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b)</p>	<p>Yes, the existing WCF is 100-feet in height and is designed as a mono-eucalyptus. There are no physical or operational changes proposed as part of the project (see Exhibit 3).</p>
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <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 	<p>Yes, the WCF is located in an area where existing topography, vegetation, and structures effectively camouflage the WCF. The existing WCF is designed as a 100-foot-tall mono-eucalyptus to blend into an existing row of eucalyptus trees on the property. The WCF and associated equipment is colored to blend in with the existing topography, vegetation, buildings, and structures in the existing setting.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>topography, vegetation, buildings, and structures on the project site as well as its existing setting.</p>	
<p>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ol style="list-style-type: none"> 1. On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107 45.6). 2. Flush-mounted on an existing structure, pole, or building in the AE and OS zones. 3. Where the wireless communication facility is not prominently visible from a public viewpoint. 4. Within an area zoned Industrial. 5. Near existing public or private access roads. <p>On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan.</p>	<p>Yes, the WCF is existing and designed as a 100-foot-tall mono-eucalyptus. The WCF is located near an existing row of eucalyptus trees on the northwest corner of the parcel. The WCF is visible from portions of Los Angeles Avenue, which is an eligible county scenic highway. The design of the WCF and the distance from the nearest public road assist with the screening of the facility.</p>
<p>Section 8107-45.4 (f)(4)(b), Height:</p> <p>Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see ii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum allowable height of a faux tree shall be as follows:</p> <ol style="list-style-type: none"> i. No Nearby Trees: Maximum heights in Table 2 apply if there are no trees within a 150-foot radius of the faux tree. (Also see the tree planting height requirement in Sec. 8107-45(i)(4).) ii. Tree Canopy: The maximum height of a faux tree located within, or adjacent to, a tree canopy may extend up to 15 feet above the maximum height of the existing tree canopy when both of the following criteria are met: <ul style="list-style-type: none"> • The applicant demonstrates to the satisfaction of the Planning Division that a lower faux tree height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and 	<p>Yes, the design of the WCF is a mono-eucalyptus. The height of the WCF is 100-feet above grade level. The WCF blends in with the natural surrounding of the area. No antennas extend more than 15 feet above the maximum height of the existing tree canopy.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<ul style="list-style-type: none"> The median tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the faux tree; and the faux tree is sited behind the canopy relative to public viewpoints. 	
<p>Section 8107-45.4 (g) Setbacks:</p> <ol style="list-style-type: none"> 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. 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. Whenever feasible, a new ground mounted wireless communication facility shall be set back from the property line to avoid creating the need for fuel clearance on adjacent properties. 	<p>Yes, the WCF is existing and no portion of the antenna array extends beyond the property lines. The proposed WCF meets all setbacks from the property lines.</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 existing WCF is not constructed or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit.</p>
<p>Section 8107-45.4 (k), Environmentally Sensitive Areas:</p> <p>All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes, the WCF is existing and is not located within an environmentally sensitive area. The WCF is located on an existing legally disturbed area. There are no proposed modifications to the facility.</p>
<p>Section 8107-45.4 (l) Ridgelines:</p> <p>A wireless communication facility shall not be sited on a ridgeline or hilltop that is prominently visible from a public viewpoint when alternative sites are available. Applicants shall demonstrate that no feasible, alternative locations are available when proposing a wireless communication facility on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.</p>	<p>Yes, the existing WCF is not located on a ridgeline or hilltop.</p>
<p>Section 8107-45.4 (n), Accessory Equipment:</p> <p>All accessory equipment associated with the operation of a wireless</p>	<p>Yes, all accessory equipment associated with the existing WCF are placed at ground-level</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>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>and are screened to prevent the facility from being prominently visible from the public viewing area to the maximum extent feasible.</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 natural surroundings. There are no reflective materials.</p>
<p>Section 8107-45.4 (p), Noise:</p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes, the operation of the WCF does not generate noise. The WCF is always 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, the design of the existing WCF is a mono-eucalyptus. The height of the WCF is 100 feet above grade level. The WCF is located near a row of existing eucalyptus trees on the parcel that are used for screening. New landscaping is not necessary to screen the WCF at the time of the subject renewal.</p>
<p>Section 8107-45.4 (r), Security:</p> <ol style="list-style-type: none"> 1. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism. 2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened. 	<p>Yes, there is an existing 11-foot-tall chain-link fence around the lease area. All materials and colors blend in with the existing setting. The proposed project is not within an area designated as Urban and Existing Community in the General Plan.</p>
<p>Section 8107-45.4 (s), Lighting:</p> <ol style="list-style-type: none"> 1. No facility may be illuminated unless specifically required by the FAA or other government agency. 2. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at 	<p>Yes, the existing WCF is not illuminated.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
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> <ol style="list-style-type: none"> 1. Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements. 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>Yes, access to the site is an existing unpaved private driveway connected to Los Angeles Avenue, west of the property. No new roads are proposed.</p>

The proposed project is located within a Mineral Resource Protection (MRP) Overlay Zone and, therefore, is subject to the standards of the Ventura County NCZO (Section 8104-7.2). Table 2 lists the applicable MRP Overlay Zone standards and a description of whether the proposed project complies with those standards.

Table 2 – Mineral Resource Protection Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>The purposes of this zone are:</p> <ol style="list-style-type: none"> a. To safeguard future access to an important resource. b. To facilitate a long-term supply of mineral resources within the County. c. To minimize land use conflicts. d. To provide notice to landowners and the general public of the presence of the resource. 	<p>Yes, the proposed project would not alter any current or future access points to an important resource. The WCF is existing and there are no physical or operational changes proposed as part of the project.</p>

Table 2 – Mineral Resource Protection Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
e. The purpose is not to obligate the County to approve use permits for the development of the resources subject to the MRP Overlay Zone.	

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP modification 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 Exhibit 4 and Section D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

As discussed above, the proposed project involves the continued operation of an existing WCF. The project site is utilized for agricultural operations including a citrus orchard and greenhouses. The existing WCF is designed as a mono-eucalyptus. Due to the existing mixture of uses surrounding the project site, the WCF would continue to blend in with the character of the surrounding area.

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

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

The existing WCF is located on land utilized entirely for cultivation of agriculture. The facility is located within a 700-square-foot lease area located on a 20.27-acre parcel and the proposed project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified.

In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 5, Conditions Nos. 17 & 21). 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 5, Condition No. 20).

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 proposed project involves the continued use of an existing WCF and does not include any expansion of the previously developed lease area. In addition, the WCF will be unmanned, will not generate significant noise, will not create any unusual risks or hazards, and will not adversely impact the surrounding land uses. Furthermore, the project will continue to be subject to conditions to minimize the risks associated with hazardous materials and potential fire hazards (Exhibit 5, Condition Nos. 24-28).

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 proposed project is located on a property which is currently developed with an agricultural operation including a lemon orchard and greenhouses. The project site and surrounding lands are designated and zoned for agriculture. The proposed project would not affect any of the surrounding land uses, and the project is not sensitive to impacts from these uses. No new effects on the surrounding agricultural uses would occur with this modification for an additional 10-years of use.

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

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

The project site is located on a lot that was legally created as a remainder of land, retained after several conveyances to the Ventura County Flood Control District, the last of which was recorded on April 25, 1961, in Book 1990, Page 484 of Official Records. The subdivision that created the lot in its current configuration was exempt from the Subdivision Map Act [Government Code section 66428(a)(2)].

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

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

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

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

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

The project site is located on property designated as prime agricultural farmland. The proposed CUP modification would authorize the continued use, operation, and maintenance of an existing WCF for a 10-year period. There are no operational or physical changes proposed as part of the project. In addition, grading is not proposed at the site. Thus, agricultural soil would not be disturbed.

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 proposed project is a renewal of CUP LU11-0104 for an additional 10-year period. No new effects on the surrounding farmland would result from this renewal. Therefore, agricultural activities would not be impacted.

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

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

The project does not involve grading or loss of important agricultural soil. It is an existing facility that would continue to operate for an additional 10-year period.

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

- 11. Discretionary permits shall not be granted within areas with an "MRP" overlay zone designation if the use will significantly hamper or preclude access to, or the extraction of, a mineral resource, except where one or more of the following findings can be made:**

a. Such use is primarily intended to protect life or property.

b. Such use provides a significant public benefit.

c. The resource is not present at the site.

d. Extraction of the resource is not technically or economically feasible.

e. Extraction of the resource is not feasible due to limitations imposed by the County.

As discussed above, the existing WCF is integrated into the existing eucalyptus trees planted as screening between the existing orchards and greenhouses. In addition, the WCF is confined to a 700-square-foot lease area on a 20.27-acre property. The lease area is sited on the northeastern property line, away from the main access road. There are no operational or physical changes proposed as part of the project. Therefore, the proposed project would not significantly hamper or preclude access to, or the extraction of, a mineral resource.

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 January 13, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On January 13, 2023, the Planning Division placed a legal ad in the *Ventura County Star*.

G. RECOMMENDED ACTIONS

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

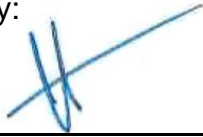
1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a minor modification of CUP LU11-0104 (Case No. PL22-0109) pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** minor modification of CUP LU11-0104 (Case No. PL22-0109), subject to the conditions of approval (Exhibit 5).

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 Christopher Alberts at (805) 654-3136 or Christopher.Alberts@ventura.org.

Prepared by:



Christopher Alberts, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



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

EXHIBITS

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



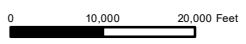
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-16-2022



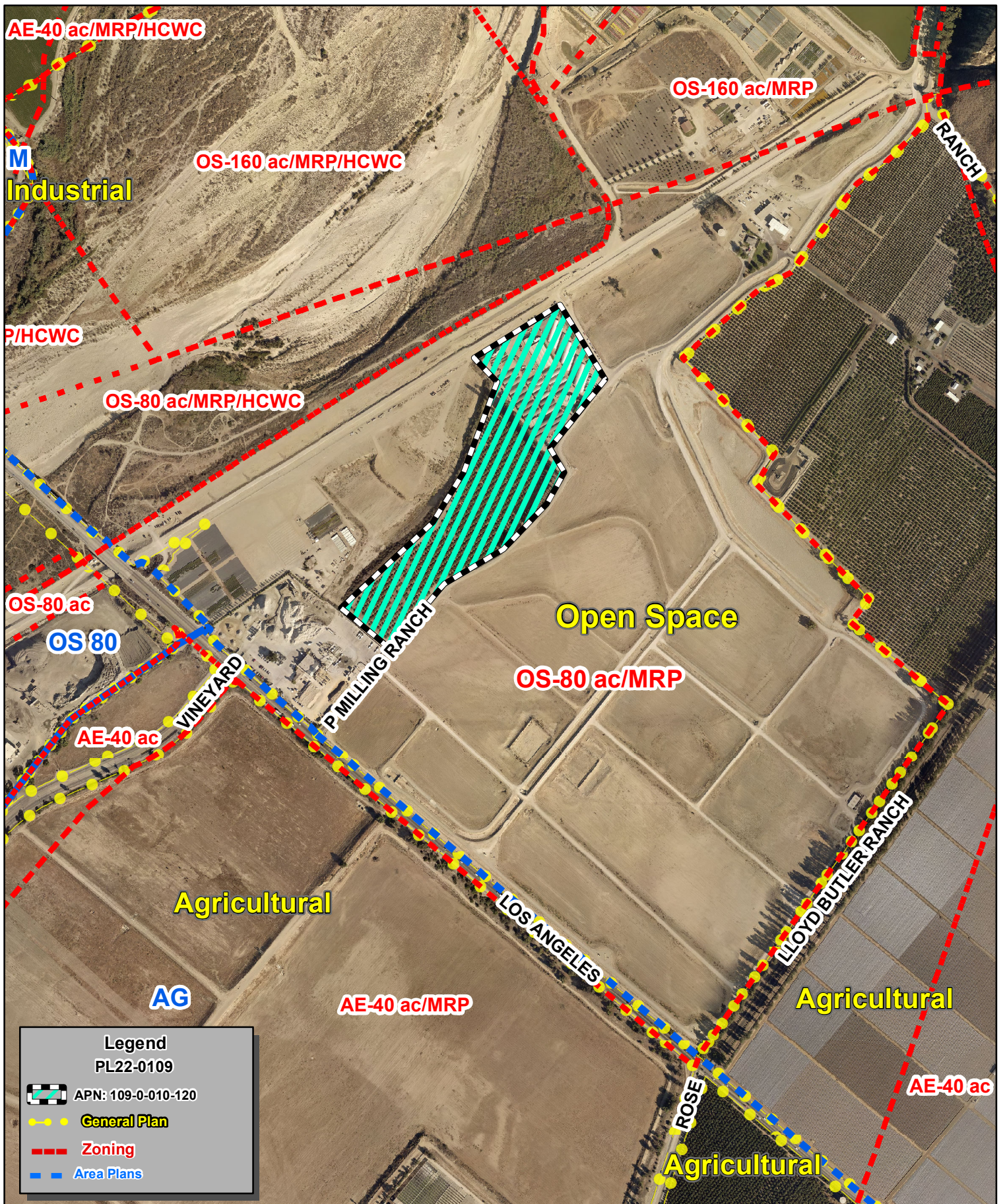
County of Ventura
Planning Director Hearing
Case No. PL22-0109
Exhibit 2 - Maps



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 nor does it involve a risk of economic loss or physical injury should be made in reliance thereon.



RH



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 11-16-2022
 This aerial imagery is under the
 copyrights of Pictometry
 Source: Pictometry, 2019



**County of Ventura
 Planning Director Hearing
 PL22-0109
 General Plan & Zoning Map**



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





109001012

W LOS ANGELES AV

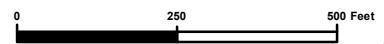
P MILLING RANCH RD



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 11-16-2022
This aerial imagery is under the
copyrights of VEXEL DEC. 2020



County of Ventura
Planning Director Hearing
PL22-0109
Aerial Photography



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

RH



VICINITY MAP



AMERICAN TOWER®

SITE NAME: LIRIO CA
SITE NUMBER: 419998
SITE ADDRESS: 3135 LOS ANGELES AVE
SOMIS, CA 93066



LOCATION MAP

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

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	EB	05/23/22

ATC SITE NUMBER:
419998
 ATC SITE NAME:
LIRIO CA

SITE ADDRESS:
 3135 LOS ANGELES AVE
 SOMIS, CA 93066



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> 3135 LOS ANGELES AVE SOMIS, CA 93066 COUNTY: VENTURA <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.27797695 LONGITUDE: -119.13039604 GROUND ELEVATION: 147' AMSL <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA COUNTY PARCEL NUMBER: 109-0-010-120	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.	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:												
	<u>PROJECT TEAM</u> <u>TOWER OWNER:</u> ATC SEQUOIA LLC 116 HUNTINGTON AVE BOSTON, MA 02116 <u>PROPERTY OWNER:</u> SHANE L BUTLER FAMILY GROWERS LLC 3135 LOS ANGELES AVE SOMIS, CA 93066 <u>ENGINEER:</u> ATC TOWER SERVICES 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518 <u>AGENT:</u> BONNIE BELAIR ATTORNEY, AMERICAN TOWER 10 PRESIDENTIAL WAY WOBURN, MA 01801	<u>PROJECT NOTES</u> 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. EXISTING FACILITY MEETS OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE. 5. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED. 6. HANDICAP ACCESS IS NOT REQUIRED. 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).	G-001 TITLE SHEET C-102 DETAILED SITE PLAN & TOWER ELEVATION C-501 SIGNAGE	0	0	0	05/23/22	05/23/22	05/23/22	EB	EB	EB							
<u>UTILITY COMPANIES</u> POWER COMPANY: SCE PHONE: (800) 655-4555 TELEPHONE COMPANY: UNKNOWN PHONE: N/A																			
		County of Ventura Planning Director Hearing Case No. PL22-0109 Exhibit 3 - Site Plans																	

DATE DRAWN: 05/23/22
 ATC JOB NO: 14107057_E1

TITLE SHEET

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

Copyright © 2016 ATC IP, LLC. All Rights Reserved.

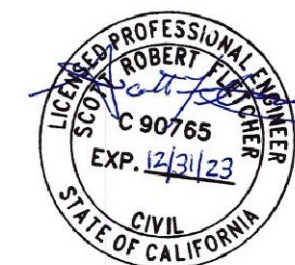
THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED 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	EB	05/23/22

ATC SITE NUMBER:
419998
 ATC SITE NAME:
LIRIO CA

SITE ADDRESS:
 3135 LOS ANGELES AVE
 SOMIS, CA 93066

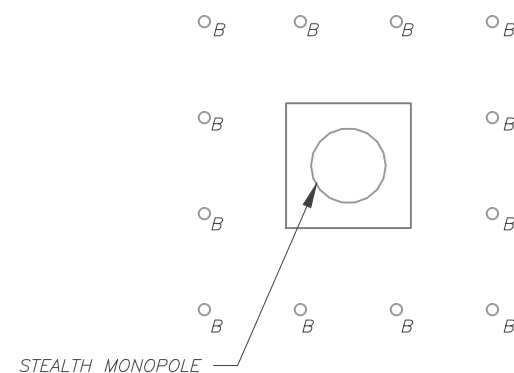
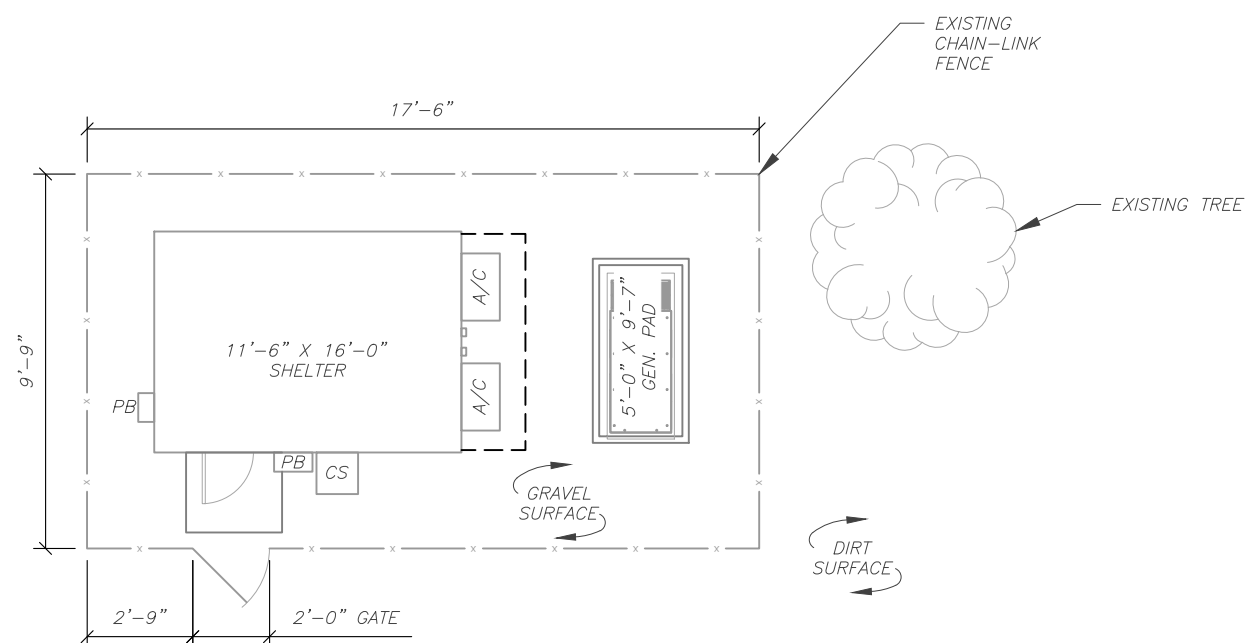
SEAL:



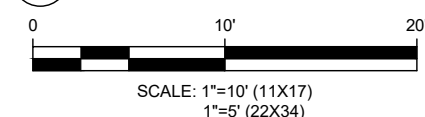
DATE DRAWN: 05/23/22
 ATC JOB NO: 14107057_E1

DETAILED SITE PLAN & TOWER ELEVATION

SHEET NUMBER:
C-102
 REVISION:
0



1 DETAILED SITE PLAN



2 TOWER ELEVATION
 SCALE: NOT TO SCALE

LEGEND

⊗	GROUNDING TEST WELL
ATS	AUTOMATIC TRANSFER SWITCH
B	BOLLARD
CSC	CELL SITE CABINET
D	DISCONNECT
E	ELECTRICAL
F	FIBER
GEN	GENERATOR
G	GENERATOR RECEPTACAL
HH, V	HAND HOLE, VAULT
IB	ICE BRIDGE
K	KENTROX BOX
LC	LIGHTING CONTROL
M	METER
PB	PULL BOX
PP	POWER POLE
T	TELCO
TRN	TRANSFORMER
-x-	CHAINLINK FENCE

Copyright © 2016 ATC IP, LLC. All Rights Reserved.

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 #
1286288
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.

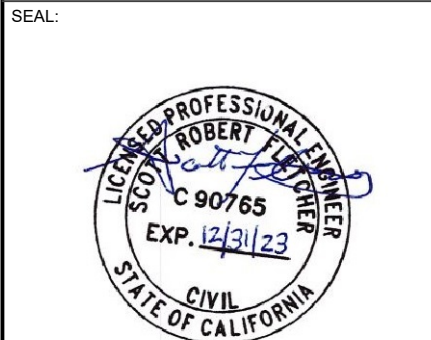
ATC RF PROGRAM NOTICE SIGN

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

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 PRIORITY ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	05/23/22

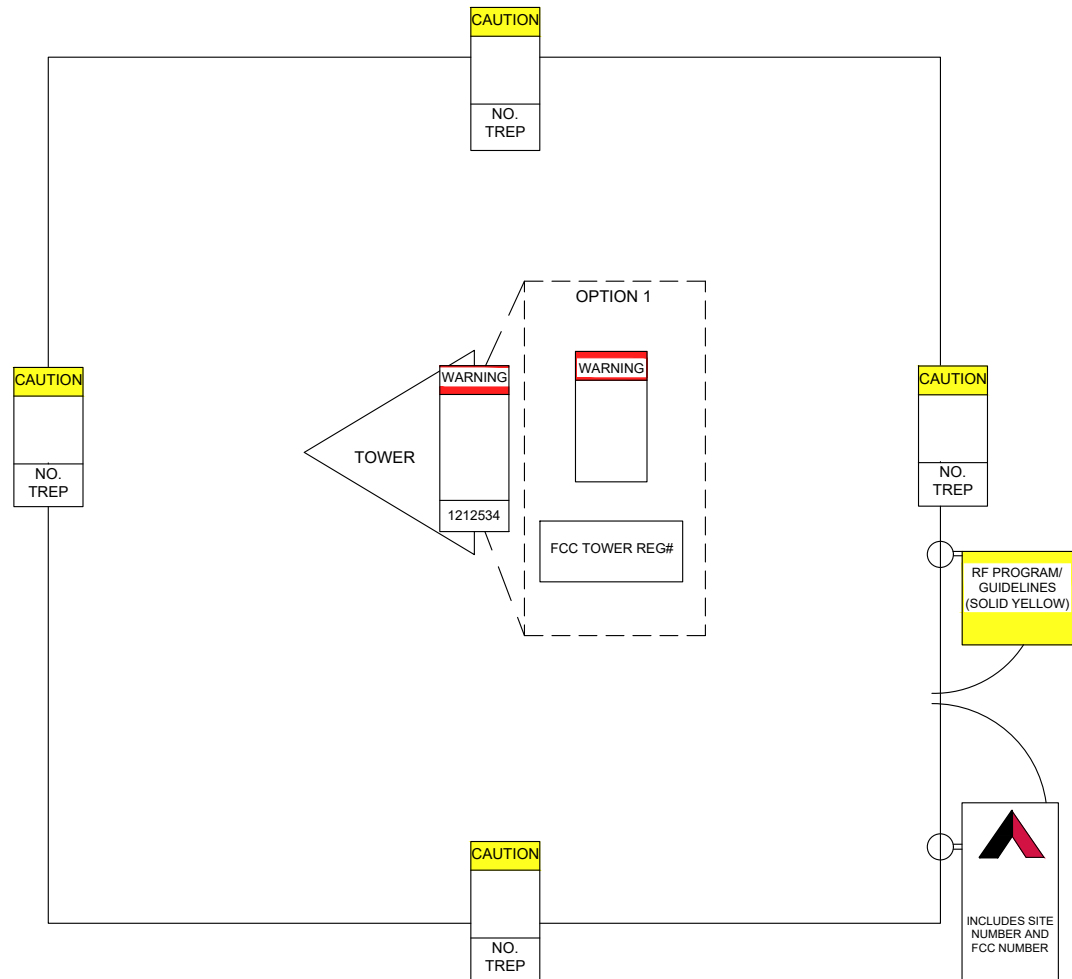
ATC SITE NUMBER:
419998
ATC SITE NAME:
LIRIO CA
SITE ADDRESS:
3135 LOS ANGELES AVE
SOMIS, CA 93066



DATE DRAWN: 05/23/22
ATC JOB NO: 14107057_E1

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

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



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

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

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

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

AMERICAN TOWER

SITE NAME : LIRIO CA
SITE NUMBER : 419998
FCC REGISTRATION # : 1286288

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

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

NO TRESPASSING
www.americantower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

REPLACEMENT OF SIGNAGE:

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

NOTE:

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



Exhibit 4 – 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 “LIRIO” WIRELESS COMMUNICATION FACILITY (WCF), CASE NO. PL22-0109

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

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

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

The proposed project would authorize a minor modification of Conditional Use Permit (CUP) LU11-0104 for the continued use, operation, and maintenance of an existing WCF for a 10-year period (Case No. PL22-0109).

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

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

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

The existing WCF is located on land designated as Agricultural on the General Plan Land Use Diagram and identified as prime farmland and farmland of statewide importance. There are no operational or physical changes proposed as part of the project. The existing WCF does not conflict with the adjacent agricultural designated lands or agricultural uses of those lands. In addition, grading is not proposed at the project site. Condition No. 21 was added to the project to designate a point of contact to inform the relevant person(s) of pesticide applications near the facility. No new conflicts would occur with the renewal of this permit.

Based on the discussion above, the proposed project is consistent with General Plan Policy AG-1.2 and AG-2.1.

- 2. 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.*

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

The existing WCF is designed as a 100-foot-tall mono-eucalyptus to blend into an existing row of eucalyptus trees on the property. The design and color of the WCF would continue to blend in with the surrounding land uses. There are no operational or physical changes proposed as part of the project. The WCF would continue to provide wireless telecommunication services to the surrounding area and remain compatible with the neighboring land uses. No new land use conflicts or visual impacts would occur with the continued use of the WCF.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-6.1 and LU-16.1.

- 3. COS-1.10 Evaluation of Potential Impacts on Discretionary Development on Wetlands:** *The County shall require discretionary development that is proposed to be located within 300 feet of a wetland to be evaluated by a County-approved biologist for potential impacts on the wetland and its associated habitats pursuant to the applicable provisions of the County's Initial Study Assessment Guidelines.*

The proposed project is for the continued operation and maintenance of an existing 100-foot-tall WCF for a 10-year period. The existing WCF is located adjacent to the Saticoy settling ponds, a known bird concentration area. The tower does not contain guy wires and is designed as a faux eucalyptus tree. Therefore, it would be visible to birds inhabiting the settling ponds and flying between the Santa Clara River and settling ponds, thereby reducing the potential for collision.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-1.10.

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

COS 3.6 Open Space Character Policy: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view*

corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.

The existing WCF is designed as a 100-foot-tall mono-eucalyptus that blends into an existing row of eucalyptus trees on the property. The nearest eligible scenic highway, which is also the only public viewing location with views of the project site, is Los Angeles Avenue (SR 118), and is located approximately 2,200 feet (0.4 miles) southwest from the project site. The WCF is visible from portions of Los Angeles Avenue. The lease area is positioned at the furthest possible location on the lot from the scenic highway. The design of the WCF and the distance from the nearest public road assist with the screening of the facility. Therefore, the project does not have the potential to adversely impact visual resources.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-3.1 and COS-3.6.

- 5. 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 proposed project involves the use and storing of a backup generator. The proposed project was reviewed by the Environmental Health Division (EHD). In response to EHD's review, the existing WCF would be conditioned to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 5, Condition No. 21).

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

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

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

PFS-7.5 Broadband Service Access: *The County shall encourage broadband service providers to expand service areas and provide high quality access to*

broadband (high-speed internet) and cellular mobile communications services to residents and businesses, including unserved and underserved areas.

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

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

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.
PL22-0109 (Formerly LU11-0104) FOR “LIRIO” WIRELESS COMMUNICATION
FACILITY (WCF)**

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, all exhibits of the Planning Director hearing on January 26, 2023, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A minor modification to CUP LU11-0104 (Case No. PL22-0109) has been granted to authorize the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The existing WCF is designed as a 100-foot-tall stealth mono-eucalyptus and is comprised of the following components:

- Twelve (12) panel antennas with Radiation (RAD) centers mounted 93 feet above grade;
- One (1) microwave antenna dish mounted 87 feet above grade;
- 184-square-foot equipment shelter with a Global Positioning System (GPS) located on the roof of the shelter. The equipment shelter is located approximately 6 feet north from the existing WCF; and
- 700-square-foot lease area enclosed by a 11-foot-tall chain-link fence. A 30kw diesel emergency generator is located within the lease area.

The WCF is unmanned, except for occasional periodic maintenance visits, and continues to operate 24 hours per day. The WCF does not require water to operate. Access to the site is a dirt driveway from Los Angeles Avenue. No exterior lighting, grading, or fencing was proposed with the project. There were no operational or physical changes to the

existing WCF.

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

2. Site Maintenance

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

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

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

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

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

3. CUP Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and

- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

4. Construction Activities

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

5. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

6. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year (see the

Ventura County Non-Coastal Zoning Ordinance (§ 8111-4.7)) from the date the approval decision of this CUP. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

- (3) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.
- b. Permit Life or Operations Period: This CUP will expire on October 27, 2032. 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 October 27, 2032; and
 - (2) The County decision-maker grants the requested modification.

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

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

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

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

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

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

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

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

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

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

Documentation: The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

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

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

9. Recorded Notice of Land Use Entitlement

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

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

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

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

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

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

- b. **Establishment of Revolving Compliance Account**

Pursuant to the requirements of CUP LU11-0104 Case No. PL22-0109, the Resource Management Agency created Condition Compliance Case No. CC13-0037 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP LU11-0104. The Planning Division will continue to use Condition Compliance Case No. CC13-0037 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC13-0037, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties,

subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
 - i. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
 - ii. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- b. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

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

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

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 13 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by

a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

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

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

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

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

15. Contact Person

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

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

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

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

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to

periodically confirm the contact information consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

16. Change of Permittee

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

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

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

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

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

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 in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

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

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

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

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

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

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

19. Future Collocation of Wireless Telecommunication Facilities and Equipment (Note: Collocation is not proposed)

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

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

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

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

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

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

Environmental Health Division (EHD) Conditions

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

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

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

determination analysis to confirm if wastes are listed hazardous wastes, exhibits a hazardous characteristic through testing, or application of general knowledge.

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

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

Monitoring and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>.

OTHER VENTURA COUNTY AGENCIES

Agricultural Commissioner's Office Conditions

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

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

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

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

Documentation: The Permittee shall provide a copy and picture of the posted sign and all relevant information to the Ventura County Department of Agriculture/Weights & Measures (VCDAWM) for review and approval.

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

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

Ventura County Air Pollution Control District (APCD) Conditions

22. Emergency Generators (Note: condition satisfied)

Purpose: In order to comply with the California Air Resources Board Air Toxic Control Measure for Stationary Compression Ignition Engines and VCAPCD Rule 10 (Permits Required) and Rule 23 (Exemptions from Permit).

Requirement: The Permittee shall obtain an Authority to Construct and a Permit to Operate the diesel generator from VCAPCD.

Documentation: An approved Authority to Construct and an approved Permit to Operate.

Timing: The Authority to Construct shall be obtained prior to installation. The Permit to Operate is required prior to operation of the diesel generator.

Monitoring and Reporting: A copy of both the approved Authority to Construct and the Permit to Operate shall be maintained as part of the project file. Ongoing compliance with the requirements of the Permit to Operate shall be accomplished through field inspection by District Inspectors.

23. VCAPCD Rules and Regulations for Grading and Construction (Note: no construction proposed)

Purpose: In order to ensure that fugitive dust and particulate matter related to project development are minimized to prevent impacts on adjacent properties.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust). The Permittee may be required to prepare and submit an Air Emissions Mitigation Plan for Dust Control to VCAPCD. The Air Emissions Mitigation Plan for Dust Control shall also be part of any construction contract for the site grading.

Documentation: The Plan shall include the following elements:

- i. the area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- ii. pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities;
- iii. fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 1. All trucks shall cover their loads as required by California Vehicle Code § 23114.
 2. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.
 3. Re-vegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.
 4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be hydro-seeded and watered until growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
 5. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
 6. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour.) During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent or supervisor shall use their discretion in determining when

winds are excessive. Based on their independent judgment and as part of their regular site inspection responsibilities, Public Works and/or APCD inspectors will require that the site superintendent and/or supervisor shall halt all such activities if it they determine the fugitive dust is impacting adjacent properties;

- iv. adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads;
- v. personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations; and,
- vi. signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted on the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: The Permittee shall submit an Air Emissions Mitigation Plan for Dust Control as part of and on the grading plans to be reviewed and approved by the APCD and Public Works Agency. The Plan shall be approved prior to the issuance of grading permits.

Monitoring and Reporting: Public Works Agency inspectors shall field-monitor all dust control measures during grading activities. The approved grading plans, including the Air Emissions Mitigation Plan for Dust Control, shall be kept onsite in an easily accessible location until final grading inspections are complete.

Ventura County Fire Protection District (VCFPD) Conditions

24. Fire Department Clearance (Note: no construction proposed)

Purpose: To provide the Permittee a list of all applicable fire department requirements for their project.

Requirement: The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

Timing: The Permittee shall submit VCFPD Form #126 Application to the VCFPD for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the VCFPD. The VCFPD will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

25. Fire Sprinklers (Note: condition satisfied)

Purpose: To comply with current California Codes and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall be responsible to have an automatic fire sprinkler system installed in all structures as required by the VCFPD. The fire sprinkler system shall be designed and installed by a properly licensed contractor under California State Law.

Documentation: A stamped copy of the approved fire sprinkler plans.

Timing: The Permittee shall submit fire sprinkler plans to the VCFPD for approval before the installation of the fire sprinkler system.

Monitoring and Reporting: A copy of the approved fire sprinkler plans shall be kept on file with the VCFPD. The VCFPD shall conduct on-site inspections to ensure that the fire sprinkler system is installed according to the approved plans. Unless a modification is approved by the VCFPD, the Permittee, and their successors in interest, shall maintain the fire sprinkler system for the life of the development.

26. Fire Code Permits (Note: condition satisfied)

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

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

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

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

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

interest, shall maintain the conditions of the Fire Code permit for the life of the development.

27. Hazardous Fire Area (Note: condition satisfied)

Purpose: To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building Department.

Timing: The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

Monitoring and Reporting: The VCFPD shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the VCFPD, the Permittee, and their successors in interest, shall maintain the approved construction for the life of the structure.

28. Hazard Abatement (Note: no construction proposed)

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

Requirement: The Permittee shall have all grass or brush adjacent to structure's footprint cleared for equipment cabinets, non-walk in style 30 feet, buildings that include walk in style equipment shelters 100 feet, antenna support structures 30 feet, and emergency power supply equipment 30 feet, or to the property line if less than 100 feet.

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

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of construction on any structure.

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

Watershed Protection District (WPD) Conditions

29. Compliance with Stormwater Development Construction Program (Note: condition satisfied)

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the Project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

Requirement: The construction of the Project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Permittee shall prepare and submit the following items to the Watershed Protection District, Surface Water Quality Section (SWQS) for review upon request:

- Complete SW-1 form (Best Management Practices for Construction Less Than One Acre), which can be found at <http://onestoppermit.ventura.org/>.

Timing: The above listed item shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for Construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs.