



## Planning Director Staff Report Hearing on June 29, 2023

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County of Ventura • Resource Management Agency

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

### AMERICAN TOWER: “BLACK MOUNTAIN” CONDITIONAL USE PERMIT (CUP), CASE NO. PL23-0045 (formerly CUP 4897 and LU11-0038)

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests a CUP to authorize the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0045).
2. **Applicant:** California Tower, Inc. C/O John Merritt, 630 Quintana Road, Suite 321, Moro Bay, CA 93442
3. **Property Owner:** RMR Petroleum, LLC, 2000 Avenue of the Stars, 7<sup>th</sup> Floor, Los Angeles, CA 90067
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The 404.15-acre project site is located at 12540 Creek Road, near the intersection of Black Canyon Fire Road, near the community of Ojai Valley, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitutes the project site is 035-0-010-165 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Ojai Valley Area Plan Land Use Map Designation: Open Space
  - c. Zoning Designation: OS-40/SRP/TRU (Open Space – 40 acres minimum lot size / Scenic Resource Protection / Temporary Rental Units Overlay Zones).

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-40 ac/SRP (Open Space 40 acres minimum lot size/ Scenic Resource protection Overlay Zone & OS-60 ac	Open Space and City of Ojai
East	OS 40 ac	Open Space
South	OS 40 ac	Open Space
West	OS 60 ac/SRP	Open Space

**8. History:** In 1995, the Planning Director approved CUP 4894 which authorized the installation of WCF comprised of a 50-foot monopole and equipment shelter. In 2013, the Planning Director approved CUP LU11-0038 which authorized the removal and replacement of the 50-foot monopole with the WCF that exists today. The design includes antennas affixed to two (2) “lollypop” poles, approximately 15-feet in height, painted and situated to blend in with the surrounding trees and chaparral. LU11-038 expired on February 13, 2023.

**9. Project Description:** The applicant requests a CUP for the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The WCF includes the following components:

- Eight (8) panel antennas mounted on two (2) “lollypop” poles approximately 15-feet in height;
- Two (2) microwave dish antennas;
- One (1) 6-foot-high chain link fence enclosing a 3,600 square foot equipment area;
- Two (2) 360 square foot equipment shelters located within the enclosed equipment area;
- One (1) emergency generator located within the enclosed equipment 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 Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project (Exhibit 3).

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

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

On February 13, 2013, the Planning Director adopted a Mitigated Negative Declaration (MND, Exhibit 8) for LU11-0038 that evaluated the environmental impacts of the WCF. The CEQA Guidelines Section 15164 state that the lead agency shall prepare an addendum to an adopted MND if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent MND have occurred. Exhibit 7 includes a description of the changes or additions that are necessary to amend the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist which require the preparation of an EIR or subsequent MND.

Based on the discussion above, there is no substantial evidence to warrant the preparation of a subsequent MND. The addendum to the MND (Exhibit 7) reflects the County’s independent judgment and analysis.

**C. CONSISTENCY WITH THE GENERAL PLAN AND OJAI AREA PLAN**

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

**D. ZONING ORDINANCE COMPLIANCE**

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the OS-40 ac zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project is subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use 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><b>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</b></p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes. The WCF is designed as a stealth facility. The design includes antennas affixed to two (2) “lollypop” poles, approximately 15-feet in height, painted and situated to blend in with the surrounding trees and chaparral. There are no physical or operational changes proposed as part of the project.</p>

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

Special Use Standard	Complies?										
<p><b>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</b></p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <ul style="list-style-type: none"> <li>(1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and</li> <li>(2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.</li> </ul>	<p>Yes. The WCF is located in an area where existing topography, vegetation, and structures effectively camouflage the WCF.</p>										
<p><b>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</b></p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ul style="list-style-type: none"> <li>(1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6).</li> <li>(2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.</li> <li>(3) Where the wireless communication facility is not prominently visible from a public viewpoint.</li> <li>(4) Within an area zoned Industrial.</li> <li>(5) Near existing public or private access roads.</li> <li>(6) On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan.</li> </ul>	<p>Yes. The WCF is not prominently visible from a public viewpoint. The WCF is located on a ridgeline that overlooks the City of Ojai and State Route 150. However, the screening techniques effectively camouflage the facility from public viewpoints.</p>										
<p><b>Section 8107-45.4 (f)(4)(a), Height for Stealth Facilities:</b></p> <p>Stealth facilities shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.</p> <p>(a) The maximum allowable height of a faux structure shall be the height limits in table 1 below, or the average height of representative structures commonly found in the local setting, whichever is less.</p> <div style="text-align: center;"> <p><b>Table 1</b> (Sec. 8107-45.4(f)(4)) <b>Maximum Height of Faux Structures</b></p> <table border="1" data-bbox="373 1638 824 1822"> <thead> <tr> <th>Type of Structure</th> <th>Maximum Height</th> </tr> </thead> <tbody> <tr> <td>Faux Water Tank</td> <td>50 feet</td> </tr> <tr> <td>Faux Windmill</td> <td>45 feet</td> </tr> <tr> <td>Faux Flag Pole</td> <td>50 feet</td> </tr> <tr> <td>Faux Light Pole</td> <td>30 feet*</td> </tr> </tbody> </table> </div> <p><small>*Not applicable in the public right-of-way, see VCOC Sec. 12800.</small></p>	Type of Structure	Maximum Height	Faux Water Tank	50 feet	Faux Windmill	45 feet	Faux Flag Pole	50 feet	Faux Light Pole	30 feet*	<p>Yes.</p> <p>The WCF meets the definition of a stealth facility. It is designed with “whip antennas and slim line poles that use simple camouflage techniques, such as size and color, and are located sufficient distance from public viewpoints to render them virtually unnoticeable.” (Sec. 8102-0 – Wireless Communication Facility, Stealth).</p> <p>The height of the two (2) “lollipop” poles are approximately 15-feet tall and meet the height requirements.</p>
Type of Structure	Maximum Height										
Faux Water Tank	50 feet										
Faux Windmill	45 feet										
Faux Flag Pole	50 feet										
Faux Light Pole	30 feet*										

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

<b>Special Use Standard</b>	<b>Complies?</b>
<p><b>Section 8107-45.4 (g), Setbacks:</b></p>	<p>Not applicable. This is an existing WCF.</p>
<p><b>Section 8107-45.4 (h), Retention of Concealment Elements:</b></p> <p>No modification to an existing wireless communication facility shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</p> <ul style="list-style-type: none"> <li>(1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or</li> <li>(2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or</li> <li>(3) Equipment and antennas are no longer concealed by the permitted stealth design features; or</li> <li>(4) Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.</li> </ul>	<p>Yes. This is an existing WCF. There are no proposed changes which would impact the concealment elements.</p>
<p><b>Section 8107-45.4 (i)(6)(a)(b), Standards for Other Faux Stealth Facilities</b></p> <ul style="list-style-type: none"> <li>(a) Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility.</li> <li>(b) Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a).</li> </ul>	<p>Yes. The WCF is designed as a stealth facility that meets the NCZO height limits.</p>
<p><b>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</b></p> <p>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	<p>Yes. The WCF is not constructed or installed on a structure, site, or district designated by a federal, state, or County agency as a historical landmark or site of merit.</p>
<p><b>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</b></p> <ul style="list-style-type: none"> <li>(1) All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County’s Initial Study Assessment Guidelines.</li> </ul>	<p>Yes. The WCF has been conditioned to avoid or minimize impacts to environmentally sensitive areas (Exhibit 6, Condition Nos. 25-27).</p>
<p><b>Section 8107-45.4 (l)(2) Ridgelines:</b></p>	<p>Yes. The WCF is located on a ridgeline above the City of Ojai and State Route 150. The facility</p>

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

Special Use Standard	Complies?
<p>(2) Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small stealth facilities (such as slim line poles or whip antennas) that blend in with the surrounding vegetation.</p>	<p>is painted and situated to blend in with the surrounding trees and chaparral.</p>
<p><b>Section 8107-45.4 (m) Scenic Resource Protection Overlay Zone:</b></p> <p>With the exception of public safety described in Sec. 8107-45.2.4, a wireless communication facility shall not be prominently visible from a public viewpoint, and shall be designed as a stealth facility, when located within a Scenic Resource Protection Overlay Zone.</p>	<p>Yes. The existing WCF is south of Soule Park Road and Creek Road which are identified as scenic viewing locations with the SRP overlay. The existing WCF has been designed as a stealth facility and is not prominently visible from any scenic viewing locations.</p>
<p><b>Section 8107-45.4 (n), Accessory Equipment:</b></p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes. All accessory equipment associated with the existing WCF is placed at ground-level within a fenced equipment area and not prominently visible from a public viewpoint.</p>
<p><b>Section 8107-45.4 (o), Colors and Materials:</b></p> <p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes. All colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials. The antenna arrays are painted to visually blend in with the surrounding trees and chaparral.</p>
<p><b>Section 8107-45.4 (p), Noise:</b></p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes. The WCF is always operated and maintained to comply with the Ventura County noise standards.</p>
<p><b>Section 8107-45.4 (q), Landscaping and Screening:</b></p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council</p>	<p>Yes. The WCF is situated on top of a ridgeline and utilizes existing vegetation to screen the WCF from public view. New landscaping is not necessary to screen the WCF at the time of the subject renewal.</p>

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

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

The proposed project is located within a Temporary Rental Unit Regulation, Dark Sky, Scenic Resource Protection, and Habitat Connectivity Corridors Overlay Zone and,

therefore, is subject to the standards of the Ventura County NCZO (Section 8104-7.1, 8104-7.5, 8104-7.6, and 8104-7.7). Table 2 lists the applicable Temporary Rental Unit Regulation, Dark Sky, Scenic Resource, and Habitat Connectivity Corridors Overlay Zone standards and a description of whether the proposed project complies with those standards.

**Table 2 – Scenic Resource, Dark Sky, and Habitat Connectivity Corridors Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
<p><b>Sec. 8104-7.1 - Scenic Resource Protection (SRP) Overlay Zone</b></p> <p>The purposes of this zone are:</p> <ul style="list-style-type: none"> <li>(a) To preserve and protect the visual quality within the viewshed of selected County lakes, along the County's adopted scenic highways, and at other locations as determined by an Area Plan.</li> <li>(b) To minimize development that conflicts with the value of scenic resources.</li> <li>(c) To provide notice to landowners and the general public of the location and value of scenic resources which are of significance in the County.</li> </ul>	<p>Yes. The proposed project has been conditioned to comply with the applicable Ojai Valley Scenic Resource Overlay Zone Standards (Exhibit 6, Condition No. 21).</p>
<p><b>Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone</b></p> <p>The purpose of this overlay zone is to protect and promote the public health, safety, welfare, the quality of life and the ability to view the night sky and reduce sky glow, by establishing regulations and a process for review of outdoor lighting. This overlay zone is intended to accomplish the following:</p> <ul style="list-style-type: none"> <li>(a) Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life;</li> <li>(b) Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires;</li> <li>(c) Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security;</li> <li>(d) Provide standards for efficient and moderate use of outdoor lighting; and</li> <li>(e) Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires.</li> </ul>	<p>Yes. The WCF is not illuminated.</p>
<p><b>Sec. 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone</b></p> <p>The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that</p>	<p>Yes. The proposed project is for the renewal of an existing WCF. The WCF is unmanned and not illuminated. There are no proposed operational or physical changes. Therefore, the proposed project would continue to avoid impacts to wildlife.</p>

**Table 2 – Scenic Resource, Dark Sky, and Habitat Connectivity Corridors Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
<p>are narrow, impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:</p> <ul style="list-style-type: none"> <li>(a) Minimize the indirect impacts to wildlife created by outdoor lighting, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance.</li> <li>(b) Preserve the functional connectivity and habitat quality of surface water features, due to the vital role they play in providing refuge and resources for wildlife.</li> <li>(c) Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage.</li> <li>(d) Minimize the introduction of invasive plants, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.</li> <li>(e) Minimize wildlife impermeable fencing, which can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity.</li> </ul>	

**E. CUP FINDINGS AND SUPPORTING EVIDENCE**

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

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

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

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

As discussed above, the proposed project involves the continued operation of an existing WCF. The project site is utilized for a private ranch, oil and gas extraction, other WCFs, and undeveloped open space. The existing WCF is designed as two (2) "lollypop" poles and closely aligns with the design of other WCFs located on

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

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

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

The existing WCF is located on land utilized for a private ranch, oil and gas extraction, other WCFs, and undeveloped open space. 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 6, Condition No. 15). Finally, the project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in conformance with all applicable County and state regulations (Exhibit 6, Condition No. 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 existing stealth WCF blends in with the surrounding environment. No changes are proposed and, therefore, the character of the site would not change. The proposed project does not affect any surrounding land uses, and the project is not sensitive to impacts from these uses. No new effects on the surrounding land uses would occur with the issuance of this CUP.

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

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

The subject lot (APN 035-0-010-165) was legally created by conveyance (deed recorded May 5, 1958, in Book 1623, Page 43 of Official Records), less various portions to Ventura County for public park purposes. Furthermore, the lot was created prior to regulation by the State Subdivision Map Act and Ventura County Subdivision Ordinance, and therefore, is a legal lot.

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

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

As discussed in Section B above, an addendum to the previously adopted MND has been prepared and is provided in Exhibit 7.

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

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

The proposed project complies with the standards of the Scenic Resources, Dark Sky, and Habitat Connectivity Corridor overlay zones as described above in Table 2.

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 June 16, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On June 16, 2023, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. As of the date of this document, no comments have been received.

**G. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto including the previously adopted MND (Exhibit 8) and Addendum to the MND (Exhibit 7), and has considered all comments received during the public comment process;

2. **FIND** that none of the conditions have occurred or exist as set forth in CEQA Guidelines Section 15162 to require the preparation of a subsequent MND for the subject CUP, and that the addendum to the adopted 2013 MND (Exhibit 7) satisfies the environmental requirements of CEQA;
3. **MAKE** the required findings to grant a CUP, Case No. PL23-0045, pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** the requested CUP (Case No. PL23-0045), subject to the conditions of approval (Exhibit 6); and
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

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

Prepared by:



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

Reviewed by:



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

#### EXHIBITS

- |           |   |
|-----------|---|
| Exhibit 2 | Maps  |
| Exhibit 3 | Site Plans  |
| Exhibit 4 | Photos  |
| Exhibit 5 | General Plan and Ojai Valley Area Plan Consistency Analysis |
| Exhibit 6 | Conditions of Approval                                      |
| Exhibit 7 | Addendum to the Adopted 2013 Mitigated Negative Declaration |
| Exhibit 8 | Mitigated Negative Declaration for LU11-0038                |



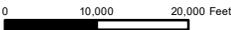
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map created on 06-01-2023

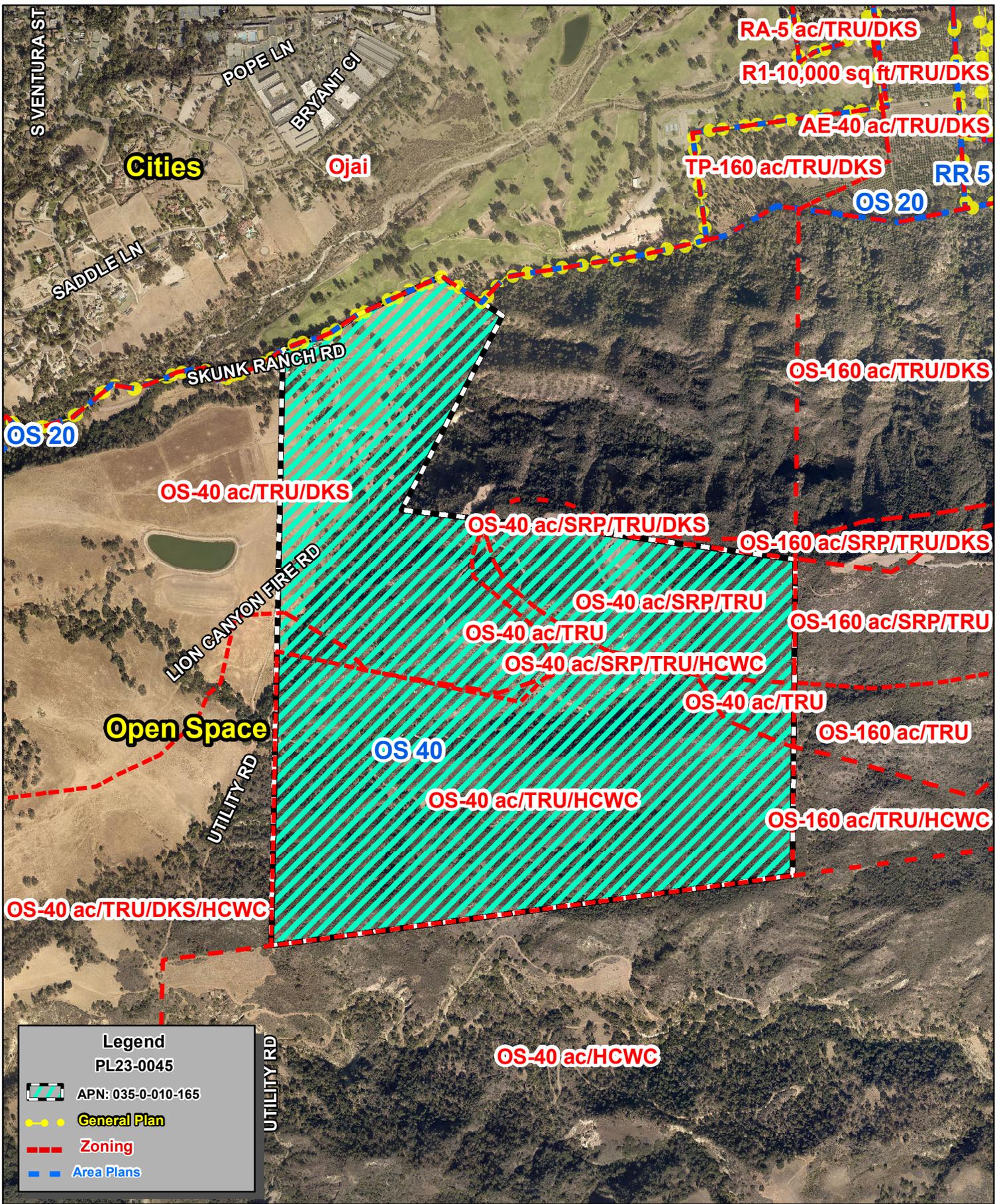


County of Ventura  
 Planning Director Hearing  
 Case No. PL23-0045  
 Exhibit 2 - Maps



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.





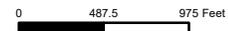
**Legend**  
 PL23-0045  
 APN: 035-0-010-165  
 General Plan  
 Zoning  
 Area Plans



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 06-01-2023  
 This aerial imagery is under the  
 copyrights of Pictometry  
 Source: Pictometry, 2019



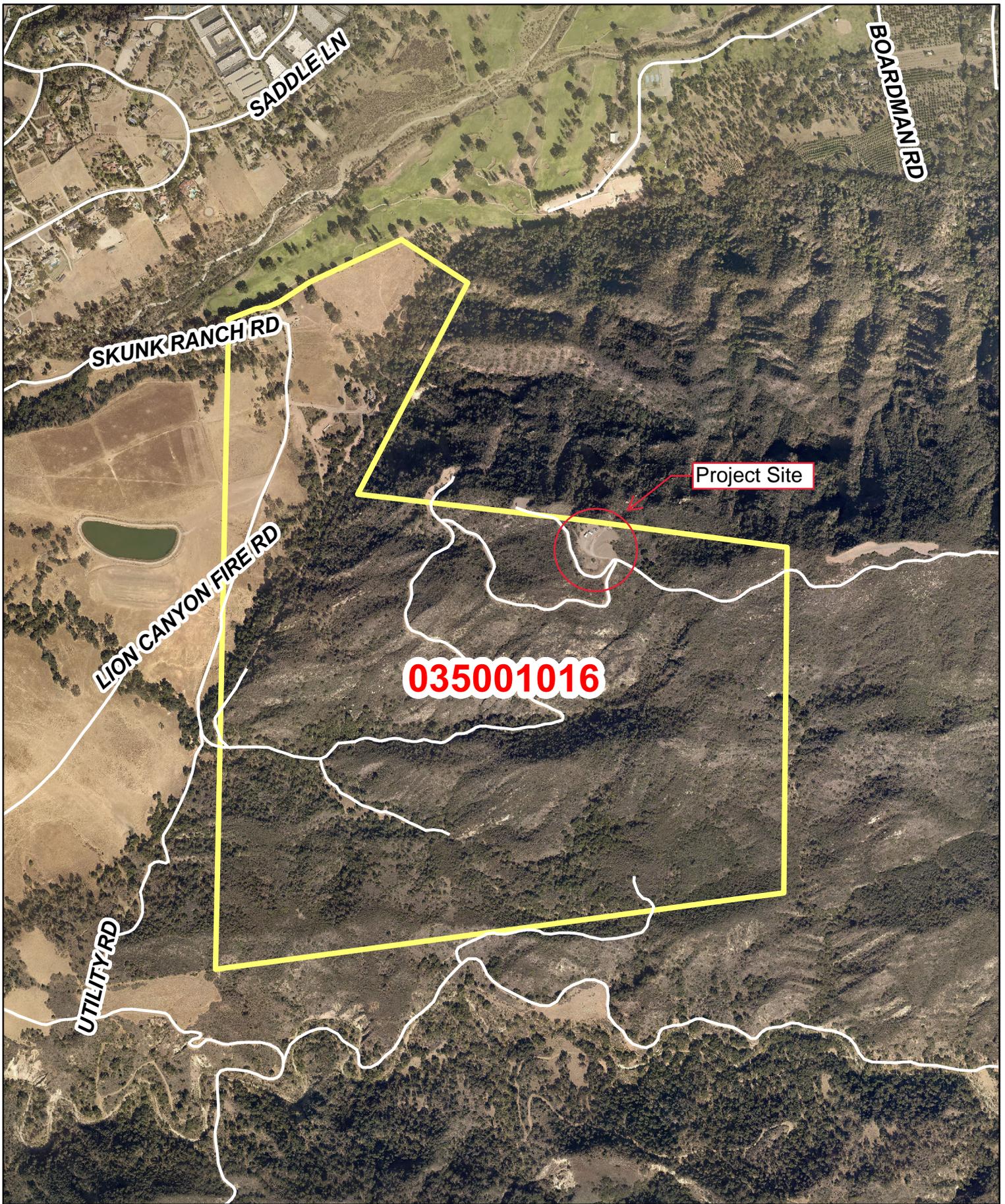
**County of Ventura  
 Planning Director Hearing  
 PL23-0045  
 General Plan & Zoning Map**



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



RH



Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 06-01-2023  
 This aerial imagery is under the  
 copyrights of Vexcel 2022

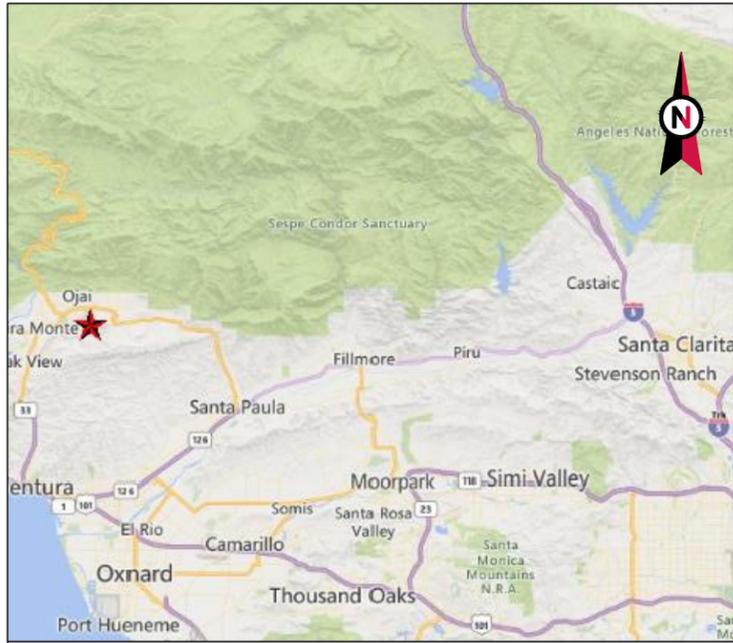


County of Ventura  
 Planning Director Hearing  
 PL23-0045  
 Aerial Photography



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VICINITY MAP



**AMERICAN TOWER®**

**SITE NAME: OJAI**  
**SITE NUMBER: 300770**  
**SITE ADDRESS: 12550 CREEK ROAD**  
**OJAI, CA 93023**



LOCATION MAP

County of Ventura  
 Planning Director Hearing  
 Case No. PL23-0045  
 Exhibit 3 - Site Plans

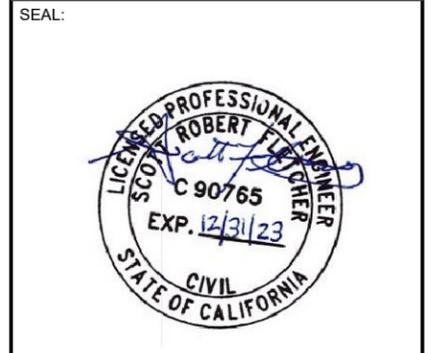
**CONDITIONAL USE PERMIT RENEWAL**

**AMERICAN TOWER®**  
**A.T. ENGINEERING SERVICE, PLLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 CARY, NC 27518  
 PHONE: (919) 468-0112  
 COA: P-1177

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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	12/05/22

ATC SITE NUMBER:  
**300770**  
 ATC SITE NAME:  
**OJAI**  
 SITE ADDRESS:  
 12550 CREEK ROAD  
 OJAI, CA 93023



Authorized by "EOR"  
 05 Dec 2022 09:25:23

DATE DRAWN: 12/05/22  
 ATC JOB NO: 14185986\_E1

**TITLE SHEET**

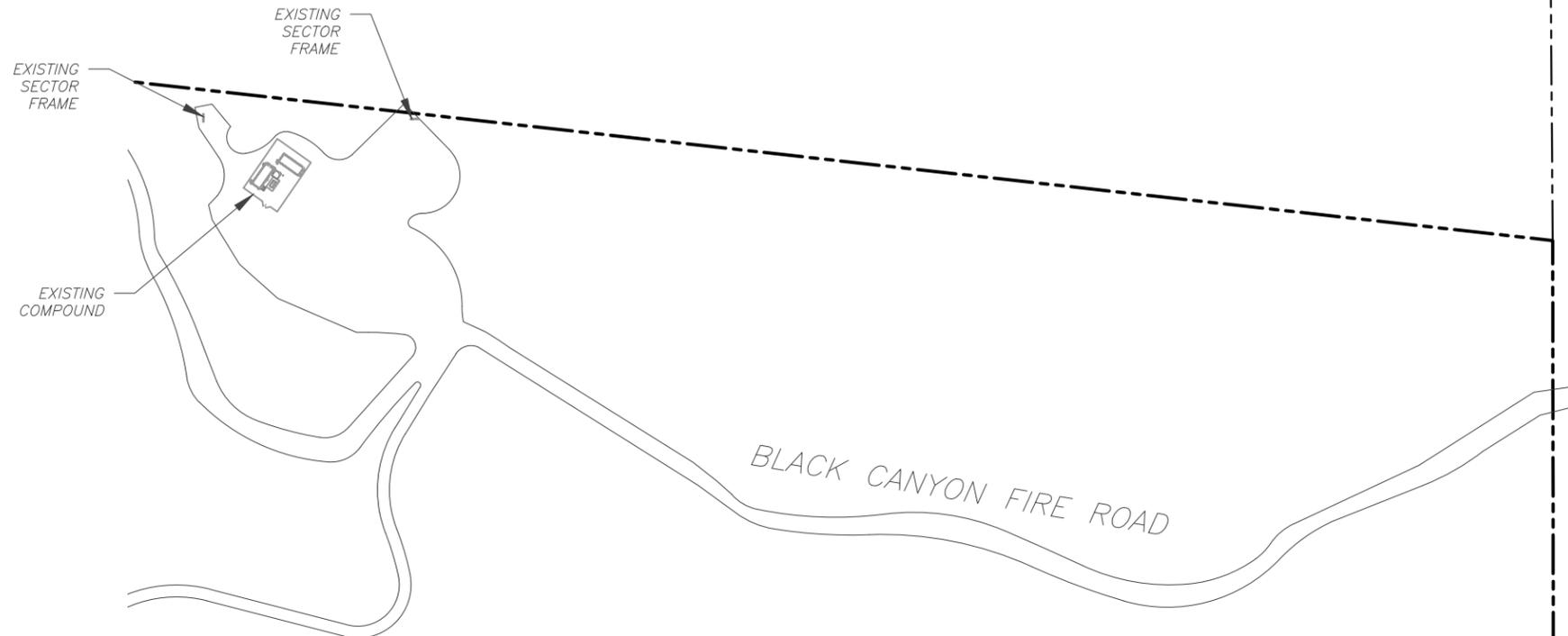
SHEET NUMBER: **G-001**  
 REVISION: **0**

COMPLIANCE CODE	PROJECT SUMMARY	PROJECT DESCRIPTION	SHEET INDEX				
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.  1. 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> 12550 CREEK ROAD OJAI, CA 93023 COUNTY: VENTURA  <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.43222222 LONGITUDE: -119.2292 GROUND ELEVATION: 1558' AMSL  <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA COUNTY PARCEL NUMBER: 035001016 ZONING: SCENIC RESOURCE	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.  <b>PROJECT NOTES</b> 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. EXISTING FACILITY MEETS OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE. 5. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED. 6. HANDICAP ACCESS IS NOT REQUIRED. 7. THE PROJECT DEPICTED IN THESE PLANS QUALIFIES AS AN ELIGIBLE FACILITIES REQUEST ENTITLED TO EXPEDITED REVIEW UNDER 47 U.S.C. § 1455(A) AS A MODIFICATION OF AN EXISTING WIRELESS TOWER THAT INVOLVES THE COLLOCATION, REMOVAL, AND/OR REPLACEMENT OF TRANSMISSION EQUIPMENT THAT IS NOT A SUBSTANTIAL CHANGE UNDER CFR § 1.61000 (B)(7).	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:
	<b>PROJECT TEAM</b>  <u>TOWER OWNER:</u> CALIFORNIA TOWER INC. 10 PRESIDENTIAL WAY WOBURN, MA 01801  <u>PROPERTY OWNER:</u> RMR LAND LLC 2000 AVENUE OF THE STARS, 7TH FLOOR LOS ANGELES, CA 90067  <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	<b>PROJECT LOCATION DIRECTIONS</b> 101N TO 126E TO 10TH ST TO OJAI. LEFT AT VENTURA RD. PASS POLICE STATION AND CITY HALL. FOLLOW UNTIL IT TURNS RIGHT OVER A BRIDGE, VEER OFF THE RD BEFORE THE BRIDGE. GO THROUGH THE GATE AND THROUGH THE WASH. FOLLOW IT PAST THE HOUSES AND GO RIGHT BEFORE THE BARN. FOLLOW THE DIRT RD STRAIGHT INTO HORSE PASTURE. THIS WILL LEAD UP THE MTN. NEAR THE TOP YOU WILL HAVE TO PASS THE RD GOING UP AND MAKE A U TURN AT THE OIL PUMP AND CONTINYE UP. ( THE TURN IS TOO SHARP TO MAKE) CONTINUE TO SITE.	G-001	TITLE SHEET	0	12/05/22	EB
	<b>UTILITY COMPANIES</b>  POWER COMPANY: SCE PHONE: (805) 655-4555  TELEPHONE COMPANY: TBD PHONE: (UNKNOWN)	<b>PROJECT LOCATION DIRECTIONS</b> 101N TO 126E TO 10TH ST TO OJAI. LEFT AT VENTURA RD. PASS POLICE STATION AND CITY HALL. FOLLOW UNTIL IT TURNS RIGHT OVER A BRIDGE, VEER OFF THE RD BEFORE THE BRIDGE. GO THROUGH THE GATE AND THROUGH THE WASH. FOLLOW IT PAST THE HOUSES AND GO RIGHT BEFORE THE BARN. FOLLOW THE DIRT RD STRAIGHT INTO HORSE PASTURE. THIS WILL LEAD UP THE MTN. NEAR THE TOP YOU WILL HAVE TO PASS THE RD GOING UP AND MAKE A U TURN AT THE OIL PUMP AND CONTINYE UP. ( THE TURN IS TOO SHARP TO MAKE) CONTINUE TO SITE.	C-101	OVERALL SITE PLAN	0	12/05/22	EB
	<b>PROJECT LOCATION DIRECTIONS</b> 101N TO 126E TO 10TH ST TO OJAI. LEFT AT VENTURA RD. PASS POLICE STATION AND CITY HALL. FOLLOW UNTIL IT TURNS RIGHT OVER A BRIDGE, VEER OFF THE RD BEFORE THE BRIDGE. GO THROUGH THE GATE AND THROUGH THE WASH. FOLLOW IT PAST THE HOUSES AND GO RIGHT BEFORE THE BARN. FOLLOW THE DIRT RD STRAIGHT INTO HORSE PASTURE. THIS WILL LEAD UP THE MTN. NEAR THE TOP YOU WILL HAVE TO PASS THE RD GOING UP AND MAKE A U TURN AT THE OIL PUMP AND CONTINYE UP. ( THE TURN IS TOO SHARP TO MAKE) CONTINUE TO SITE.	C-102	DETAILED SITE PLAN	0	12/05/22	EB	
			C-103	TOWER ELEVATION	0	12/05/22	EB
			C-501	SIGNAGE	0	12/05/22	EB

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**NOTES:**

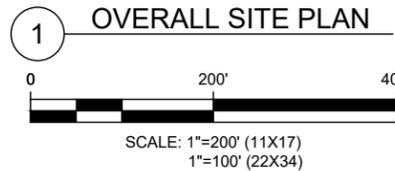
1. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
2. FIELD SURVEY DATE: N/A
3. BOUNDARY INFORMATION OBTAINED FROM: GIS



N/F  
 PN LL NO VENDOR  
 PARCEL #: 035001016

**SURVEY LEGEND**

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



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 SUITE 100  
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 COA: P-1177

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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	12/05/22

ATC SITE NUMBER:  
**300770**

ATC SITE NAME:  
**OJAI**

SITE ADDRESS:  
 12550 CREEK ROAD  
 OJAI, CA 93023

SEAL:

Authorized by "EOR"  
 05 Dec 2022 09:25:26

DATE DRAWN:	12/05/22
ATC JOB NO:	14185986_E1

**OVERALL SITE PLAN**

SHEET NUMBER: <b>C-101</b>	REVISION: <b>0</b>
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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	12/05/22

ATC SITE NUMBER:

**300770**

ATC SITE NAME:

**OJAI**

SITE ADDRESS:

12550 CREEK ROAD  
 OJAI, CA 93023

SEAL:



Authorized by "EOR"  
 05 Dec 2022 09:25:26



DATE DRAWN: 12/05/22

ATC JOB NO: 14185986\_E1

**DETAILED SITE PLAN**

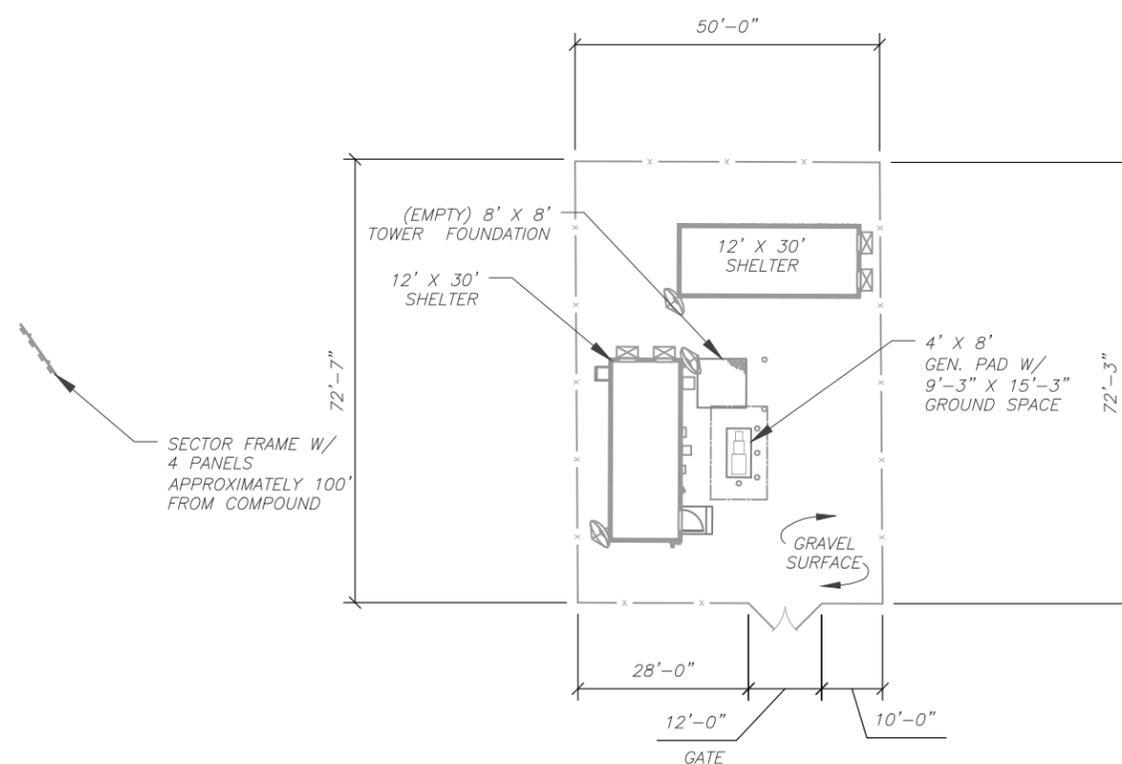
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**C-102**

REVISION:

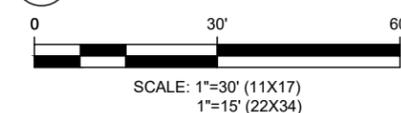
**0**

SECTOR FRAME W/  
 4 PANELS  
 APPROXIMATELY 100'  
 FROM COMPOUND



SECTOR FRAME W/  
 4 PANELS  
 APPROXIMATELY 100'  
 FROM COMPOUND

**1** DETAILED SITE PLAN



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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	12/05/22

ATC SITE NUMBER:

**300770**

ATC SITE NAME:

**OJAI**

SITE ADDRESS:

12550 CREEK ROAD  
 OJAI, CA 93023

SEAL:



Authorized by "EOR"  
 05 Dec 2022 09:25:26



DATE DRAWN: 12/05/22

ATC JOB NO: 14185986\_E1

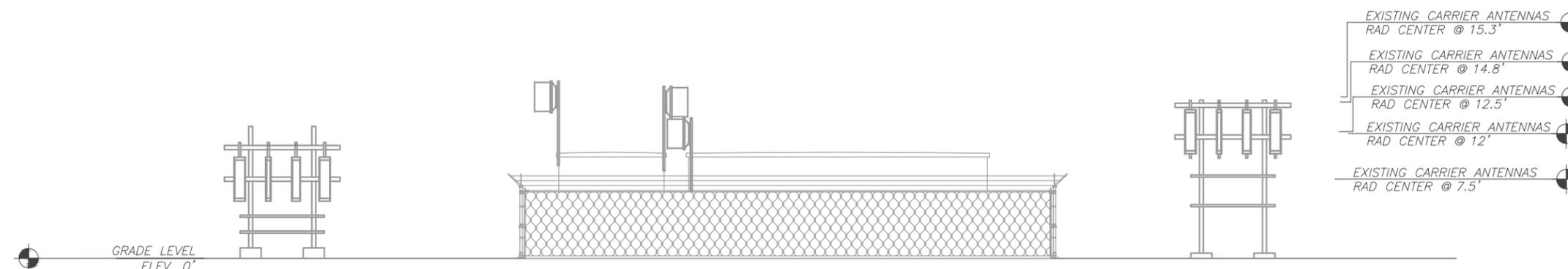
**TOWER ELEVATION**

SHEET NUMBER:

**C-103**

REVISION:

**0**



**2 TOWER ELEVATION**

SCALE: NOT TO SCALE

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# CAUTION



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

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

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

# NO TRESPASSING

ATC CAUTION AND NO TRESPASSING SIGN

# WARNING



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

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

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

ATC RF WARNING AND FCC NUMBER SIGN

## FCC TOWER REGISTRATION #

NOT REQUIRED

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

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SUITE 100  
CARY, NC 27518  
PHONE: (919) 468-0112  
COA: P-1177

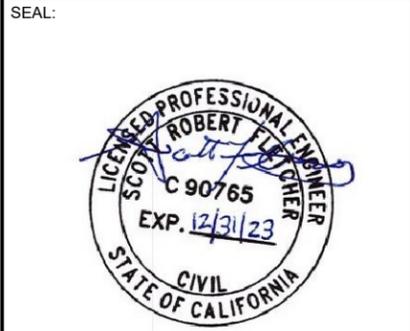
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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	EB	12/05/22

ATC SITE NUMBER:  
**300770**

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SITE ADDRESS:  
12550 CREEK ROAD  
OJAI, CA 93023



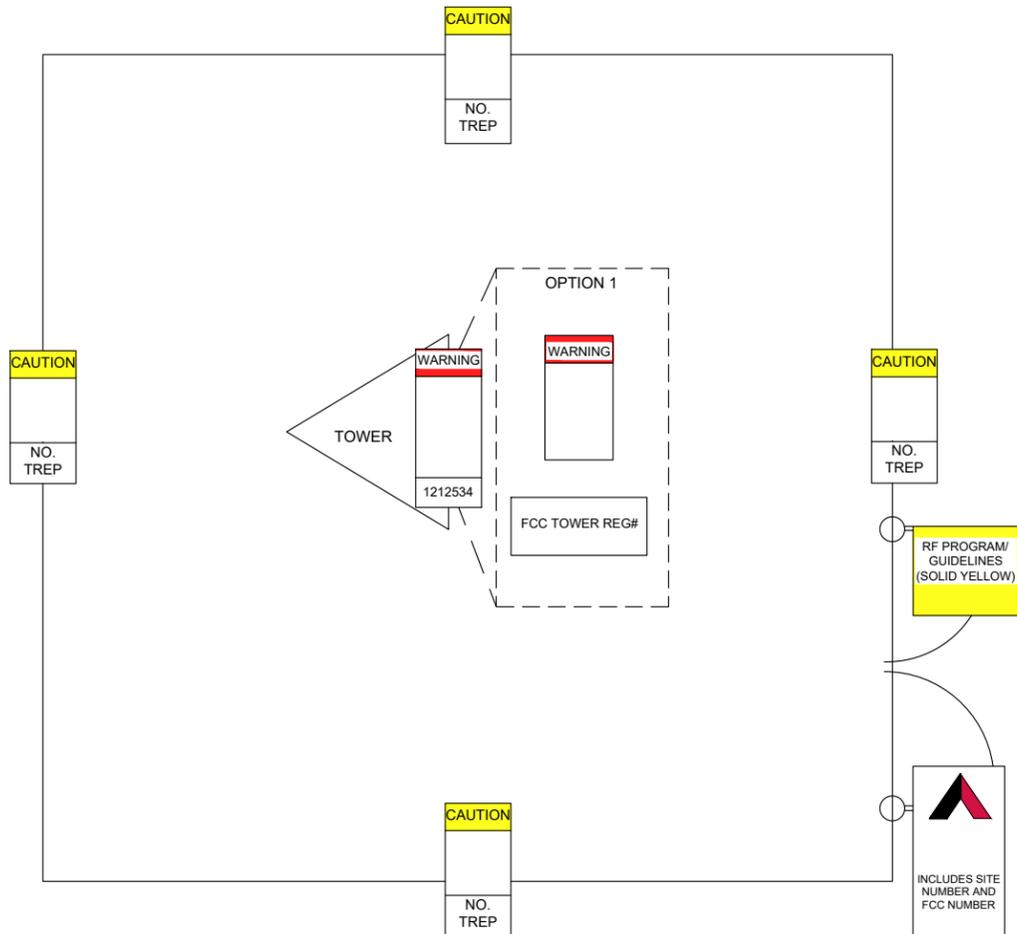
Authorized by "EOR"  
05 Dec 2022 09:25:26 cosign

DATE DRAWN:	12/05/22
ATC JOB NO:	14185986_E1

SIGNAGE

SHEET NUMBER: <b>C-501</b>	REVISION: <b>0</b>
-------------------------------	-----------------------

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



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

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

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

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

**SITE NAME :** OJAI  
**SITE NUMBER :** 300770  
**FCC REGISTRATION # :** NOT REQUIRED

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.

# South West Elevation

☀ 63°NE (T) ● 34.432502°, -119.230206° ±72ft ▲ 1574ft



SE

S

SW

W

120

150

180

210

240

270

300

☀ 210°SW (T) ● 34.432098°, -119.230214° ±13ft ▲ 1549ft



ATC/VERIZON ANTENNAS

28 Apr 2023, 12:19:56



## Exhibit 5 – General Plan and Ojai Area Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

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

### CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN FOR AMERICAN TOWER “BLACK MOUNTAIN” WIRELESS COMMUNICATION FACILITY (CASE NO. PL23-0045)

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 Conditional Use Permit (CUP) for the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0045).

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

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

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

The WCF is designed as a stealth facility and is not visible from public viewpoints. The design includes antennas affixed to two (2) “lollypop” poles, approximately 15-foot in height, painted and situated to blend in with the surrounding trees and chaparral. The WCF provides wireless telecommunication services to the surrounding area and is compatible with the neighboring land uses. There are no physical or operational changes proposed as part of the project. No new land use conflicts or visual impacts would occur with the continued use of the WCF. The site is accessed via Black Mountain Fire Road. No water is required for this project.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-16.1 and OV-17.1.

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

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

**COS 3.6 Open Space Character 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.*

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

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

The existing WCF is located on a ridgeline that is not prominently visible from any public viewing locations, scenic vistas, or scenic roadways. The WCF is designed as a stealth facility and includes antennas mounted to two (2) "lollypop" poles approximately 15-feet in height. All colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials and the antenna arrays are painted to visually blend in with the surrounding trees and chaparral.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-3.1, COS-3.5, COS-3.6, and OV-41.3.

- 3. HAZ 1.1 Fire Prevention Design and Practices Policy:** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

**HAZ 1.2 Defensible Space Clear Zones Policy:** *The County shall require adherence to defensible space standards, or vegetation "clear zones," for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

**HAZ 1.4 Development in High Fire Hazard Severity Zones and Hazardous Fire Areas Policy:** *The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection (CAL FIRE).*

**OV-49.1 High Fire Hazard Area Requirements:** *The County shall require discretionary development within high fire hazard areas to be reviewed with attention to the environmental impact of required brush clearance to biological resources, particularly on moderate to steep slopes. The County shall encourage brush clearance that reduces fuel volumes while allowing the selective retention of native shrubs a minimum of 20 feet apart, as permitted by the Ventura County Fire Protection District.*

**OV-49.2 Landscape Plan Requirements for High and Very High Fire Hazard Areas:** *The County shall require discretionary development in "high" and "very high" fire hazard areas, as determined by the Ventura County Fire Protection District to develop landscape plans utilizing fire-retardant plant material, cleared areas, or other acceptable means of reducing fire hazards consistent with Fire Protection District standards.*

The existing WCF is located in an area designated as a "very high fire hazard area". As such, the project is conditioned to ensure all structures meet hazardous fire area building code requirements. Additionally, conditions have been added to ensure grass and brush is removed in the areas surrounding the WCF and access roads (see Exhibit 6, Conditions of Approval Nos. 29-35).

The required brush clearance may make the WCF visible from Eligible Scenic Highways. However, the WCF is a stealth facility and includes design elements that allow the WCF to blend with the surrounding vegetation. Additionally, the WCF

is located more than one-half mile away from the Eligible Scenic Highways. Due to the distance from the Eligible Scenic Highways and design elements of the WCF, the facility is not prominently visible and does not substantially affect public views.

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-1.1, HAZ-1.2, HAZ-1.4, OV-49.1, and OV-49.2.

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

The 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 6, Condition No. 28).

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

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

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

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

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

The WCF will continue to provide service throughout the unincorporated Ventura area, including access to high quality cellular mobile communications. The

continued use of the facility ensures that residents and businesses in the coverage area receive a high quality of service.

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-1.1, PFS-7.1, PFS-7.5, and OV-42.1.

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

The proposed project is for the continued use of an existing WCF for a 10-year period. The WCF is located on land designated as grazing land of local importance pursuant to the Important Farmland Inventory. There are no proposed physical or operational changes. The proposed project does not have the potential to affect future agricultural uses of the subject property and adjacent lands, as no operational or physical changes are proposed as part of the project.

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

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

The WCF is designed as a stealth facility and includes panel antennas mounted on two (2) "lollypop" poles approximately 15-feet in height. The WCF is painted to match the existing vegetation. There are no reflective accessories or painted colors that would take away from the scenic vistas or roadways.

Based on the discussion above, the proposed project is consistent with General Plan Policy OV-42.2.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO.  
PL23-0045 FOR AMERICAN TOWER “BLACK MOUNTAIN” WIRELESS  
COMMUNICATION FACILITY (WCF) (Formerly CUP 4897 and LU11-0038)**

**RESOURCE MANAGEMENT AGENCY (RMA)**

**Planning Division Conditions**

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, exhibits of the Planning Director hearing on June 29, 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 CUP has been granted to the authorize the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The WCF includes the following components:

- Eight (8) panel antennas mounted on two (2) “lollypop” poles approximately 15-feet in height;
- Two (2) microwave dish antennas;
- One (1) 6-foot-high chain link fence enclosing a 3,600 square foot equipment area;
- Two (2) 360 square foot equipment shelters located within the enclosed equipment area;
- One (1) emergency generator located within the enclosed equipment 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 Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project.

## 2. Site Maintenance

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

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

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

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

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

## 3. CUP Modification

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

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

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

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

Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

5. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

6. Time Limits

a. Use inauguration:

1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year (see the Ventura County Non-Coastal Zoning Ordinance (§ 8111-4.7)) from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning

Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.

- b. Permit Life or Operations Period: This CUP will expire on July 10, 2033. 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 April 11, 2033; and
  2. The County decision-maker grants the requested modification.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 9. Recorded Notice of Land Use Entitlement

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

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

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

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

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

#### 10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition

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

- b. Establishment of Revolving Compliance Account: Pursuant to the requirements of CUP Case No. LU11-0038, the Resource Management Agency created Condition Compliance Case No. CC13-0025 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP Case No. LU11-0038. The Planning Division will continue to use Condition Compliance Case No. CC13-0025 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. CC13-0025, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

## 11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified

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

## 12. Invalidation of Condition(s)

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

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to

adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

### 13. Consultant Review of Information and Consultant Work

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

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

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

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

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

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

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

#### 15. Contact Person

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

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

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

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

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

#### 16. Resolution of Complaints

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

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

### 17. Change of Permittee

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

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

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

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

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

### 18. Reporting of Major Incidents

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

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

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

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

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

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

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

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

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

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

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

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

#### 20. 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.

## 21. Materials and Colors in the SRP Overlay Zone

**Purpose:** In order to ensure that buildings and structures comply with the development standards of the Scenic Resource Protection Overlay Zone § 8109-4.1.5 of the Ventura County Non-Coastal Zoning Ordinance and Ventura County General Plan Policy COS-3.1.

**Requirement:** The Permittee shall utilize building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) on exterior surfaces of all structures, including but not limited to the dwelling, water tanks, walls, and fences.

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

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

**Monitoring and Reporting:** The Planning Division maintains the approved plans in the Project file. Prior to occupancy, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures was treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the

approved plans consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

## 22. Paleontological Resources Inadvertently Discovered During Grading

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

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

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

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

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

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

## 23. Archaeological Resources Discovered During Grading

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

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

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

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

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

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

#### 24. Notice of Fire Hazard

**Purpose:** To comply with General Plan Policy HAZ 1.4. The policy states, “The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.”

**Requirement:** The Permittee shall record a Notice of Fire Hazard with the County Recorder.

**Timing:** Prior to the issuance of a Zoning Clearance for Use Inauguration.

**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.

#### **Mitigation Monitoring Conditions**

#### 25. MM1: Bryant’s Woodrat Nest Avoidance and Relocation

**Purpose:** In order to minimize impacts to woodrats, land clearing and construction activities shall be regulated.

**Requirement:** The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, “land clearing activities”), and construction in such a way as to minimize impacts to woodrats. This can be accomplished by implementing one of the following options:

1. The relocation or disturbance of wood rat midden areas are prohibited during the peak nesting season (November 1 through March 15).
2. Surveys: Conduct site-specific surveys prior to land clearing or construction activities. A County-approved qualified biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, hereafter referred to as “qualified biologist” shall survey suitable habitat for woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas that will be subject to land clearing activities 14 days prior to the initiation of land clearing or construction activities.

If the qualified biologist does not find any nests, then no further action is required.

3. Avoidance Measures:

- a. If the qualified biologist finds active woodrat nests, the Permittee shall implement a 50-foot radius buffer area around the nests in which land clearing activities will be avoided.
  - b. Wildlife exclusion fencing shall be installed around land clearing activities where middens are detected within 50 feet of the project footprint. Orange snow fencing is not considered a wildlife exclusion fence and is prohibited in areas where middens are found.
4. Relocation of Middens: If the minimum fencing distance cannot be achieved and the middens cannot be protected and/or avoided, the qualified biologist in consultation with CDFW, will select the location of artificial midden sites according to the following instructions:
- a. Artificial Midden Ratio: Artificial middens shall be installed at a 2:1 ratio for less than 5 middens impacted. If more than 5 middens are impacted in the population, the qualified biologist shall consult with the Planning Division to determine the appropriate ratio.
  - b. Artificial Midden Location: Midden locations shall include but not be limited to downed woody debris, cactuses, dense understory and overstory cover (ideally 90 percent cover), or other "core element" (e.g., a stump, large log, rock, rock outcrop), and outside of drainage channels. Artificial middens shall be placed in a clustered pattern relative to adjacent natural middens (when present) and no further than 550 feet of the project footprint.
  - c. Dismantling of Natural Middens: The entire midden site, including the aboveground midden and the below ground basement area, will be carefully examined to ensure that no adults or young are present before the midden is dismantled and the basement filled in.
  - d. Trapping: If woodrats are present a trapping effort will be initiated. The trapping will consist of two to three live traps per active midden site being set each evening for 3 days. The traps will be baited with oatmeal, peanut butter, and apple and will contain synthetic batting for use as nesting material. Traps will be checked the following morning within 1 hour following sunrise. Traps containing woodrats will be placed facing the entrance of relocated middens and opened, allowing the woodrats to leave the traps on their own accord. Each release site will be monitored for approximately 1 hour after each woodrat is released to determine the short-term success rate of the artificial middens.
  - e. Dismantling Middens: To provide refuge for woodrats that may become displaced, piles of sticks/vegetation/slash shall be placed between the midden site to be dismantled and the new artificial midden site, 3 days prior to dismantling. The midden will be dismantled by hand, removing the materials

layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden.

- f. Post-Midden Relocation: The qualified biologist will perform a survey to determine if the woodrat has reoccupied the project footprint following the implementation of the midden relocation measures.

5. Woodrat Presence and Activity After Midden Relocation:

- a. If newly constructed middens are found inside the project footprint following the commencement of land clearing activities, the trapping effort noted in section 4(d) above) shall be implemented.

**Documentation:** The Permittee shall provide to the Planning Division and CDFW a Survey Report from the qualified biologist that includes a map, physical description of middens (size, width, materials, etc.), a photo of each of the midden, and a plan for avoidance or relocation of the nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with the qualified biologist(s) who will monitor avoidance and relocation efforts. Following the completion of land clearing activities, the Permittee shall submit to the Planning Division and CDFW a Mitigation Monitoring Report from the qualified biologist(s) that documents the actions implemented to avoid or relocate woodrat nests, a map of the natural and artificial midden locations, trapping and relocation procedures, and the results of the relocation effort.

**Timing:** The qualified biologist shall conduct the survey within 30 days prior to the initiation of land clearing activities and follow all relocation timing protocols set forth in this condition (above). The Permittee shall submit the Survey Report and signed contract to the Planning Division, prior to the issuance of a Zoning Clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division reviews for adequacy, and maintains in the Project file, the signed contract, Survey Report, and Mitigation Monitoring Report. If the Planning Division confirms that the required surveys and relocation measures were not implemented in compliance with the requirements of this condition, then enforcement actions may be enacted in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

*Note: This mitigation condition only applies to construction activities. No construction is planned with this permit, however future construction or modification to the facility must abide by this mitigation condition.*

26. MM2: Special Status Wildlife Surveys and Relocation

**Purpose:** In order to prevent impacts to special status wildlife during construction, land clearing activities shall be regulated.

**Requirement:** A County-approved biologist with a California Department of Fish and Wildlife Scientific Collecting Permit shall conduct surveys for special-status wildlife, including coast horned lizard. The first survey shall be conducted 30 days prior to initiation of demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and surveys must continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of land clearing activities. The County-approved biologist shall relocate special-status wildlife species that are found on-site to suitable undisturbed habitat, at least 100 feet away from land clearing activities. If the County-approved biologist determines that silt fencing is necessary to prevent special-status wildlife from returning to the construction area or from falling into trenches, etc., the Permittee shall install silt fencing at the edge of the grading footprint. The County-approved biologist shall oversee the installation of the silt fencing.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial special-status wildlife survey and a plan for continued surveys and relocation of special-status wildlife in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and relocation of wildlife. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to prevent loss of special-status wildlife and results.

**Timing:** The County-approved biologist shall conduct the special-status wildlife surveys 30 days prior to initiation of land clearing activities, and weekly thereafter. The County-approved biologist shall conduct the last survey for special-status wildlife no more than 3 days prior to initiation of land clearing activities. The Permittee shall provide the Survey Report documenting the results of the first special-status wildlife survey and the signed contract to the Planning Division, prior to issuance of a Zoning Clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division reviews for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file. If the Planning Division confirms that the required surveys and relocation measures were not implemented in compliance with the requirements of this condition, then enforcement actions may be enacted in accordance with § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

*Note: This mitigation condition only applies to construction activities. No construction is planned with this permit, however future construction or modification to the facility must abide by this mitigation condition.*

27. MM3: Avoidance of Nesting Birds

**Purpose:** In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities shall be regulated.

**Requirement:** The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (February 1 – September 1 for Ventura County), in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (February 1 – September 1 for Ventura County) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied

nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

**Timing:** If land clearing or construction activities will occur between February 1 – September 1 for Ventura County NCZO, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

**Monitoring and Reporting:** The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

*Note: This mitigation condition only applies to construction activities. No construction is planned with this permit, however future construction or modification to the facility must abide by this mitigation condition.*

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

#### **28. Hazardous Materials/Waste Management (CUPA Permit Required)**

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

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

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

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

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

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

29. 10' Brush Clearance Along Road: Provide and maintain a minimum 10-foot brush clearance along each side of the required Fire District access roads / driveways / turnarounds serving structure(s) prior to any construction.
30. 100' Brush Clearance: Provide and maintain 100-foot defensible space/brush clearance zone, but not beyond the property line from all existing and new structures prior to any construction.
31. Obtain IFC Permits: Obtain applicable Ventura County Fire Code Permits.
32. Vertical Clearance: Provide and maintain a minimum 13-foot, 6-inch (13' 6") vertical clearance along all required Fire District access roads / driveways / turnarounds prior to any construction.
33. High Fire Hazard: Project is located in a Hazardous Fire Area. Building construction shall comply with the local Building Code of the jurisdiction where the project is located. Contact the Building Department for requirements for construction within a hazardous fire area.
34. Fuel Modification Zone and Landscape: Project is located within a Hazardous Fire Area. Fuel Modification Zone (FMZ) and landscape plans shall be submitted for review and approval to the Fire Prevention Bureau prior to Fire Department final inspection of the building or installation of any landscape, whichever occurs first. Where landscape plans have not been developed prior to a structure being ready for the Fire Department final, the owner may sign an affidavit that plans will be submitted prior to installation. See VCFD Guidelines 416.



## **Exhibit 7 – Mitigated Negative Declaration (MND) Addendum**

County of Ventura • Resource Management Agency • Planning Division

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

### **MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM FOR PL23-0045**

#### **A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:**

1. **Entitlement:** Conditional Use Permit (CUP) for continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0045)
2. **Applicant:** California Tower, Inc. C/O John Merritt, 630 Quintana Road, Suite 321, Moro Bay, CA 93442
3. **Property Owner:** RMR Petroleum, LLC, 2000 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067
4. **Location:** 12540 Creek Road, Ojai, CA 93023
5. **Tax Assessor's Parcel Number:** 035-0-010-165
6. **Lot Size:** 404.15 acres
7. **General Plan Land Use Designation:** Open Space
8. **Area Plan Land Use Designation:** Open Space
9. **Zoning Designation:** OS-40/SRP/TRU (Open Space – 40 acres minimum lot size/Scenic Resource Protection/Temporary Rental Units Overlay Zones)
10. **Project Description:** The applicant requests a CUP for the continued use, operation, and maintenance of an existing WCF for an additional 10-year period. The WCF includes the following components:
  - Eight (8) panel antennas mounted on two (2) “lollypop” poles approximately 15-feet in height;
  - Two (2) microwave dish antennas;
  - One (1) 6-foot-high chain link fence enclosing a 3,600 square foot equipment area;
  - Two (2) 360 square foot equipment shelters located within the enclosed equipment area;
  - One (1) emergency generator located within the enclosed equipment 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 Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project.

#### **B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

County of Ventura  
Planning Director Hearing  
Case No. PL23-0045  
Exhibit 7 - Addendum to the Adopted  
2013 Mitigated Negative Declaration

On February 13, 2013, the Planning Director approved LU11-0038 and adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of a new WCF designed as two (2) “lollypop” poles approximately 15-feet in height. The facility was constructed in compliance with the conditions of approval of the CUP and the mitigation measures of the adopted MND. The proposed project under PL23-0045 is for the continued operation of the existing facility and includes no modifications. Additionally, the conditions of approval for PL23-0045 include the mitigation measures of the adopted MND, which are related to avoidance of biological resources.

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

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

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

The proposed project is for the continued operation of an existing WCF constructed in compliance with the mitigation measures and conditions of approval for LU11-0038. There are no physical modifications and no new construction is proposed with the project.

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

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

The environmental conditions that constituted the baseline for the analysis of environmental impacts have not changed since the MND was adopted. Since no modifications or construction is proposed, the project would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

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

Since no new construction is proposed, there are no additional significant effects the project may have that were not discussed in the previous MND.

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

The potentially significant effects examined in the previous MND were related to construction activities for the facility. Mitigation measures to reduce the impacts to a less than significant level were included as conditions of approval to LU11-0038 and the facility was constructed in accordance with these mitigation measures. PL23-0045 for the continued operation of the existing facility includes the same mitigation measures in the conditions of approval. Since no new construction is proposed, the significant effects previously examined for construction activities would not be more severe than shown in the previous MND.

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

The previous MND did not identify mitigation measures or alternatives that would be infeasible. All mitigation measures from the MND were included as conditions of approval for both LU11-0038 for the construction of the facility and PL23-0045 for the continued operation of the existing facility. The mitigation measures of the previous MND reduced all potentially significant impacts to less than significant impacts with mitigation. Additionally, the project proponents did not decline to adopt the mitigation measures.

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

There are no mitigation measures or alternatives considerably different from those analyzed in the previous MND. The mitigation measures of the previous MND reduced all potentially significant impacts to less than significant impacts with mitigation and were included as conditions of approval on both LU11-0038 for the construction of the facility and PL23-0045 for continued operation of the

existing facility. Additionally, the project proponents did not decline to adopt the mitigation measures.

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

**C. PUBLIC REVIEW:**

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

Prepared by:



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

Reviewed by:



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

# county of ventura

## MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION:

Entitlement: LU11-0038

Applicant: Verizon Wireless

Location: Black Mountain approximately one-half mile south of the City of Ojai Soule Park Golf Course

Assessor Parcel No(s): 035-0-010-165

Parcel Size: 404.15 acres

General Plan Designation: Open Space

Zoning Designation: "OS-40 ac/SRP" (Open Space, 40 acre minimum lot size, Scenic Resource Protection Overlay Zone)

Responsible and/or Trustee Agencies: None

Project Description: The proposed project includes the continued use and modification of an existing wireless communication facility located at the Black Mountain site in the Ojai area. The proposed project includes:

- the removal of an existing 50-foot tall monopole with whip antennas;
- the installation of two 15-foot tall frames with four panel antennas mounted on each frame (for a total of 8 panel antennas) located along the ridgeline;
- two, 4-foot diameter microwave dish antennas to be installed on poles with a maximum height of 16 feet above ground located on the existing equipment shelter;
- one existing 360 square foot equipment shelter;
- removal of the existing 30 kilowatt emergency generator and installation of a new 40 kilowatt emergency generator located approximately 10 feet to the south within the fenced lease area; and
- one existing six foot high chainlink fence surrounding the 2,500 square foot equipment area.



The existing associated telecommunication equipment will remain in the existing prefabricated shelter. No new telecommunication equipment is proposed within the prefabricated shelter.

**B. STATEMENT OF ENVIRONMENTAL FINDINGS:**

State law requires the Resource Management Agency, Planning Division, as the lead agency for the proposed project, to prepare an Initial Study (environmental analysis) to determine if the proposed project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that the proposed project may have a significant effect on the environment, however mitigation measures are available which would reduce the impacts to less than significant levels. Therefore, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

**C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:**

MM1: Bryant's Woodrat Surveys and Buffers/Relocation of Nests  
MM2: Special Status Wildlife Surveys and Relocation  
MM3: Nesting Bird Surveys and Buffers

**D. PUBLIC REVIEW:**

**Legal Notice Method:** Direct mailing to property owners within 300 feet of the property on which the proposed project is located, and a legal notice in a newspaper of general circulation.

**Document Posting Period:** December 17, 2012 through January 16, 2012

**Public Review:** The Initial Study prepared for this proposed project has determined that the project will not have a significant environmental impact. The Initial Study/Mitigated Negative Declaration is available for public review on-line at [www.ventura.org/planning](http://www.ventura.org/planning) (select "CEQA Environmental Review") or at the County of Ventura, Resource Management Agency, Planning Division, 800 South Victoria Avenue, Ventura, California, from 8:00 am to 5:00 pm, Monday through Friday.

**Comments:** The public is encouraged to submit written comments regarding this Mitigated Negative Declaration no later than 5:00 p.m. on the last day of the above posting period to Jay Dobrowalski, the case planner, at the County of Ventura Resource Management Agency, Planning Division, 800 South Victoria Avenue L#1740, Ventura, CA 93009. The Planning Division's FAX number is (805) 654-2509. You may also e-mail the case planner at [jay.dobrowalski@ventura.org](mailto:jay.dobrowalski@ventura.org).

**D. CONSIDERATION AND APPROVAL OF THE MITIGATED NEGATIVE DECLARATION:**

Prior to approving the project, the decision-making body of the Lead Agency must consider this Mitigated Negative Declaration and all comments received on the Mitigated Negative Declaration. That body may approve the Mitigated Negative Declaration if it finds that all the significant effects have been identified and that the proposed mitigation measures will reduce those effects to less than significant levels.

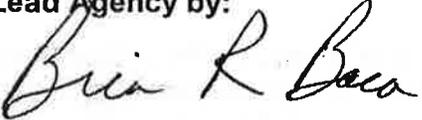
**Prepared by:**

**Reviewed for Release to the Public by:**

  
Jay Dobrowalski, Case Planner  
(805) 654-2498

  
for Brian R. Baca, Manager  
Commercial and Industrial Permits Section

**Recommended for Approval by  
Lead Agency by:**

  
For Kim L. Prillhart, Director  
Ventura County Planning Division

## PROJECT # LU11-0038 (Verizon)

### Section A. Project Description

1. **Project Number(s):** LU11-0038
2. **Name of Applicant:** Verizon
3. **Project Location:** The proposed project site is located on Black Mountain approximately one-half mile south of the City of Ojai Soule Park Golf Course (Attachment A). The existing equipment shelter is located on top of the south-facing side of the mountain and is not visible from the City of Ojai. The two proposed antenna frames will be located below the ridgeline of the mountain on the north-facing side and, due to the natural vegetation, will be partly visible from the City of Ojai. The proposed project site is located on Tax Assessor's Parcel Number 035-0-010-165.
4. **Project Description:** The proposed project consists of a request for a Conditional Use Permit (LU11-0038) for a wireless communication facility located partly on the site of an existing wireless communications facility on Black Mountain, Ojai. The proposed project includes:
  - the removal of an existing 50-foot tall monopole with whip antennas;
  - the installation of two 15-foot tall frames with four panel antennas mounted on each frame (for a total of 8 panel antennas) located along the ridgeline;
  - two, 4-foot diameter microwave dish antennas to be installed on poles with a maximum height of 16 feet above ground located on the existing equipment shelter;
  - one existing equipment shelter approximately 360 square feet;
  - removal of the existing 30 kilowatt emergency generator and installation of a new 40 kilowatt emergency generator located approximately 10 feet to the south within the fenced lease area; and
  - one existing six foot high chainlink fence surrounding the 2,500 square foot equipment area.

The existing associated telecommunication equipment will remain the existing prefabricated shelter. No new telecommunication equipment is proposed within the prefabricated shelter (Attachment B).
5. **Existing General Plan Designation and Zoning of the Project Site:** The General Plan land use designation of the proposed project site is "Open Space" and the zoning of the proposed project site is "OS-40 ac/SRP" (Open Space 40-acre minimum, Scenic Resource Protection Overlay Zone). The proposed project site is

located within the Ojai Area Plan; the Ojai Area Plan designation is "Open Space 40 acre minimum."

- 6. Description of the Physical Alterations/Improvements Caused by the Project (including site plan, elevations, off-site improvements, etc.):** See item 4 (Project Description), above. In addition to the development listed above, the proposed project includes trenching for underground powerlines from the equipment shelter to the two antenna frames.
- 7. Description of the Public Facilities (e.g., roads, water supply, sewers, utilities) that must be Extended or Expanded to Serve the Project:** None.
- 8. List of Responsible Agencies:** None.

**Section B**  
**Initial Study Checklist and Discussion of Responses**  
**PROJECT NO. LU11-0038 (Verizon)**

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

**RESOURCES:**

<b>1. Air Quality (APCD)</b>		X				X		
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Based on information provided by the applicant, air quality impacts will be below the five pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines. Therefore, the project will have a less than significant impact on regional air quality.

(Ventura County Air Pollution Control District Memorandum, April 25, 2011)

<b>2. Water Resources (PWA):</b>								
a. Groundwater Quantity		X				X		

The proposed project will not increase annual groundwater usage. Therefore, the proposed project will not result in any project-specific impacts related to groundwater quantity, or contribute to cumulative impacts related to groundwater quantity.

(Ventura County Watershed Protection District, Water & Environmental Resources Division Memorandum, April 25, 2011)

b. Groundwater Quality		X				X		
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Proposed project is not expected to result in violation of any groundwater quality objectives as defined in the Los Angeles Basin Plan. The emergency generator will have secondary containment for the diesel fuel and will have a hazardous material permit issued from the County Environmental Health Division. As such, neither the individual project nor the cumulative threshold for significance would be exceeded and the project is expected to have a less than significant impact on groundwater quality.

(Ventura County Watershed Protection District, Water & Environmental Resources Division Memorandum, April 16, 2012)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
c. Surface Water Quantity	X				X			

No surface water usage is proposed for the project. The proposed project will not result in any project-specific impacts related to surface water quantity, or contribute to cumulative impacts related to surface water quantity and . Therefore, the proposed project will have no impact on surface water quantity.

(Ventura County Watershed Protection District, Water & Environmental Resources Division Memorandum, April 16, 2012)

d. Surface Water Quality		X			X		
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The proposed project is not expected to result in a violation of any surface water quality standards as defined in the Los Angeles Basin Plan. In accordance with the Ventura Countywide Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit CAS004002, "Development Construction Program" Subpart 4.F, the applicant will be required to include Best Management Practices (BMPs) designed to ensure compliance and implementation of an effective combination of erosion and sediment control measures to protect surface water quality during construction. As such, neither the individual project nor the cumulative threshold for significance will be exceeded and the project is expected to have a less than significant impact on surface water quality.

(Ventura County Watershed Protection District, Water & Environmental Resources Division Memorandum, April 25, 2011)

3. Mineral Resources (Plng.):								
a. Aggregate	X				X			

The subject property is not located on or adjacent to land classified as MRZ-2 or subject to an aggregate extraction CUP. Therefore, the proposed project will have no impact on the extraction of aggregate resources.

The subject property is not located adjacent to a road used as a principal means of access to an area that is the subject of an existing CUP for aggregate extraction, and the proposed use is not sensitive to the effects of truck traffic to and from an aggregate CUP. Therefore, the proposed project will have no impact on access to aggregate resources.

(Ventura County Initial Study Assessment Guidelines, 2010)

b. Petroleum		X			X		
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Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
<p>The proposed project site is located within a known petroleum resource area, which is subject to CUP (Case No. LU11-0006) for oil and gas exploration and production, and has the potential to impact petroleum resources. Planning Division staff consulted the state Division of Oil, Gas, and Geothermal Resources in order to evaluate the impacts of the proposed project on petroleum resources. The proposed project site is accessed via a road used as a principal means of access for oil extraction pursuant to the CUP. However, the proposed project will require approximately one vehicle trip per month for maintenance and, at that rate, is unlikely to interfere with oil and gas exploration and production activities associated with the CUP. Therefore, the proposed project will have a less than significant impact on the extraction of, and access to, oil resources.</p> <p>(Ventura County Initial Study Assessment Guidelines, 2010, and personal conversation with Bruce Hesson, DOGGR, February 28, 2012)</p>								
<b>4. Biological Resources</b>			X				X	

This project would have potentially significant, but mitigable, impacts on biological resources. The following responses to the Initial Study Checklist were prepared based on information provided in the Initial Study Biological Assessment (ISBA)<sup>1</sup> prepared for the project, County biological resources maps, and a site visit conducted by the Planning Division staff biologist on July 19, 2011.

### Species

#### Plants

Rincon Consultants conducted a biological survey on March 17, 2011, and a rare plant survey on June 7, 2011, and found no special-status plants within the proposed antenna and cabinet locations, including the Ventura County Fire Protection District (VCFPD) required fuel modification areas. Therefore, no impacts are expected on special-status plants.

#### Animals

Woodrat nests were observed within the project area that could be impacted by installation of the antenna mounts, trenching for cables, and vegetation removal for fuel modification around the antenna sites and cabinets. Because there is a potential for the woodrats to be the Bryant's woodrat (San Diego desert woodrat), which is a California Species of Special Concern, the potential loss of these nests is a potentially significant impact unless mitigated through implementation of Mitigation Measure 1, Bryant's Woodrat Surveys and Buffers/Relocation of Nests.

<sup>1</sup> Rincon Consultants, Inc. July 27, 2011. Initial Study Biological Assessment for LU11-0038: CUP Application for a Wireless Communication Facility on Black Mountain, Ojai.

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

The coast horned lizard, a California Species of Special Concern, also has the potential to occur on the site. The site contains sage scrub/chaparral habitat with open areas, which is suitable habitat for the coast horned lizard. Vegetation removal and construction of the antenna mounts could result in the loss of coast horned lizards. Mitigation Measure 2, Special Status Wildlife Surveys and Relocation, will ensure that potential impacts on coast horned lizard are less than significant.

It is likely that birds that are protected by the California Fish and Game Code and the federal Migratory Bird Treaty Act nest within the project area. Vegetation removal during the nesting season to meet the fuel modification requirements could cause potentially significant impacts on nesting birds. This could occur during the first clearance of vegetation, as the low-growing grasses and weedy vegetation that would be cleared on an annual basis would be less likely to support nesting birds than the chaparral/sage scrub that exists on the site. However, implementation of Mitigation Measure 3, Nesting Bird Surveys and Buffers, will reduce this impact to a less than significant level.

**Ecological Communities**

**Sensitive Plant Communities**

California sagebrush – black sage plant community, which has a conservation ranking of G4S4, is located within the project site. Plant communities with a G4S4 ranking are not considered rare. Portions of this plant community within the project site are disturbed, and other portions are healthy with a diversity of other shrubs, including laurel sumac, sticky monkeyflower, bush sunflower, hollyleaf cherry, buck brush, and fuschia-flowered gooseberry, occurring along with the two dominant species, California sagebrush and black sage. Given that the plant community on the project site is not a rare plant community, and only approximately one-half of an acre would be removed for fuel modification around the antenna sites and equipment cabinets, impacts on plant communities are considered less than significant.

**Waters and Wetlands**

No waters or wetlands exist within or near the project site. The nearest watercourse is located more than 1,000 feet to the north of the site. Therefore, the project would not impact waters or wetlands.

**Habitat Connectivity**

The project site is located within the Sierra Madre-Castaic Linkage, which is a mapped regional wildlife corridor identified by the South Coast Missing Linkages Project. No local routes or corridors for wildlife were identified within the immediate project site. The project site contains existing wireless communication facilities, including antennas and equipment shelters and cabinets. The project footprint, which includes two antenna

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

mounts and equipment cabinets, is approximately 2,500 square feet and therefore would not introduce a barrier to wildlife movement within the linkage. The project also does not involve a significant increase in light, noise, or human activity that would disrupt wildlife movement in the area. Though the project would result in the removal of some native vegetation, it would not sever, substantially interfere with, or potentially block a habitat connectivity feature, and therefore the project's impacts on habitat connectivity would be less than significant.

**Mitigation Measures**

The following biological mitigation measures involve surveys prior to land clearing and avoidance or relocation of wildlife. Because the timing and required documentation for these three measures are the same, one Survey Report and one Mitigation Monitoring Report can be provided that demonstrates compliance with all three measures.

MM1: Bryant's Woodrat Surveys and Buffers/Relocation of Nests

**Purpose:** In order to minimize impacts on Bryant's woodrats (San Diego desert woodrats), the applicant shall implement avoidance measures.

**Requirement:** Prior to tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), a County-approved biologist with a California Department of Fish and Game (CDFG) Scientific Collecting Permit shall survey suitable habitat for woodrats within the proposed limits of disturbance and a 50-foot radius buffer area. If no nests are found, no further action is required. If active woodrat nests are found during the peak nesting season (February 1 through May 31), a 50-foot radius buffer area shall be established around the nests in which land clearing activities will be postponed until the end of peak nesting season to protect the nest.

Outside of the peak nesting season, nests can be relocated according to the following instructions and with a County-approved biological monitor present:

1) Create new habitat on adjacent areas not impacted by the project by providing a vertical structure using local native material such as tree and shrub trimmings stacked horizontally in areas that are under shady canopies and upslope of seasonal drainages. Piling rocks removed from the construction area can also be used to help achieve structure. If multiple nesting material structures are created they should be a minimum of 25 feet apart. It is important that the new nesting material be placed under shady areas or they will not be used. These areas should be in locations that do not presently provide this habitat structure to create new nesting opportunity and to reduce potential competition with existing woodrats.

2) After creating habitat outside of the construction footprint, begin vegetation clearance

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

around the nest structures to reduce woodrat dispersal back into the project area.

3) Nudge the nest with a front end loader type tractor to flush the woodrats from the nest. They will usually abandon the nest and run out into adjacent off site cover.

4) Carefully and slowly pick up the nest material with a front end loader (to allow any additional woodrats to escape) while maintaining a safe distance from the nest to reduce health hazards to the workers (dust masks should be used even when operating equipment).

5) Move the nest material to the creation area and place adjacent to the created nesting structure.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist that provides the results of the woodrat survey and a plan for avoidance or relocation of the nests in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with the County-approved biologist who will monitor avoidance and relocation efforts during land clearing activities. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist subsequent to the completion of land clearing activities that documents the actions taken to avoid or relocate woodrat nests.

**Timing:** The survey shall be conducted 30 days prior to the land clearing activities. The Survey Report and signed contract shall be provided to the Planning Division prior to issuance of a Zoning Clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division shall review for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

MM2: Special Status Wildlife Surveys and Relocation

**Purpose:** In order to prevent impacts on special-status wildlife during construction, land clearing activities shall be monitored, and wildlife shall be moved out of harm's way.

**Requirement:** A County-approved biologist with a CDFG Scientific Collecting Permit shall conduct surveys for special-status wildlife, specifically coast horned lizard. The first survey shall be conducted 30 days prior to initiation of tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

surveys must continue on a weekly basis with the last survey being conducted immediately prior to the initiation of land clearing activities. Individuals of special-status wildlife species that are found shall be relocated to suitable undisturbed habitat, at least 100 feet away from ground disturbance activities. CDFG shall be consulted if any species listed under the California Endangered Species Act are found, and USFWS shall be consulted if any species listed under the federal Endangered Species Act are found.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial special-status wildlife survey and a plan for continued surveys and relocation of special-status wildlife in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and relocation of wildlife. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to prevent loss of special-status wildlife and results.

**Timing:** Special-status wildlife surveys shall be conducted 30 days prior to initiation of land clearing activities, and weekly thereafter, and the last survey for special-status wildlife shall be conducted immediately prior to initiation of land clearing activities. The Survey Report documenting the results of the first special-status wildlife survey and the signed contract shall be provided to the Planning Division prior to issuance of a Zoning Clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division shall review for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

MM3: Nesting Bird Surveys and Buffers

**Purpose:** In order to prevent impacts on birds protected under the Migratory Bird Treaty Act, land clearing activities shall be monitored and active bird nests shall be avoided.

**Requirement:** The Permittee shall conduct all tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

1. Prohibit land clearing activities during the breeding and nesting season

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

(February 1 – August 31).

2. Conduct site-specific surveys prior to land clearing activities and avoid occupied bird nests.

Under Option #2, surveys shall be conducted to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest. All surveys shall be conducted by a County-approved biologist with a CDFG Scientific Collecting Permit.

Under Option #2, an initial breeding and nesting bird survey shall be conducted 30 days prior to the initiation of land clearing activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and a buffer of 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can occur outside of the setback areas. The County-approved biologist will establish the required setback area. (CDFG recommends a 300-foot buffer for most birds and in some cases a 500-foot buffer for raptors).

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any occupied nests discovered. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

**Timing:** If land clearing activities will occur between February 1 and August 31, nesting bird surveys shall be conducted 30 days prior to initiation of land clearing activities, and weekly thereafter, and the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Survey Report documenting the results of the first nesting bird survey and the signed contract shall be provided to the Planning Division prior to issuance of a zoning clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division shall review for adequacy the

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS

Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

*(Rincon Consultants, Inc. July 27, 2011. Initial Study Biological Assessment for LU11-0038: CUP Application for a Wireless Communication Facility on Black Mountain, Ojai, and Penrod, K., C. Cabanero, P. Beier, C. Luke, W. Spencer, and E. Rubin. 2005. South Coast Missing Linkages Project: A Linkage Design for the Sierra Madre-Castaic Connection. South Coast Wildlands, Idyllwild, CA. www.scwildlands.org.)*

<b>5. Agricultural Resources:</b>								
a. Soils (Plng.)	X				X			

The Important Farmlands Inventory lists the entire proposed project site as "Grazing." The loss of "Grazing" land is not considered significant pursuant to the Ventura County Initial Study Assessment Guidelines. Therefore, the proposed project will have no impact on agricultural soils.

*(Ventura County Initial Study Assessment Guidelines 2010)*

b. Land Use Incompatibility (Ag. Dept.)		X				X		
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This evaluation of agricultural impacts pertains to the introduction of incompatible land uses adverse to off-site agricultural lands and crop production. Areas of concern are generally those up to 300 feet from the proposed project site. There are no agricultural operations within 300 feet of the proposed project site. Therefore, project specific and cumulative effects will be less than significant.

*(Ventura County Initial Study Assessment Guidelines 2010)*

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
6. Scenic Resources (PIng)		X				X		

The proposed project site is located on a ridgeline within a Scenic Resource Protection Overlay Zone and will be visible from public viewing locations within the City of Ojai (Attachment C). The proposed communications facility will include two antenna frames that will be visible from the City of Ojai. The antenna frames will be 15 feet tall and will be painted a green color to blend in with the natural vegetation on the hillside. The proposed facility includes an existing equipment shelter on the ridge top that is not visible from the City of Ojai. The equipment shelter has one exterior light that is directed downward to avoid illumination of any areas than the door of the shelter. All of the construction work to install the new antennas will be done during daylight hours and will not use any lighting.

The proposed project will be consistent with the *Ventura County General Plan, Goals, Policies, and Programs*, as it has been sited and designed to: prevent significant degradation of the ridgeline, minimize alteration of the natural hillside, avoid silhouetting on the ridge top, use colors and materials that are designed to blend in with the natural surroundings, and minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward.

The proposed project will be consistent with the *Ojai Area Plan*, as the applicant has adequately demonstrated a public need for the antenna facility, and the facility will be conditioned to minimize visual impacts to the maximum extent feasible. The facility will be colored to blend in with the background view. The height of the facility will be limited to 15 feet. The facility will be subject to a condition of approval to require a compliance review at least once every ten years to ascertain whether there have been significant changes in antenna technology which would allow replacement of existing apparatus with smaller or less visually intrusive equipment. The facility will be subject to a condition of approval to require that all abandoned or unused antenna equipment shall be removed.

Therefore, the proposed project will have a less than significant impact on scenic resources.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
7. Paleontological Resources		X				X		

The proposed project site has a "high" probability of containing paleontological resources as shown in the Ventura County Planning Division database. The proposed project site has been previously developed with the existing communications facility and adjacent communications facilities. The proposed project includes ground disturbance activities for trenching and is limited to a depth of four feet six inches in areas which were previously disturbed. Additionally, proposed grading and construction activities will be subject to the Planning Division's standard condition of approval regarding the discovery of previously unknown subsurface resources, thereby avoiding potential impacts to any resources that are discovered during ground-disturbance activities. Therefore, the proposed project will have a less than significant impact on paleontological resources.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

8. Cultural Resources:								
a. Archaeological		X				X		

As previously discussed (Section B.7), the proposed project site is located on a site that has been previously developed with the existing communications facility and with adjacent communications facilities. The proposed project includes ground disturbance activities for trenching and is limited to a depth of four feet six inches in areas which were previously disturbed. Since the ground disturbance will not disturb any previously undisturbed soil, the proposed project does not have the potential to cause any impacts on archaeological or historic resources. A literature search found no record of likely cultural resources within 1/2 mile of the site. In addition, future grading and construction activities will be subject to the Planning Division's standard condition of approval regarding the discovery of previously unknown subsurface resources, thereby avoiding potential impacts to any resources that are discovered during ground-disturbance activities. Therefore, the proposed project will have a less than significant impact on archaeological resources.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
b. Historical (PIng.)	X				X			

The proposed project site has been previously developed with four wireless communications facilities. The project is site is not located near any known historic site. The proposed project is located on a property that has a residence that looks old. The residence is located approximately 3,000 feet to the northwest of the communications facility site, and at that distance, the proposed project does not have the potential to impact any historical resources. Therefore, the proposed project will have no project-specific or cumulative impacts on historical resources.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

9. Coastal Beaches & Sand Dunes	X				X			
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The proposed project is not located near, and does not have the potential to impact any coastal beaches or sand dunes. Therefore, the proposed project will have no impacts on coastal beaches and sand dunes.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

**HAZARDS:**

10. Fault Rupture (PWA)	X				X			
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There are no known active or potentially active faults extending through the proposed lot based on State of California Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act, and Ventura County General Plan Hazards Appendix - Figure 2.2.3b. There will be no impact related to potential fault rupture hazard.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

*(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)*

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
11. <b>Ground Shaking</b> (PWA)		X			X			

The property will subject to moderate ground shaking from seismic events on local and regional fault systems. The County of Ventura Building Code adopted from the California Building Code, dated 2010, Chapter 16, Division IV requires structures to be designed to withstand this ground shaking. There are no habitable structures associated with this application. Therefore, impacts related to ground shaking are considered to be less than significant.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)

12. <b>Liquefaction</b> (PWA)	X				X			
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The site is not located within a potential liquefaction zone based on the Ventura County General Plan Hazards Appendix – Figure 2.4b. This map is a compilation of the State of California Seismic Hazards Maps for the County of Ventura and is used as the basis for delineating the potential liquefaction hazards within the County. Therefore, there will be no impact from potential hazards from liquefaction.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)

13. <b>Seiche &amp; Tsunami</b> (PWA)	X				X			
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The site is not located adjacent to a closed or restricted body of water based on aerial photograph review (photos dated January 2011) and would not be subject to seiche hazard. The project is also not located within a tsunami inundation zone based on the Ventura County General Plan, Hazards Appendix Figure 2.6. Therefore, there will be no impact from potential hazards from seiche and tsunami.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
14. Landslides/Mudslides (PWA)		X			X			

The site is located in a hillside area of Ventura County. Based on an analysis conducted by the California Geological Survey, portions of the property are located in potential seismically induced landslide zones. The property also contains mapped landslides. The mapped landslides and potential seismically induced landslide areas are outside of the limits of the proposed project. The potential landslide hazards are considered to be less than significant.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Memorandum, Development & Inspection Services Division, Public Works Agency, January 29, 2009)

15. Expansive Soils (PWA)		X			X			
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Future development of the site will be subject to the requirements of the County of Ventura Building Code adopted from the California Building Code, dated 2010, Section 1803.5.3 that require mitigation of potential adverse effects of expansive soils. The hazard associated with adverse effects of expansive soils is considered to be less than significant.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)

16. Subsidence (PWA)	X				X			
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The subject property is not within the probable subsidence hazard zone as delineated on the Ventura County General Plan Hazards Appendix Figure 2.8 (January 27, 2004) and the project does not relate to oil, gas or groundwater withdrawal. Therefore, there will be no impacts related to subsidence hazards.

Seismic and geologic hazards are project and location specific and in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 21, 2011)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
<b>17. Hydraulic Hazards):</b>								
a. Non-FEMA (PWA)		X				X		

The project footprint is so small that increase in runoff from the site will be insignificant. Therefore, the adverse impacts relating to non-FEMA flooding are less than significant.

(Public Works Agency, Development & Inspection Services Division Memorandum, April 22, 2011)

b. FEMA (WPD)		X				X		
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The subject property is located out of the 1% annual chance floodplain as evidenced on the latest "Effective" Digital Flood Insurance Rate Map (DFIRM) issued by FEMA (January 20, 2010) (Panel 586 of 1275, Map # 06111C0586E). The property is mapped in an 'X Unshaded Zone' on the DFIRM Rate Map (outside the 100-year but within the 500-year floodplain). A Floodplain Development Permit is not required; however, a Floodplain Clearance will be required prior to the issuance of a Building Permit and/or a Grading Permit. Therefore, project specific and cumulative impacts related to flooding hazards will be less than significant.

(Watershed Protection District, Advanced Planning Section Memorandum, April 14, 2011)

<b>18. Fire Hazards (Fire)</b>		X				X		
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The proposed project will be required to comply with the 2009 International Fire Code as adopted and amended by VCFPD Current Ordinance for Fire Hazard Abatement and also the Building Code for required building standards. Compliance with the requirements of these Codes will ensure that project-specific impacts, as well as the project's contribution to cumulative impacts, will be less than significant.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

<b>19. Aviation Hazards (Airports)</b>	X				X			
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Since the proposed project is not located within two miles of any public airport, there will be no impacts relative to air traffic safety.

(Ventura County General Plan and the Ventura County Initial Study Assessment Guidelines, 2010)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
<b>20. Hazardous Materials/Waste:</b>								
a. Hazardous Materials (EH/Fire)		X				X		

The applicant will be required to obtain all applicable fire code permits for generators, and or battery storage. Compliance with the requirements for obtaining the fire code permits will ensure that the proposed project will have a less than significant project-specific and cumulative impact related to hazardous materials.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

b. Hazardous Waste (EH)	X				X			
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The proposed project is not considered an activity that generates hazardous waste. The project will not have any impacts relative to hazardous wastes.

(Resource Management Agency, Environmental Health Department Memorandum, April 14, 2011)

<b>21. Noise and Vibration</b>	X				X			
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The proposed project is a potential noise generator. However, there are no noise/vibration sensitive uses located within 3,000 feet of the project site. Therefore the proposed project will result in no impacts to noise/vibration sensitive uses.

(Ventura County Initial Study Assessment Guidelines, 2010)

<b>22. Daytime Glare</b>	X				X			
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The proposed project will not use any materials that could be a potential source of glare (reflective surfaces including metal and glass) and will not have the potential to generate any daytime glare. Therefore, the proposed project will have no impacts related to glare.

(Ventura County Initial Study Assessment Guidelines, 2010)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
23. Public Health (EH)		X				X		

The proposed project may have impacts to public health from hazardous materials. Compliance with applicable state regulations enforced by the Environmental Health Division will reduce potential impacts to a level considered less than significant.

(Resource Management Agency, Environmental Health Department Memorandum, April 14, 2011)

24. Greenhouse Gases (APCD)		X				X		
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The Ventura County Air Pollution Control District (APCD) has not yet adopted any approach to setting a threshold of significance for land use development projects in the area of project greenhouse gas emissions. As discussed in Section B.1 (above), the proposed project will generate less than significant impacts to regional and local air quality and the proposed project will be subject to a condition of approval to ensure that all project construction and operations are conducted in compliance with all APCD Rules and Regulations. Furthermore, the amount of greenhouse gases anticipated from the project will be a small fraction of the levels being considered by the APCD for greenhouse gas significance thresholds and far below those adopted to date by any air district in the state. Therefore, the project specific and cumulative impacts related to greenhouse gases will be less than significant.

(Ventura County Air Pollution Control District Memorandum, April 25, 2011)

**LAND USE:**

25. Community Character (PIng.)		X				X		
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The proposed project site is located in an area that is designated as "Open Space" by the General Plan. The proposed development will consist of the installation of a redesigned communications facility in an area that has been previously developed with four communications facilities. The proposed facility will include two antennas on the hillside that will blend in with the surrounding natural vegetation. No uses other than grazing occur within thousands of feet of the project site. The proposed project is compatible with, and has no adverse impacts on, the community character or the surrounding area. Therefore, the proposed project impacts to community character will be less than significant.

(Ventura County Initial Study Assessment Guidelines, 2010)

Issue (Responsible Department)	Project Impact Degree Of Effect*				Cumulative Impact Degree Of Effect*			
	N	LS	PS-M	PS	N	LS	PS-M	PS
26 Housing (PIng.)	X				X			

The proposed project will not eliminate any existing dwelling units. Furthermore, the proposed project will not result in 30 or more new full-time-equivalent lower-income employees (i.e., the threshold number and type of employees that have the potential to create a significant impact related to housing), and a corresponding increase in demand for housing. Therefore, the proposed project will have no impacts related to housing.

(Ventura County Initial Study Assessment Guidelines, 2010)

<b>PUBLIC FACILITIES AND SERVICES:</b>								
<b>27. Transportation/Circulation:</b>								
a. Roads and Highways:								
(1) Level of Service (PWA)	X				X			

The proposed project does not have the potential to generate any additional long term traffic on the Regional Road Network and local public roads. Furthermore, the proposed project is located in a remote area and does not front any County road. Therefore, the proposed project will have no adverse project-specific or cumulative traffic impacts related to the Level of Service (LOS) of roads and highways.

(Memorandum, Public Works Agency, Traffic, Advance Planning & Permits Division, February 9, 2012)

(2) Safety/Design, Public Roads	X				X			
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The proposed project does not add any additional trips to the roadways that afford access to the proposed project site. The proposed project will not impact LOS and does not front any County road. Therefore, the proposed project will have no adverse project-specific or cumulative impacts related to the safety/design of public roads.

(Memorandum, Public Works Agency, Traffic, Advance Planning & Permits Division, February 9, 2012)

(3) Safety/Design, Private Roads	X				X			
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See Impact 27a(4), Tactical Access (Fire)

(4) Tactical Access (Fire)	X				X			
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The existing private access road to the project site complies with the VCFPD's

access standards. Therefore, the proposed project will have no impact on access.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

b. Pedestrian/Bicycle (PWA/Plng.)		X				X		
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The proposed project will not generate pedestrian and bicycle traffic. Furthermore, the project is located in a remote area and does not front any County road. Therefore, the proposed project will have no project-specific or cumulative impacts related to the addition of pedestrians and bicycles into the area.

(Memorandum, Public Works Agency, Traffic, Advance Planning & Permits Division, February 9, 2012)

c. Bus Transit		X				X		
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The proposed project site is located approximately two miles to the southeast of Highways 33 and 150, which is the closest Gold Coast Area Transit bus route. The proposed project will not interfere with existing bus transit facilities or routes, and will not create an increased demand for additional bus transit facilities/services. Therefore, the proposed project will have no impact on transportation and circulation – bus transit.

(Ventura County Initial Study Assessment Guidelines, 2010)

d. Railroads		X				X		
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The proposed project site is located approximately 10 miles north of the City of Ventura, which is the closest rail line. The proposed project will not have the potential to impact any railroads. Therefore, the proposed project will have no impact on transportation and circulation – railroads.

(Ventura County Initial Study Assessment Guidelines, 2010)

e. Airports (Airports)		X				X		
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The proposed project site is not located within the sphere of influence of any airport within the County. Therefore, the proposed project will have no impact on transportation and circulation – airports.

(Ventura County Initial Study Assessment Guidelines, 2010)

f. Harbors (Harbors)	X				X			
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The proposed project site is not adjacent to any harbor, will not affect the operations of a harbor in any way, and will not increase the demands on harbor facilities. Therefore, the proposed project will have no impact on transportation circulation – harbors.

(Ventura County Initial Study Assessment Guidelines, 2010)

g. Pipelines	X				X			
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The proposed project site is not located over any identified minor or major pipelines or routes, and the proposed project will not have the potential to impact any pipelines. Therefore, the proposed project will have no impact on transportation and circulation – pipelines.

(Ventura County Initial Study Assessment Guidelines, 2010, and Planning Division Geographic Information Systems)

<b>28. Water Supply:</b>								
a. Quality (EH)	X				X			

The proposed project will not require a supply of domestic water. The project will not have any impacts to water quality.

(Resource Management Agency, Environmental Health Division Memorandum, April 14, 2011)

b. Quantity (PWA)	X				X			
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The proposed project does not require a permanent supply of water. Therefore, the proposed project is considered to have no project specific and no cumulative impact on water supply – quantity.

(Ventura County Watershed Protection District, Water & Environmental Resources Division Memorandum, April 16, 2012)

c. Fire Flow (Fire)	X				X			
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The proposed project does not require a water supply for fire protection purposes. Therefore, the proposed project will have no project-specific or cumulative impacts related to fire flow.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

<b>29. Waste Treatment/Disposal:</b>							
a. Individual Sewage Disposal System (EH)	X				X		

The proposed project will not require the use of an on-site sewage disposal system. The project will not create any adverse environmental impacts relative to on-site sewage disposal.

(Resource Management Agency, Environmental Health Division Memorandum, April 14, 2011)

b. Sewage Collection/Treatment Facilities	X				X		
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The proposed project will not require sewage disposal. The project will not have any impacts related to a sewage collection facility.

(Resource Management Agency, Environmental Health Division Memorandum, April 14, 2011)

c. Solid Waste Management (PWA)		X			X		
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Pursuant to the Integrated Waste Management Division's (IWMD's) factors for determining the significance of project impacts to solid waste facilities within Ventura County, any discretionary development project generating solid waste will impact the County's remaining solid waste disposal capacity. Additionally, as required by California Public Resources Code (PRC) 41701, Ventura County's Countywide Siting Element (CSE), adopted in June of 2001 and updated annually, confirms Ventura County has at least 15 years of disposal capacity available for waste generated by in-County projects. Therefore, because the County currently exceeds the minimum disposal capacity required by state PRC, the proposed project will have a less-than-significant project specific and cumulative impact upon remaining Ventura County solid waste disposal capacity.

(Public Works Agency, Water & Sanitation Department, Integrated Waste Management Division, April 8, 2011)

d. Solid Waste Facilities (EH)	X				X		
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The proposed project does not include a solid waste facility. The project will not have any impacts relating to solid waste facilities.

(Resource Management Agency, Environmental Health Division Memorandum, April 14, 2011)

30 Utilities	X				X		
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The proposed project site is currently served by existing electrical facilities. The proposed project will not require any expansion to the existing utility facilities. Therefore, the proposed project will have no impact on utilities.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

<b>31. Flood Control/Drainage:</b>							
a. WPD Facilities/Watercourses (WPD)		X				X	

The project site is remote from any Watershed Protection District jurisdictional red line channels. San Antonio Creek is located approximately 3,000 feet northerly of the site and Lyon Canyon is located approximately 4,000 feet southerly of the site. The impervious area of the proposed two installations is minimal and offset by removal of the existing tower and depression storage. The proposed project design will mitigate the direct and indirect project-specific and cumulative impacts to flood control facilities and watercourses. Therefore, the proposed project will have a less than significant project-specific impact and contribution to cumulative impacts on red line channels under the jurisdiction of the Watershed Protection District.

*(Watershed Protection Agency, Planning & Regulatory Division Memorandum, April 26, 2011)*

b. Other Facilities/Watercourses (PWA)		X				X	
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The project footprint is so small that increase in runoff from the site will be insignificant. Therefore, the adverse impacts, relating to drainage facilities are less than significant.

*(Public Works Agency, Development & Inspection Services Division Memorandum, April 22, 2011)*

32. Law Enforcement/Emergency Svs.		X				X	
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This proposed project is in an isolated area and will be similar to existing communications facilities in the area. Previous communications facilities activities in the area did not result in a significant impact to law enforcement/emergency services. The proposed project is expected to generate similar impacts. Therefore, the proposed project will have a less than significant impact on law enforcement/emergency services.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

<b>33. Fire Protection (Fire):</b>							
a. Distance/Response Time	X				X		

The proposed project will have no effect on the VCFPD's response times. Distance from full-time, paid fire station is adequate and information set forth in the project description does not indicate that a new fire station or additional equipment is required.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

b. Personnel/Equipment/Facilities	X				X		
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The proposed project will have no effect related to VCFPD personnel, equipment, or facilities. Distance from full-time, paid fire station is adequate and project does not indicate that a new fire station or additional equipment is required.

(Ventura County Fire Protection District Memorandum, April 14, 2011)

<b>34. Education:</b>							
a. Schools	X				X		

The proposed project is not located adjacent to any school facilities and will not have an impact on the demand for schools. The proposed project does not involve the creation of new housing or an increase in employees, which could generate a corresponding increase in demand for new school facilities. Therefore, the proposed project will have no impact on schools.

(Ventura County Initial Study Assessment Guidelines, 2010)

b. Libraries (Lib. Agency)	X				X		
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The proposed project is not located adjacent to any library facilities and will not have an impact on the demand for public libraries. The proposed project does not involve the creation of new housing or an increase in employees, which could generate a corresponding increase in demand for new library facilities. Therefore, the proposed project will have no impact on library facilities.

(Ventura County Initial Study Assessment Guidelines, 2010)

35. Recreation (GSA):	X				X			
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The proposed project site is not located near any parks or recreational facilities and will not have the potential to impact any recreational facilities. The proposed project does not involve the creation of new housing or an increase in employees, which could generate a corresponding increase in demand for new recreational facilities. Therefore, the proposed project will have no impact on recreational facilities.

*(Ventura County Initial Study Assessment Guidelines, 2010)*

**Degree of Effect:**

- N = No Impact.
- LS = Less Than Significant
- PS-M = Potentially Significant Impact Unless Mitigation Incorporated.
- PS = Potentially Significant Impact.

**Agencies:**

- Airports - Department Of Airports
- EH - Environmental Health Division
- Harbors - Harbor Department
- PWA - Public Works Agency
- Ag. Dept. - Agricultural Department
- Fire - Fire Protection District
- Lib. Agency - Library Services Agency
- Sheriff - Sheriff's Department
- APCD - Air Pollution Control District
- GSA - General Services Agency
- Plng. - Planning Division
- WPD - Watershed Protection District

**Section C. - Mandatory Findings of Significance**

Based on the information contained within Sections B and C:	Yes/ Maybe	No
Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	X	
Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).		X
Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effect of probable future projects. (Several projects may have relatively small individual impacts on two or more resources, but the total of those impacts on the environment is significant).		X
Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X

**Section D. - Determination of Environmental Document**

On the basis of this initial evaluation:

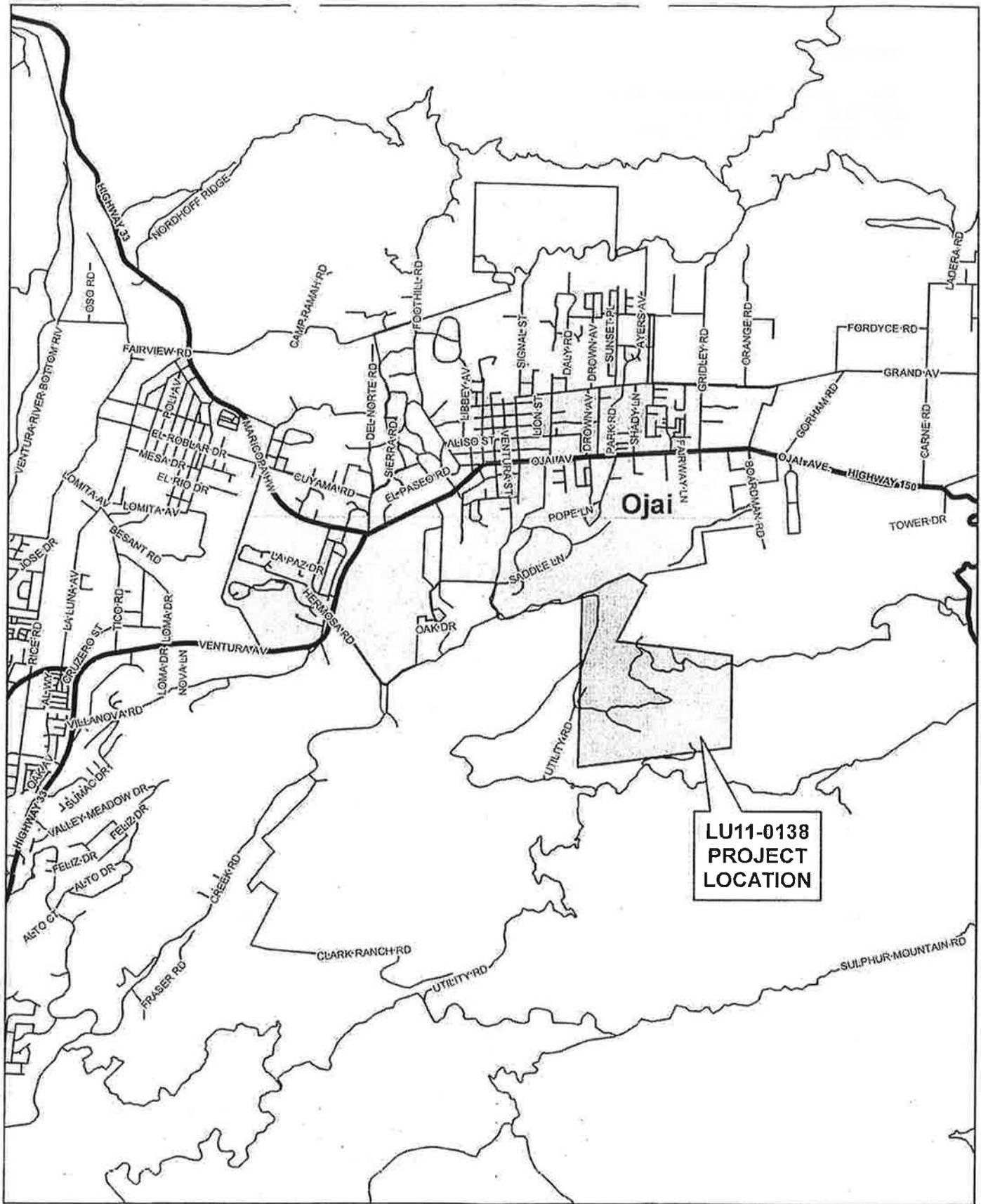
	I find the proposed project <b>could not</b> have a significant effect on the environment, and a <b>Negative Declaration</b> should be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project. A <b>Mitigated Negative Declaration</b> should be prepared.
	I find the proposed project, individually and/or cumulatively, <b>MAY</b> have a significant effect on the environment and an <b>Environmental Impact Report</b> is required.*
	I find that the proposed project <b>MAY</b> have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An <b>Environmental Impact Report</b> is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, <b>nothing further is required</b> .

  
Signature of Person Responsible for Administering the Project

12-11-12  
Date

Attachments:

- Attachment A – Project Location Map
- Attachment B – Project Plans
- Attachment C – Visual Simulations

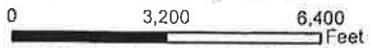


**LU11-0138  
PROJECT  
LOCATION**



Ventura County  
Resource Management Agency  
GIS Development & Mapping Services  
Printed on 11/03/2010

LOCATION MAP  
12540 CREEK RD.  
OJAI, CA 93023  
APN 035-0-010-165



Disclaimer: this map was created by the Ventura County Resource Management Agency, Mapping Services - GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance therein.

