



## Planning Director Staff Report Hearing on September 28, 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)

### **CROWN CASTLE: MESA SCHOOL WIRELESS COMMUNICATION FACILITY CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0021 (FORMERLY PL12-0078 AND CUP 4978)**

#### **A. PROJECT INFORMATION**

1. **Request:** The applicant requests a Conditional Use Permit (CUP) to authorize the continued operation and maintenance of a Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0021).
2. **Applicant:** Crown Castle, C/O Jim Lee, 200 Spectrum Center Drive, Suite 1700, Irvine, CA 92618
3. **Property Owner:** Mcgonigle Ranch Trust, C/O Debra Whiston, Trustee, 255 Maple Court, Suite 204, Ventura, CA 93003
4. **Applicant's Representative:** D4 Communications, LLC, C/O Scott Dunaway, 1114 State Street #234, Santa Barbara, CA 93101
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 172.7-acre property is located at 721 West La Loma Avenue, near the intersection of West La Loma Avenue and Center Road, near the community of Somis, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitute the project site is 109-0-031-025 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)

**8. Adjacent Zoning and Land Uses/Development:**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac, AE-160 ac (Agricultural Exclusive, 40-acre, 160-acre minimum lot size)	Agriculture
East	AE-40 ac	Agriculture and low density residential
South	AE-40 ac	Agriculture, low density residential, West La Loma Avenue
West	AE-40 ac	Agriculture and low density residential

**9. History:** On January 19, 1997, the Planning Director granted CUP 4978 for the construction, operation, and maintenance of the subject WCF for a 10-year period. The WCF was constructed as a monopole, 80-feet in height, with antennas for AT&T and ground mounted equipment cabinets within a fenced enclosure. On January 7, 2013, the Planning Director granted PL12-0078 which authorized telecommunication equipment upgrades and the continued operation and maintenance of the WCF. PL12-0078 expired on January 7, 2023.

**10. Project Description:** The applicant requests a CUP for the continued operation and maintenance of an existing WCF for a 10-year period. The existing WCF is designed as a stealth monopole, 80-feet in height, with antennas for AT&T and ground mounted equipment cabinets within a fenced enclosure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a private driveway from West La Loma Avenue. 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.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project includes the continued operation and maintenance of an existing WCF. The proposed project qualifies for Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

**C. CONSISTENCY WITH THE GENERAL PLAN**

The proposed project has been analyzed and determined to be consistent with all applicable General Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General Plan is included as Exhibit 4 of this staff report.

**D. ZONING ORDINANCE COMPLIANCE**

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

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

The proposed WCF 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 monopole that is effectively camouflaged by the surrounding vegetation.</p>
<p><b>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</b></p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <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 sited behind a cluster of trees and painted to blend in with their foliage.</p>

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

Special Use Standard	Complies?
<p><b>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</b></p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ol style="list-style-type: none"> <li>(1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6).</li> <li>(2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones.</li> <li>(3) Where the wireless communication facility is not prominently visible from a public viewpoint.</li> <li>(4) Within an area zoned Industrial.</li> <li>(5) Near existing public or private access roads.</li> <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> </ol>	<p>Yes. The WCF is not prominently visible from a public viewpoint.</p>
<p><b>Section 8107-45.4 (f)(4)(c), Height:</b></p> <p>A stealth facility that exceeds 80 feet in height shall be considered a non-stealth facility for entitlement processing under Section 8107-45. However, stealth design features may be included in the wireless communication facility to blend the facility with the surrounding environment.</p>	<p>Yes. The WCF is designed as a stealth monopole, 80-feet in height.</p>
<p><b>Section 8107-45.4 (g) Setbacks:</b></p> <ol style="list-style-type: none"> <li>(1) All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.</li> <li>(2) Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit.</li> <li>(3) Whenever feasible, a new ground-mounted wireless communication facility shall be set back from the property line to avoid creating the need for fuel clearance on adjacent properties.</li> </ol>	<p>Yes. The WCF meets all setback requirements.</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> <ol 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.</li> </ol>	<p>Yes. This is an existing WCF. There are no proposed changes which would impact the concealment elements.</p>

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

Special Use Standard	Complies?
<p>8107-45.4; or</p> <p>(3) Equipment and antennas are no longer concealed by the permitted stealth design features; or</p> <p>(4) Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.</p>	
<p><b>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</b></p> <p>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	<p>Yes. The WCF is not constructed or installed on a structure, site, or district designated by a federal, state, or County agency as a historical landmark or site of merit.</p>
<p><b>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</b></p> <p>(1) All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County’s Initial Study Assessment Guidelines.</p>	<p>Yes. The WCF is not located within an environmentally sensitive area. The WCF is located on an existing, legally disturbed area. There are no proposed modifications to the facility.</p>
<p><b>Section 8107-45.4 (n), Accessory Equipment:</b></p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes. The accessory equipment is effectively screened by existing vegetation and is 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.</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 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</p>	<p>Yes. No new landscaping is proposed. The WCF is</p>

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

Special Use Standard	Complies?
<p>deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>effectively screened by existing vegetation.</p>
<p><b>Section 8107-45.4 (r), Security:</b></p> <ol style="list-style-type: none"> <li>(1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.</li> <li>(2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</li> </ol>	<p>Yes. The WCF is located within a secure fenced enclosure with signage deterring access. The WCF is not located in an area designated as Urban and Existing Community in the General Plan.</p>
<p><b>Section 8107-45.4 (s), Lighting:</b></p> <ol style="list-style-type: none"> <li>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</li> <li>(2) Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</li> </ol>	<p>Yes. The existing 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> <ol style="list-style-type: none"> <li>(1) Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</li> <li>(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.</li> </ol>	<p>Yes. The site is accessed by a private driveway connected to West La Loma Avenue.</p>

## **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 4 of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The project involves the continued operation and maintenance of an existing WCF in an area surrounded by agricultural operations. The WCF is sited and designed so the facility is not visible from public viewpoints. No new effects on the surrounding agricultural land have been identified. There are no proposed operational or physical changes to the WCF.

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 project involves the continued operation and maintenance of an existing 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 5, 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 project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified. In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a

recurrence of such an incident (Exhibit 5, Condition Nos. 15, 16, and 18). Finally, the project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in conformance with all applicable County and state regulations (Exhibit 5, Condition No. 24).

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 project involves the issuance of a CUP for an existing facility. There will be no change in the surrounding land uses. The project is compatible with the existing and surrounding agricultural uses.

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

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

According to County records, the subject APN is comprised of a lot that was legally created by conveyance (deed recorded December 5, 1941, in Book 647, Page 497 of Official Records), prior to regulation by the Subdivision Map Act and the Ventura County Subdivision Ordinance.

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

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

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

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

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

There are no physical changes or modifications proposed as part of this project. The continued operation and maintenance of the WCF will not impact the existing agricultural resources or operations on the subject site or adjacent properties.

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

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

The WCF occupies a small portion of a 172-acre property predominately used for agriculture. There will be no impact to agricultural resources, including crops and soil, by the issuance of this CUP. Additionally, the project will not affect agricultural activities in the area.

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

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

The project involves a permit renewal for an existing facility. No land for agricultural productions will be removed as part of this project.

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

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On September 18, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On September 18, 2023, the Planning Division placed a legal ad in the Ventura County Star. As of the date of this document, no comments have been received.

**G. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;

4. **GRANT** the requested CUP (Case No. PL23-0021), subject to the conditions of approval (Exhibit 5).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 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:

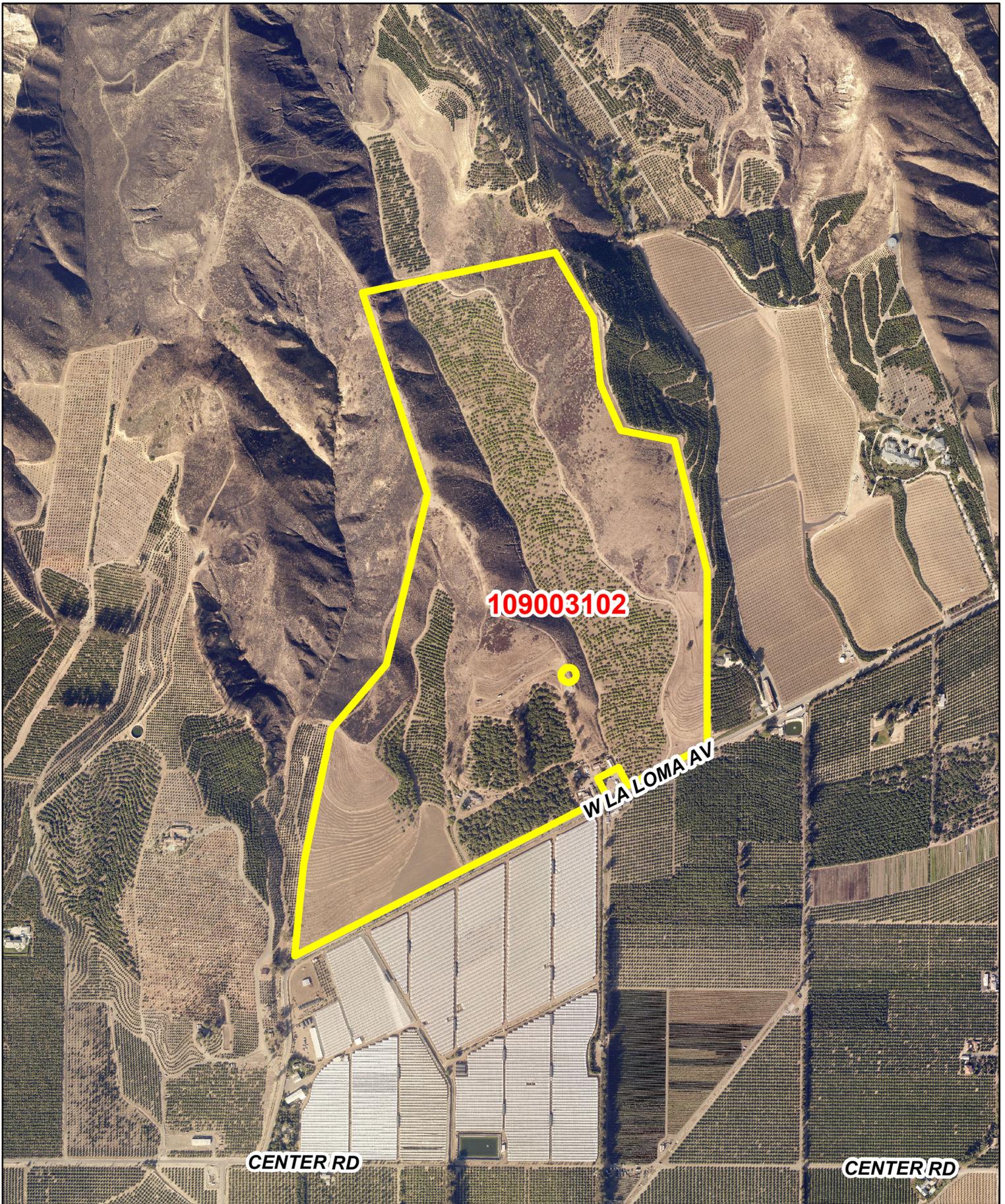


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Mindy Fogg, Manager  
Commercial/Industrial Permits Section  
Ventura County Planning Division

#### EXHIBITS

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



109003102

W LA LOMA AV

CENTER RD

CENTER RD



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 07-24-2023  
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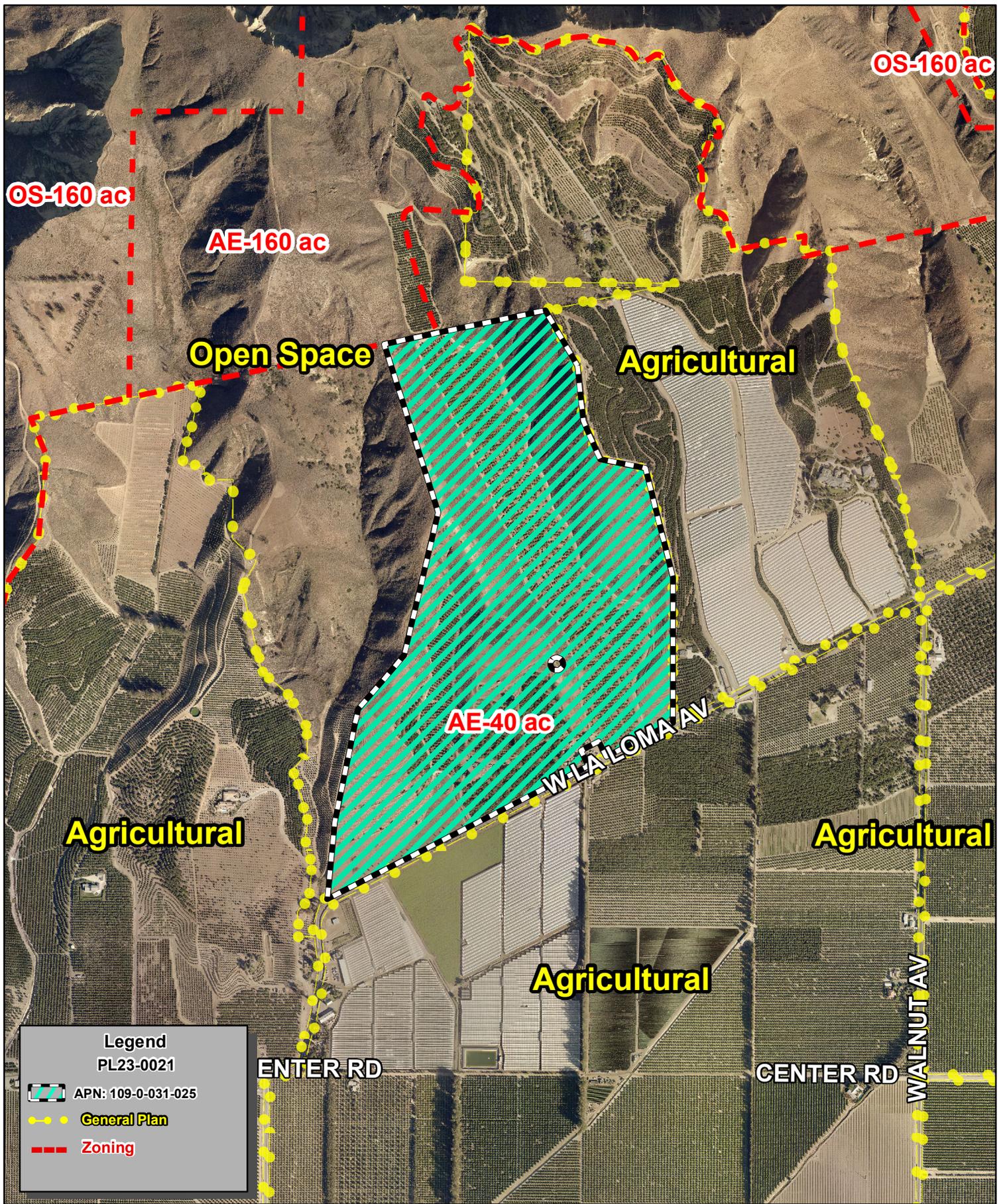


County of Ventura  
Planning Director Hearing  
Case No. PL23-0021  
Exhibit 2 - Maps



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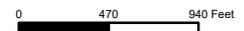




Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
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**County of Ventura  
 Planning Director Hearing  
 PL23-0021  
 General Plan & Zoning Map**



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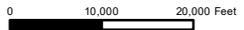
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Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 07-24-2023



**County of Ventura  
Planning Director Hearing  
PL23-0021  
Location Map**



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PLANS PREPARED BY:



**D4 Communications, LLC**

1114 State Street, Suite 234  
Santa Barbara, CA 93101

REVISIONS			
REV.	DATE	DESCRIPTION	INIT.
0	04/08/22	CUP RENEWAL	DL
1	04/12/22	CUP RENEWAL	DL

SITE INFORMATION:

**MESA SCHOOL**

845311

709 WEST LA LOMA,  
SOMIS, CA 93066

SHEET TITLE:

**ELEVATIONS**

SHEET NUMBER:

**A-3**

- EXISTING T.O. HIGHEST APPURTENANCE  
±83'-0" A.G.L.
- HEIGHT OF STRUCTURE  
80'-0" A.G.L.
- EXISTING AT&T ACL  
79'-0" RAD CENTER
- EXISTING AT&T MCL  
79'-0" RAD CENTER

- (E) AT&T EQUIPMENT
- (3) ANTENNAS
- (6) RRUs
- (2) OVPs

(E) 80'-0" MONOPOLE

- (E) AT&T FEEDLINES
- (8) COAX CABLES (7/8")
- (4) DC CABLES (3/4")
- (2) FIBER CABLES (3/8")
- (1) COAX CABLE (1/4")
- (4) 2" CONDUITS

(E) FENCE

**1 EXISTING EAST ELEVATION**  
SCALE: 3/16" = 1'-0"

- EXISTING T.O. HIGHEST APPURTENANCE  
±83'-0" A.G.L.
- HEIGHT OF STRUCTURE  
80'-0" A.G.L.
- EXISTING AT&T ACL  
79'-0" RAD CENTER
- EXISTING AT&T MCL  
79'-0" RAD CENTER

- (E) AT&T EQUIPMENT
- (3) ANTENNAS
- (6) RRUs
- (2) OVPs

(E) 80'-0" MONOPOLE

- (E) AT&T FEEDLINES
- (8) COAX CABLES (7/8")
- (4) DC CABLES (3/4")
- (2) FIBER CABLES (3/8")
- (1) COAX CABLE (1/4")
- (4) 2" CONDUITS

(E) FENCE

**2 EXISTING NORTH ELEVATION**  
SCALE: 3/16" = 1'-0"



## Exhibit 4 – General Plan Consistency Analysis

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### CONSISTENCY WITH THE GENERAL PLAN FOR CROWN CASTLE WIRELESS COMMUNICATION FACILITY: MESA SCHOOL (CASE NO. PL23-0021)

The 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 project is a Conditional Use Permit (CUP) for the continued operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL23-0021).

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

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

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

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

The project is for the continued operation and maintenance of an existing WCF. The WCF occupies a small portion of a 172-acre property predominately used for agriculture. No modifications or physical changes are proposed as part of this project and no agricultural land or crops will be impacted by issuance of this CUP. Additionally, the project will not affect agricultural uses on the subject and adjacent

properties. Finally, the WCF is fenced and sited on the subject site to avoid impacts to active agricultural operations.

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

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

The WCF is designed as a stealth monopole, 80-feet in height, that is effectively camouflaged by surrounding vegetation. The subject site is zoned Agricultural Exclusive and surrounded by properties used for agriculture and low density residential. The WCF would continue to provide wireless telecommunication services to the surrounding area and remain compatible with the neighboring land uses. No new land use conflicts or visual impacts would occur with the continued use of the WCF. There are no operational or physical changes proposed to the existing WCF. The site is accessed by an unpaved road connected to West La Loma Avenue. No water is required for this project.

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

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

The project was reviewed by the Department of Environmental Health (EHD). In response to EHD's review, the WCF would be conditioned to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 5, Condition No. 24).

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

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

**PFS-7.1 Accessible Public Utilities:** *The County shall work with utility companies and service providers to ensure that gas, electric, broadband, cellular mobile communications, cable television, and telephone utility transmission lines are*

*located appropriately to provide for adequate services throughout the unincorporated area.*

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

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

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

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0021 FOR CROWN CASTLE: MESA SCHOOL WIRELESS COMMUNICATION FACILITY (WCF) (FORMERLY PL12-0078 AND CUP 4978)**

**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 September 28, 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 operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period. The existing WCF is designed as a stealth monopole, 80-feet in height, with antennas for AT&T and ground mounted equipment cabinets within a fenced enclosure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a private driveway from West La Loma Avenue. 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 \_\_\_\_\_. 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 \_\_\_\_\_; 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. PL12-0078, the Resource Management Agency created Condition Compliance Case No. CC13-0002 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP Case No. PL12-0078. The Planning Division will continue to use Condition Compliance Case No. CC13-0002 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. CC13-0002, 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. Color/Material/Manufacture Specifications

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

**Requirement:** The Permittee shall:

- a. Construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. Provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. Construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. Provide photos to the Planning Division to verify that the facility is constructed as approved.

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

**Timing:** The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division for review and approval. Prior to final inspection of the communication facility, the Permittee shall provide photographs demonstrating that the Permittee constructed the facility in compliance with the approved plans, photo simulations, and materials sample/color board.

**Monitoring and Reporting:** The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the Project file. The Permittee shall provide photos of the constructed facility to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee constructed and painted the facility according to the approved plans, photo simulations, and materials sample/color board. The Planning Division maintains the Permittee's approved plans, photo simulations, materials sample/color board, and (if submitted in lieu of a site inspection) photo documentation in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

## 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.

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

#### 24. Hazardous Materials/Waste Reporting and Management – Battery Storage

**Purpose:** To ensure the storage, handling, and disposal of any potentially hazardous material associated with batteries at wireless communication facilities complies with applicable State and local regulations.

**Requirement:** Used batteries must be properly disposed of or recycled in accordance with state and local regulations. If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. This threshold shall be calculated as the cumulative total of all batteries on the site. 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 (CUPA) website: <https://vcrma.org/cupa>.

**Documentation and Reporting:** Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura County CUPA staff. CUPA staff may request any documentation needed to determine whether a substance is considered a hazardous material. CUPA staff may request a site visit to determine if reportable quantities are being storage at a location and therefore require the submission of a Hazardous Materials Business Plan (HMBP) and issuance of a permit.

**Monitoring:** Ventura County CUPA staff respond to issues related to the proper storage and disposal of hazardous materials and wastes. When applicable, the Ventura County CUPA issues hazardous material and hazardous waste permits and conducts site inspections.

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

25. Obtain IFC Permits: Obtain applicable Ventura County Fire Permits.