



Planning Director Staff Report Hearing on April 6, 2023

County of Ventura • Resource Management Agency

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

CROWN CASTLE DT OJAI MODIFIED CONDITIONAL USE PERMIT (CUP) CASE NO. PL22-0133

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of an existing Conditional Use Permit (CUP) to authorize the continued use, operation and maintenance of a Wireless Communication Facility (WCF) for a 10-year time period.
2. **Applicant:** Crown Castle, 200 Spectrum Center Drive Suite 1700, Irvine, CA 90067
3. **Property Owner:** RMR Land LLC, 2000 Avenue of the Stars, Los Angeles, CA 90067
4. **Applicant's Representative:** 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 Minor Modification.
6. **Project Site Size, Location, and Parcel Number:** The 404.15-acre property is located at 12540 Creek Road, near the intersection of Black Canyon Fire Road and Utility Road, near the community of Ojai Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitute the project site is 035-0-010-165.
7. **Project Site Land Use and Zoning Designations:**
 - 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 ac/TRU/DKS/SRP/HCWC (Open Space, 40-acre minimum lot size/Temporary Rental Unit Regulation Overlay/ Dark Sky Overlay/ Scenic Resource Overlay/ Habitat Connectivity Corridors Overlay.

8. Adjacent Zoning and Land Uses/Development:

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	City of Ojai	Soule Park Golf Course
East	OS-40 ac/SRP/TRU/DKS	Oil Production and Grazing Land
South	OS-40 ac/HCWC	Undeveloped Grazing Land
West	OS-40 ac/TRU/DKS/SRP/HCWC	Oil Production and Hiking Trails

9. History: On April 27, 1995, the Planning Director granted CUP 4894 for the subject communications facility, operated by AirTouch Cellular at the time, with an expiration date of April 27, 2005.

On July 25, 2011, the Planning Director approved LU09-0061 for the continued operation and maintenance of the existing WCF for an additional 10-year time period which expired on August 4, 2021.

10. Project Description: A Minor Modification to reinstate the expired CUP for the continued use, operation and maintenance of an existing Crown Castle WCF for an additional 10-year period. The existing facility is comprised of the following components:

- A 1000-square-foot lease area enclosed with a chain-link fence;
- Eight (8) 6-foot-tall panel antennas on 15-foot tall “lollipop” antenna support structures; and
- Associated ground mounted equipment cabinets.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The unmanned facility does not require water to operate. No exterior lighting or grading is proposed. There are no proposed operational or physical changes to the existing WCF.

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 use, 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 and Ojai Valley Area Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General Plan and Ojai Valley Area 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 OS zone district with the granting of a CUP. Upon the granting of the modified 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>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes, the design of the WCF is designed as eight (8) “lollypop” poles. All poles are 15 feet in height and the project is not proposing any modifications.</p>
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <p>(1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed</p>	<p>Yes, the WCF is located in an area where existing topography, vegetation, and structures effectively camouflage the proposed facility. The associated WCF equipment is colored to blend in with the existing topography, vegetation, buildings, and structures in the existing setting.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
facility; and (2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.	
<p>Section 8107-45.4 (e), Non-Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, wireless communication facilities should not be sited in the following locations:</p> <ol style="list-style-type: none"> 1. Within an area zoned Urban Residential. 2. Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when prominently visible from public viewpoints. 3. On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)). 4. Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)). 5. Within environmentally sensitive areas (see Sec. 8107-45.4(k)). 	<p>Yes, the existing WCF is located on a ridgeline that overlooks the City of Ojai and State Route 150. There are no proposed physical or operational changes. The existing WCF is not prominently visible from a public viewpoint.</p>
<p>Section 8107-45.4 (f)(6)(a)(b), Height:</p> <ol style="list-style-type: none"> 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. b. Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a). 	<p>Yes, the design of the existing WCF consist of eight (8) “lollypop” poles. The height of the antenna poles are fifteen (15) feet.</p>
<p>Section 8107-45.4 (g) Setbacks:</p> <ol style="list-style-type: none"> 1. All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines. 2. Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit. 	<p>Yes, the WCF is existing, and no portion of the antenna array extends beyond the property lines. The proposed WCF meets all setbacks from the property lines.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>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.</p>	
<p>Section 8107-45.4 (h) Retention of Concealment Elements: 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"> 1. A stealth facility is modified to such a degree that it results in a non-stealth facility; or 2. The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or 3. Equipment and antennas are no longer concealed by the permitted stealth design features; or 4. Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design. 	<p>Yes, the proposed project is for a 10-year renewal to an existing stealth WCF. There are no proposed operational or physical changes to the existing WCF.</p>
<p>Section 8107-45.4 (6a)(b)(c), Standards for Other Faux Stealth Facilities</p> <ol style="list-style-type: none"> 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. b. Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a). c. Faux light poles shall be designed to function as a light pole and match the design and height of existing light poles on the proposed site, provided that they do not exceed the height listed in Table 1 (Sec. 8107-45.4(f)(4)(a)). This standard is not applicable to light poles within the public right-of-way. 	<p>Yes, the existing stealth WCF consist of eight (8) "lollypop" poles. The tallest pole is 15 feet in height. The WCF is located on a ridgeline but is not prominently visible from any public viewpoint.</p>
<p>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit: 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,</p>	<p>Yes, the existing WCF is not constructed or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	
<p>Section 8107-45.4 (k), Environmentally Sensitive Areas:</p> <p>All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes, the WCF is existing and is not located within an environmentally sensitive area. The WCF is located on an existing legally disturbed area. There are no proposed modifications to the facility.</p>
<p>Section 8107-45.4 (l) Ridgelines:</p> <p>A wireless communication facility shall not be sited on a ridgeline or hilltop that is prominently visible from a public viewpoint when alternative sites are available. Applicants shall demonstrate that no feasible, alternative locations are available when proposing a wireless communication facility on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.</p>	<p>Yes, the existing WCF is located on a ridgeline above the City of Ojai and State Route 150. The WCF is not prominently visible from a public viewpoint. The WCF is designed as "lollypop" poles.</p>
<p>Section 8107-45.4 (m) Scenic Resource Protection Overlay Zone:</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 stealth WCF is south of Soule Park Road and Creek Road, which are identified as scenic viewing locations with the SRP overlay. The existing WCF is designed as eight (8) "lollypop" poles. The height of the antenna poles are fifteen (15) feet. The existing WCF is not visible from any scenic viewing locations due to the size of the WCF and existing natural features.</p>
<p>Section 8107-45.4 (n), Accessory Equipment:</p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes, all accessory equipment associated with the existing WCF are placed at ground-level and are screened to prevent the facility from being prominently visible from the public viewing area to the maximum extent feasible. All cabling has been installed underground from the equipment shelter to the antenna poles.</p>
<p>Section 8107-45.4 (o), Colors and Materials:</p>	<p>Yes, all colors and materials used for the WCF blend in with</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<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>the natural surroundings. The antenna arrays are painted green to blend in with the surrounding trees and chaparral. The equipment cabinets are painted tan to blend with the surrounding landscape. There are no reflective materials.</p>
<p>Section 8107-45.4 (p), Noise:</p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes, the operation of the WCF does not generate noise. The WCF is always operated and maintained to comply with the Ventura County noise standards.</p>
<p>Section 8107-45.4 (q), Landscaping and Screening:</p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>Yes, the existing WCF is designed as eight (8) “lollypop” poles. The height of the antenna poles ranges from are fifteen (15) feet. The WCF is situated on top of a ridgeline, however, it is not prominently visible from a public viewpoint. New landscaping is not necessary to screen the WCF at the time of the subject renewal.</p>
<p>Section 8107-45.4 (r), Security:</p> <ol style="list-style-type: none"> 1. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism. 2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened. 	<p>Yes, the chain-link fence around the WCF is not visible from public viewing areas. The site also includes “No Trespassing” signs around the fence. All fences have been constructed of materials and colors that blend in with the existing setting. The WCF is not located within areas designated as Urban and Existing Community in the General Plan.</p>
<p>Section 8107-45.4 (s), Lighting:</p> <ol style="list-style-type: none"> 1. No facility may be illuminated unless specifically required by the FAA or other government agency. 	<p>Yes, the existing WCF is not illuminated.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
2. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.	
<p>Section 8107-45.4 (t), Signage:</p> <p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</p>	Yes, the site includes signage indicating all necessary information related to the equipment for the operation of the facility.
<p>Section 8107-45.4 (u), Access Roads:</p> <ol style="list-style-type: none"> 1. Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements. 2. Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District. 	Yes, access to the site is via Black Canyon Fire Road from Utility Road, which are both privately maintained.

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 – Temporary Rental Unit Regulation, Dark Sky, Scenic Resource, and Habitat Connectivity Corridors Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Sec. 8104-7.1 - Scenic Resource Protection (SRP) Overlay Zone</p> <p>The purposes of this zone are:</p> <ol style="list-style-type: none"> a. To preserve and protect the visual quality within the viewshed of selected County lakes, along the County's 	Yes, the proposed project is existing and does not include any operational or physical changes. The proposed project has been conditioned to comply with the applicable Ojai Valley Scenic Resource Overlay Zone

Table 2 – Temporary Rental Unit Regulation, Dark Sky, Scenic Resource, and Habitat Connectivity Corridors Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>adopted scenic highways, and at other locations as determined by an Area Plan.</p> <p>b. To minimize development that conflicts with the value of scenic resources.</p> <p>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.</p>	<p>Standards (Exhibit 5, Condition No. 16).</p>
<p>Sec. 8104-7.5 – Temporary Rental Unit Regulation (TRU) Overlay Zone</p> <p>The purposes of this zone are to establish standards and requirements for the temporary rental of dwellings as accessory uses thereof within the overlay zone boundaries in order to:</p> <p>a. Ensure that the use of dwellings as temporary rental units does not adversely impact long-term housing opportunities in the Ojai Valley.</p> <p>b. Safeguard affordable housing opportunities for individuals working in service and other relatively low-wage sectors in the Ojai Valley so that such individuals can live in close proximity to their places of work.</p> <p>c. Preserve the residential, small-town community character of the Ojai Valley, and ensure that temporary rental units are compatible with surrounding land uses.</p> <p>d. Protect the health, safety and welfare of the temporary rental units’ renters, occupants, neighboring residents, as well as the general public and environment.</p>	<p>Yes, the proposed project does not include the rental of dwellings as an accessory use, therefore, the project would not adversely impact long-term housing opportunities in the Ojai Valley and the special use standards of the NCZO (Section 8109-4.6) would not apply.</p>
<p>Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone</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> <p>a. Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life;</p> <p>b. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires;</p>	<p>Yes, the proposed project is an existing unmanned WCF. The WCF is not illuminated. There are no proposed modifications to the existing WCF.</p>

Table 2 – Temporary Rental Unit Regulation, Dark Sky, Scenic Resource, and Habitat Connectivity Corridors Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<ul style="list-style-type: none"> c. Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security; d. Provide standards for efficient and moderate use of outdoor lighting; and e. Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires. 	
<p>Sec. 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone</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 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"> 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. 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. c. Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage. 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. 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. 	<p>Yes, the proposed project is for the renewal of an existing WCF. The WCF is unmanned and does not require to be illuminated. There are no proposed operational or physical changes. Therefore, the proposed project would continue to avoid impacts to wildlife.</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 Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

As discussed above, the existing stealth WCF is located on a ridgeline that overlooks the City of Ojai and State Route 150. The WCF is designed as eight (8) "lollypop" poles and are fifteen (15) feet in height. The WCF and accessory equipment are not prominently visible from public viewing areas. There are no proposed operational or physical changes to the existing WCF. Based on the design and location of the project, it will be in character with surrounding legally established development.

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 consisting of eight (8) "lollypop" poles. The WCF does not generate substantial noise or pose a health threat. The facility is entirely contained within a fenced area at the rear of the subject parcel. No adverse effect on neighboring property or uses has been identified. Additionally, the project is conditioned 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 WCF does not cause any nuisances or safety hazards. The facility is existing, and all equipment associated with the WCF is contained within a fenced area. All cabling has been installed underground from the equipment shelter to the antenna poles. The WCF is unmanned and does not generate substantial noise. There are no proposed operational or physical changes to the existing WCF.

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 facility 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 agricultural uses would occur with this modification for additional 10 years of use.

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

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

The 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, the CUP modification 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. 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 is a renewal of an existing CUP for an additional 10-year period. There are no proposed operational or physical changes to the existing WCF.

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). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and 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.

The project site is located in the City of Ojai's Sphere of Influence. Therefore, on January 12, 2023, the Planning Division notified the City of Ojai of the proposed project and requested the City to submit any comments on the proposed project. No comments were 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 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 Modification (Case No. PL22-0133), subject to the conditions of approval (Exhibit 5).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



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

EXHIBITS

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



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



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 07-21-2022

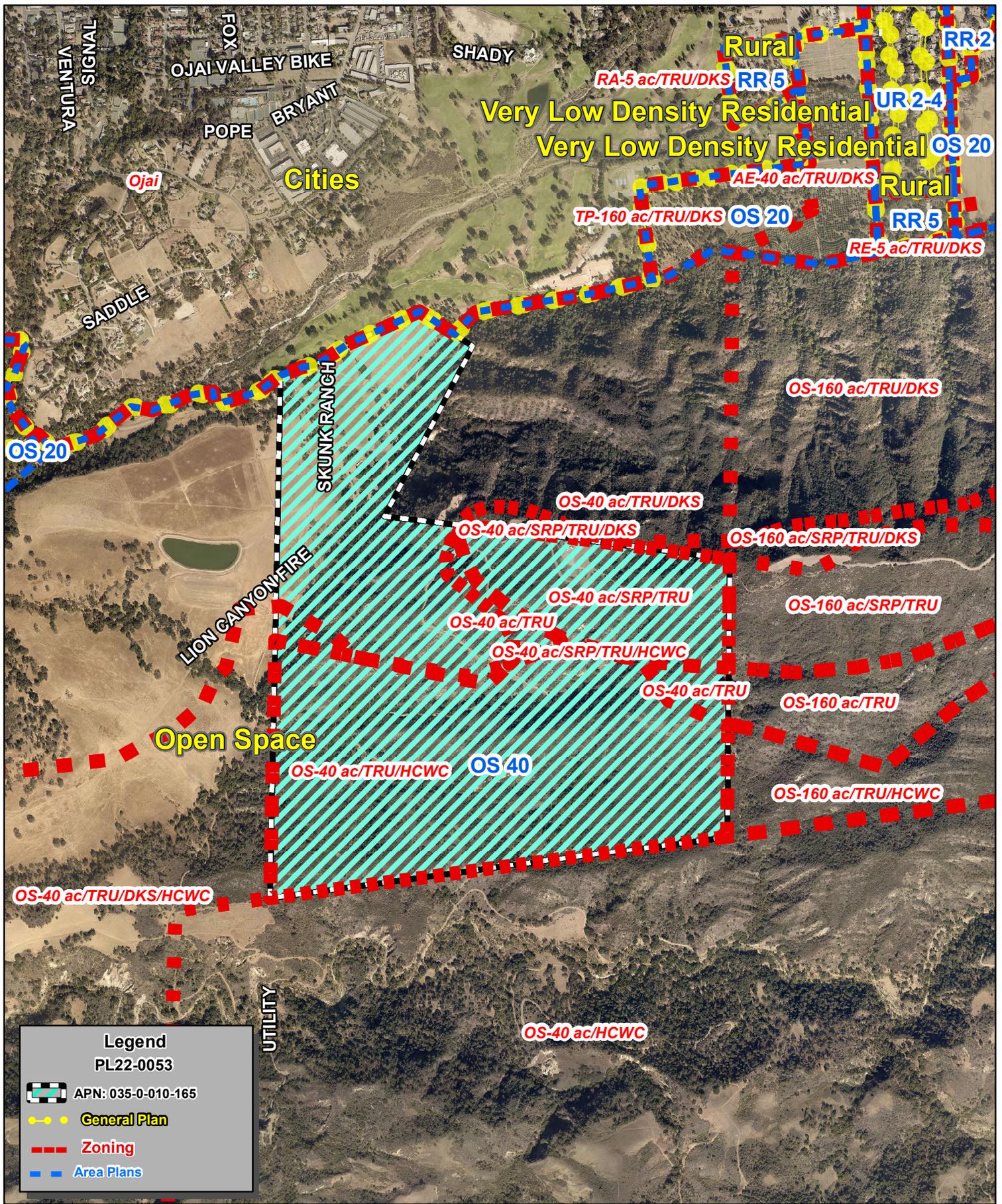


County of Ventura
Planning Director Hearing
Case No. PL22-0133
Exhibit 2 - Maps



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 decision involving a risk of economic loss or physical injury should be made in reliance thereon.

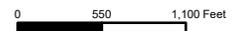




Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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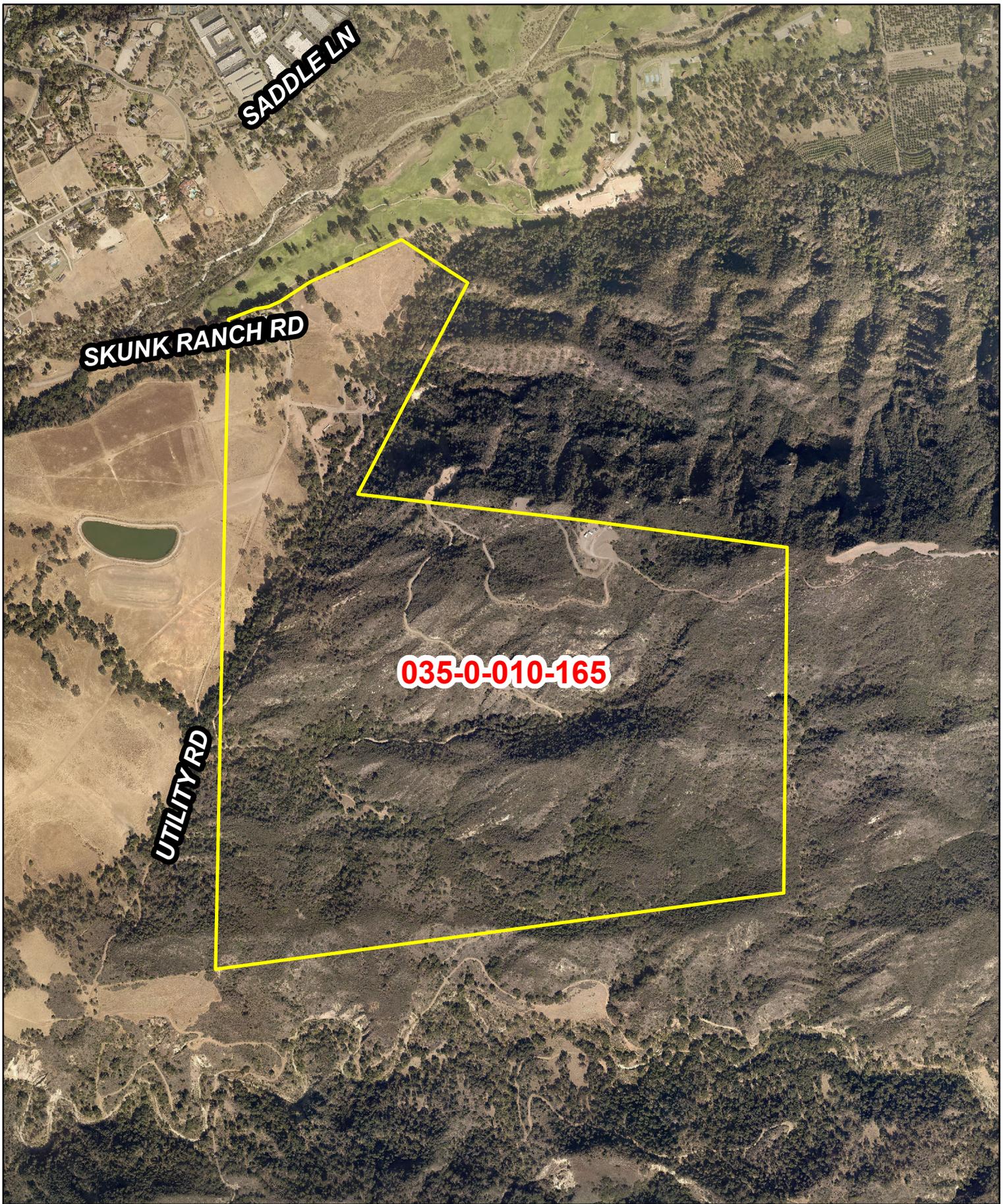
County of Ventura
 Planning Director Hearing
 Case No. PL22-0133
 Exhibit 2 - Maps



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



RH



SADDLE LN

SKUNK RANCH RD

UTILITY RD

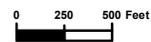
035-0-010-165



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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County of Ventura
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Exhibit 4

CROWN CASTLE DT OJAI PL22-0133 CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN

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 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.

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.*

The proposed facility is designed to have the least amount of visual impact while ensuring the adequate provision of public facilities and services. The WCF will provide radio telecommunication services to the surrounding area and is compatible with the neighboring uses. The existing WCF is located on a ridgeline that is not prominently visible by a public viewpoint. The WCF is designed as eight “lollypop” poles to reduce visibility from offsite. The height of the tallest pole is fifteen (15) feet. The design and color of the WCF would continue to blend in with the surrounding land uses. The site is accessed via Black Mountain Fire Road. No new land use conflicts or visual impacts would occur with the continued use of the WCF. There are no proposed operational or physical changes to the existing WCF. Lastly, no water is required for this project.

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

- 2. LU-16.2 Urban Design Standards for Commercial and Industrial Development:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and*

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Analysis

environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.

The existing WCF is a stealth antenna support structure designed as “lollypop” structures and helps maintain a high standard of urban design and environmental quality. The compact design of the facility and location minimizes land use conflicts and will have no impact on traffic congestion.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.2.

- 3. LU-16.10 Visual Access for Rural Development:** *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

The existing WCF is located above the City of Ojai on a property developed with additional wireless communication facilities and oil operations. The project is designed as stealth “lollypop” antennas that help maintain a high standard of urban design and environmental quality. The compact design of the facility and location minimizes land use conflicts and maintains the existing views of the hillsides.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.10.

- 4. 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.*

The existing WCF will ensure that cellular mobile communications infrastructure is provided for adequate services throughout the unincorporated area. The location of the facility is located appropriately to blend seamlessly into the surrounding environment.

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

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

The existing WCF will provide service to the unincorporated area outside of the City of Ojai and residents living nearby in the incorporated area. This site provides

high quality access to cellular mobile communications. The continued use of the facility and ability to add additional antennas ensures that the residents and businesses will maintain a high quality of service.

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

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

The existing WCF is not prominently visible from any County designated scenic roadways. The design as stealth “lollypop” antennas will help the facility blend seamlessly with the surrounding character of nearby scenic resources. No new visual impacts will be generated from the implementation of the proposed project.

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

7. COS-3.5 Ridgeline and Hilltop Preservation: *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 activity.*

The existing WCF is located on an already developed hill and is designed as a stealth facility that will blend in with the existing landscaping on site. The location of the site is below significant ridgelines and hilltops and no new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.5.

8. COS-3.6 Open Space Character: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

The existing WCF does not conflict with the scenic open space character of the surrounding area. The antennas are mounted on stealth antenna support structures and all ground mounted equipment is located within an equipment enclosure surrounded by a chain link fence. No new conflicts will occur with the implementation of the proposed project.

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

9. COS-9.1 Open Space Preservation: *The County shall preserve natural open space resources through:*

- *The concentration of development in Urban Areas and Existing Communities;*
- *Use of cluster or compact development techniques in discretionary development adjacent to natural open space resources;*
- *Maintaining large lot sizes in agricultural areas, rural, and open space areas;*
- *Discouraging conversion of lands currently used for agricultural production or grazing;*
- *Limiting development in areas constrained by natural hazards; and*
- *Encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production or grazing.*

The existing WCF does not conflict with the adjacent open space designated lands or uses of those lands. The facility is located in an already denuded area of the property near additional WCF locations. The antennas will be mounted on stealth “lollypop” support structures and all ground mounted equipment is located within an equipment enclosure surrounded by a chain link fence. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-9.1.

10. HAZ-1.1 Fire Prevention Design and Practices: *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: *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.*

The existing WCF meets all Ventura County Fire Protection District standards. The Fire Protection District has conditioned the project to comply with all requirements. No new conflicts will occur with the implementation of the proposed project.

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

11. COS-1.4 Consideration of Impacts to Wildlife Movement: *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

The existing WCF is located on an already denuded piece of property near an existing dirt roadway. The only portion of the existing facility that is gated is the small equipment area to prevent vandalism and the fence does not include barbed wire. No project specific or cumulative impacts to wildlife movement will be generated from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-1.4.

12. COS-1.5 Development Within Habitat Connectivity and Wildlife Corridors: *Development within the Habitat Connectivity and Wildlife Corridors overlay zone and Critical Wildlife Passage Areas overlay zone shall be subject to the applicable provisions and standards of these overlay zones as set forth in the Non-Coastal Zoning Ordinance.*

The existing WCF meets all applicable provisions of the Habitat Connectivity and Critical Wildlife Passage Areas overlay zones. The fenced lease area is at the minimum practical size to accomplish the goal of keeping people safe and limiting vandalism. No portion of the existing fence has barbed wire and there are no outdoor lights on site. No impacts to habitat connectivity or wildlife corridors will be generated from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-1.5.

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

The existing WCF is not prominently visible from any County designated scenic roadways. No new visual impacts will be generated from the implementation of the proposed project.

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

14. COS-3.5 Ridgeline and Hilltop Preservation: *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 activity.*

The existing WCF is located on an already developed portion of the subject lot and blends in with the existing oil uses on site. The location of the facility is lower in elevation than the surrounding hilltops and below significant ridgelines. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.5.

15.COS-3.6 Open Space Character: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

The existing WCF does not conflict with the scenic open space character of the surrounding area. The antennas are mounted on an existing lattice tower, and all ground mounted equipment is located within an equipment area surrounded by a chain link fence. No new conflicts will occur with the implementation of the proposed project.

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

16.COS-9.1 Open Space Preservation: *The County shall preserve natural open space resources through:*

- *The concentration of development in Urban Areas and Existing Communities;*
- *Use of cluster or compact development techniques in discretionary development adjacent to natural open space resources;*
- *Maintaining large lot sizes in agricultural areas, rural, and open space areas;*
- *Discouraging conversion of lands currently used for agricultural production or grazing;*
- *Limiting development in areas constrained by natural hazards; and*
- *Encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production or grazing.*

The existing WCF will not conflict with the adjacent open space designated lands or uses of those lands. The facility is located in an already denuded area of the property. The proposed time extension will not have any adverse effects on the preservation of the natural open space resources. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-9.1.

17.HAZ-1.1 Fire Prevention Design and Practices: *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: *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.*

The existing WCF will meet all Ventura County Fire Protection District standards. The Fire Protection District has conditioned the project to comply with all requirements. No new conflicts will occur with the implementation of the proposed project.

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

18.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 existing WCF has been reviewed and conditioned to ensure that it is compatible with the surrounding area. The design of the facility as stealth “lollypop” antennas is of high quality and good design and blends in with the existing natural landscape in the area. The facility helps to fill a gap in service coverage in the area and is beneficial to the community as a whole.

Based on the above discussion, the proposed project is consistent with Ojai Valley rea Plan Policy OV-17.1.

19.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 existing WCF helps to fill a significant gap in service coverage in the area and provides a substantial public benefit. The facility includes the E911 system which assists first responders in time of emergency. The facility has been designed and conditioned to minimize the visual impacts to both nearby land uses, and the traveling public.

Based on the above discussion, the proposed project is consistent with Ojai Valley Area Plan Policy OV-42.1.

20.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 existing stealth WCF is designed as eight (8) “lollypop” antenna support poles. The height of the antenna poles are (15) feet above grade and are painted to match the existing vegetation.

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

EXHIBIT 5

DRAFT CONDITIONS OF APPROVAL Conditional Use Permit No. PL22-0133

Crown Castle DT Ojai-Site Number 845320

RESOURCE MANAGEMENT AGENCY CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on, and limited to, compliance with the project description stated in this condition, Exhibits 1-5 of the Planning Director hearing on April 6, 2023, and the remaining conditions of approval set forth below. Together, these conditions and documents describe the “Project.”

Any deviations from the Project must first be reviewed by the County to determine if they conform to the conditions of approval of CUP PL22-0133. Project deviations may require a modification of this permit and further environmental review pursuant to the California Environmental Quality Act (CEQA). Any deviation from the Project that is implemented without the required County approval constitutes a violation of this permit and applicable law.

The Project description is as follows:

A Minor Modification to CUP for the continued use, operation and maintenance of an existing Crown Castle WCF for a 10-year period. The existing facility is comprised of the following components:

- A 1000-square-foot lease area enclosed with a chain-link fence;
- Eight (8) 6-foot-tall panel antennas on 15-foot tall “lollipops” antenna support structure; and
- Associated ground mounted equipment cabinets.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The unmanned facility does not require water to operate. No exterior lighting or grading is proposed. There are no proposed operational or physical changes to the existing WCF.

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

2. CUP Modification Review

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.

3. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (Article 14), which include, but are not limited to, the following actions:

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

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and all applicable federal, state, and local laws and regulations.

4. Time Limits

a. Use Inauguration:

- (1) The decision to grant this CUP becomes effective upon the expiration of the 10-day appeal period following the date of decision, or when any appeals of the decision are finally resolved. Once the decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition of Approval No. 1.
- (2) This CUP shall expire and become null and void if the Zoning Clearance for Use Inauguration has not been issued within one year from the date the CUP becomes effective (See *Ventura County Non-Coastal Zoning Ordinance* [2010, § 8111-4.7]). The Planning Director may grant a one-year extension of the deadline 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 inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the expiration of the one-year period.
- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid or submitted in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Expiration:

This CUP will expire on **TBD**.

The uses authorized by this CUP may be temporarily extended beyond the CUP expiration date when an application for permit renewal is actively under consideration. In accordance with § 8111-2.10 of the *Ventura County Non-Coastal Zoning Ordinance*, permits being processed for renewal shall remain in full force and effect until the renewal request is acted on when:

- (1) An application for a permit modification (renewal) is filed and accepted as “complete” by the Planning Division prior to expiration of the permit (§ 8111-6); and
- (2) The Permittee is in compliance with all terms and conditions of the original permit at the time the application for renewal is filed.

5. Documentation of Compliance with Other Agencies’ Requirements

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the project that is the subject of this CUP.

Requirement: The Permittee shall provide the Planning Division with documentation (e.g., copies of correspondence, reports, or information related to issues 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 the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division project file.

Timing: Copies of all correspondence, reports, or information related to issues covered by this permit, which are received by the Permittee from, or sent by the Permittee to, other Federal, State, or local jurisdictions or agencies shall be provided to the Planning Division within 30 days of their receipt/issuance. The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division shall maintain 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.

6. Notice of CUP Requirements and Retention of CUP Conditions on the Project Site

Purpose: To ensure full and proper notice of permit requirements and 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 regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

Timing: Prior to issuance of a Zoning Clearance, the documentation of notification shall be provided. Evidence of ongoing notification shall be maintained as a public record by the Permittee for the life of the permit.

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*.

7. Recordation of Notice of Land Use Entitlement

Purpose: To ensure compliance with applicable permit conditions and regulations pursuant to § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance*.

Requirement: The Permittee and Property Owner of record 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, for the tax assessor’s parcel that is subject to this CUP. The notice shall describe the responsibilities of the Property Owner and Permittee for compliance with all applicable permit conditions and regulations.

Documentation: The Permittee shall provide to the Planning Division a copy of the recorded “Notice of Land Use Entitlement”.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the “Notice of Land Use Entitlement” shall be recorded.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form to Planning Division staff for inclusion in the project file.

8. 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, 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 Accounts:** Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee’s

successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in Condition 8a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
 - (2) An executed reimbursement agreement, 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 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 prior to payment.

9. Defense and Indemnity

- 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.

10. 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 any 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.

11. Consultant Review and Contracting

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions may 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 such cases, the hiring of the consultant will be at the Permittee's expense.

12. Relationship of CUP Conditions, Laws and Other Permits

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 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/maintain a business tax certificate for the operation of the wireless communications facility. The certificate shall be prominently displayed at the Permittees' facility's business office for the life of the permit.

13. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous 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 of Approval No. 1. Only equipment and/or materials which the Planning Director

determines to substantially comply with the Project description and approved site uses shall be stored on the site during the life of this permit.

Documentation: The Permittee shall maintain the Project site in compliance with Condition of Approval 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 of Approval 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*.

14. Contact Person

Purpose: To facilitate the resolution of any complaints involving the facility or its operations under this CUP.

Requirement: In order to facilitate the resolution of complaints, a contact person that represents the Permittee shall be designated. 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 CUP 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 agent(s) for the project file.

Monitoring and Reporting: The Planning Division shall maintain the contact information provided by the Permittee in the respective project file. If the address or phone number of the Permittee's agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

15. Resolution of Complaints

The following process shall be used to resolve complaints related to this project:

- a. 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.
- b. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County may initiate enforcement actions pursuant to *§ 8114-3 of the Non-Coastal Zoning Ordinance*.

16. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

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 within the CUP area.

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 the request.

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

17. Change of Permittee and/or Property Owner

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of property ownership or change of Permittee affecting the CUP site.

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

Documentation: The initial notice must be submitted with the new Property Owner's and/or 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) 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 shall maintain 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. Removal of Facility for Abandonment of Use and/or Expiration of Permit

Purpose: In compliance with § 8111-2.8 and § 8111-6.2 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. The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Requirement: Upon the expiration of this permit, or abandonment of the use, the Property Owner 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 permit, to the extent feasible, as determined by the Planning Director.

Documentation: Photos of the site after restoration is completed shall be provided to the County Planning Division.

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

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

19. Future Co-location of Wireless Communication Facilities and Equipment

Purpose: To minimize the potential environmental impacts associated with the development of wireless communication facilities through co-location of facilities and equipment, in compliance with § 8107-45.4 of the *Ventura County Non-Coastal Zoning Ordinance*.

Requirement: The Permittee shall make the facility and site available to other telecommunication carriers and, in good faith, accommodate all reasonable requests for co-location in the future, subject to the following parameters:

- a. the party seeking the co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing;
- b. the Permittee shall not be 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 co-location 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 communications tower associated with the subject facility is engineered in a manner that can accommodate supplementary antennas to co-locate 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 co-location 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 it is constructed as approved.

20. Lighting Restrictions

Any new exterior lighting shall be hooded, and no unobstructed beam of exterior light of lighting glare shall be directed over or beyond property lines or directed toward any area along any adjoining roadway.

Public Works Agency Conditions

21. Compliance with Stormwater Development Construction Program

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

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMP’s during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer, Qualified SWPPP Practitioner, or Certified Professionals in Erosion and Sediment Control (CPESC).

Documentation: The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSWP) for review and approval a completed and SW-HR form (Best Management Practices for Construction at High Risk Sites), which can be found at <http://onestop.vcpublicworks.org/stormwater-forms>.

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

Monitoring and Reporting: CSWP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of conducting required inspections by the project proponents Qualified SWPPP Developer, Qualified SWPPP Practitioner, or CPESC. (CSWP-1).

22. Hazardous Waste

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state 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 will apply. Ventura County EHD/CUPA issues hazardous material and hazardous waste permits in Ventura County.

23. Floodplain Development Permit

Purpose: To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies 2.10.2-2 and 2.10.2-3.

Requirement: The Permittee shall obtain a Floodplain Development Permit from the Ventura County Public Works Agency Floodplain Manager.

Documentation: A Floodplain Development Permit issued by the Public Works Agency Floodplain Manager.

Timing: The Floodplain Development Permit shall be obtained by the Applicant prior to Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the approved Floodplain Development Permit shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

24. Elevation Certificate

Purpose: To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies 2.10.2-2 and 2.10.2-3 by obtaining an elevation certificate.

Requirement: The Permittee shall provide Traditional Elevation Certificate.

Documentation: Traditional Elevation Certificate prepared by a licensed Civil Engineer or Licensed Public Land Survey.

Timing: The Traditional Elevation Certificate shall be prepared prior to Certificate of Occupancy.

Monitoring and Reporting: A copy of the approved Traditional Elevation Certificate shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

25. Notice of Flood Hazard Recorded on Property Title

Purpose: To comply with the Ventura County General Plan Policy 2.10.2-2 to inform existing and future owners of the subject property that the site, in whole or in part, has currently been mapped by the Federal Emergency Management Agency (FEMA) as being in a Special Flood Hazard Area.

Requirement: The Permittee shall, with the assistance of the Ventura County Public Works Agency Floodplain Manager, have recorded on the title of the subject property a Notice of Flood Hazard.

Documentation: A Notice of Flood Hazard deemed satisfactory to the Ventura County Public Works Agency Floodplain Manager.

Timing: The Notice of Flood Hazard shall be recorded on the title of the subject property by the Applicant prior to Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the recorded Notice of Flood Hazard shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

Ventura County Fire Protection District

26. On-site Driveways Widths with Commercial or Industrial

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: A minimum all weather road/driveway access width of 20 feet. Parking shall be prohibited on the required width of the driveway.

Documentation: Scaled access plan approved by the Fire Prevention Bureau.

Timing: Prior to the issuance of a building permit, the Permittee shall submit an access plan to the Fire Prevention Bureau for review and approval. All required access shall be installed before the start of construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development. (VCFPD-4).

27. Turnarounds

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads/driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.

d. Kept free of obstructions at all times.

Documentation: A stamped copy of the approved access plan.

Timing: The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design. All required turnarounds shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that turnaround areas are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the turnaround areas for the life of the development. (VCFPD-14)

28. Access Road Certification

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall have all access road(s)/driveway(s) certified by a registered Civil Engineer as having an all-weather surface in conformance with Public Works and/or Fire District Standards.

Documentation: A stamped copy of the approved road certification.

Timing: The Permittee shall submit the certification to the Fire Prevention Bureau for approval before final occupancy.

Monitoring and Reporting: A copy of the certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-24)

29. Access Road Gates

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

Requirement: Gates along required fire access roads/driveways consistent with Fire Protection District Standards shall be provided with a Knox Lock.

Documentation: A stamped copy of the approved gate plans.

Timing: Prior to the issuance of a building permit, the Permittee shall submit gate plans to the Fire Prevention Bureau for review and approval. The submittal shall include a copy of Zoning Clearance issued by the Planning Department. All gates shall be installed prior to final occupancy.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

30. Fire Flow

Purpose: To ensure that adequate water supply is available to the project for firefighting purposes.

Requirement: The Permittee shall verify that the water purveyor can provide the required volume and duration at the project. The minimum required fire flow shall be determined as specified by the current adopted edition of the Ventura County Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive). Given the present plans and information, the required fire flow is approximately 1000 gallons per minute at 20 PSI for a minimum of 2 hours in duration. A minimum flow of 1000 gallons per minute shall be provided from any 1 hydrant.

Note: For Commercial, Industrial, or Multi-family buildings, a minimum fire flow of 1000 GPM shall be provided from each hydrant when multiple hydrants are flowing at the same time.

Documentation: A signed copy of the water purveyor's fire flow certification.

Timing: Prior to map recordation, the Permittee shall provide to the Fire District, verification from the water purveyor that the purveyor can provide the required fire flow. If there is no map recordation, the Permittee shall submit a signed copy of the water purveyor's certification to the Fire Prevention Bureau for approval before the issuance of building permits.

Monitoring and Reporting: A copy of the fire flow certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-32)

31. Fire Sprinklers

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

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

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

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

Monitoring and Reporting: A copy of the approved fire sprinkler plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the fire sprinkler system is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the fire sprinkler system for the life of the development. (VCFPD-40)

32. Fire Department Clearance

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

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

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

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

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances. (VCFPD-51)

33. Fire Code Permits

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

Requirement: The Permittee shall obtain all applicable Fire Code permits. Permits are required for battery systems and generators with a fuel capacity over 60 gallons.

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

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

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

Other Conditions

34. Notification of Restricted Materials

Purpose: In order to minimize potential conflicts between agricultural operations within 300 feet of the project boundary and the permittee, persons associated with the permit must not come within 300 feet of off-site Restricted Materials applications.

Requirement: The Permittee shall not allow any persons associated with the proposed project to be within 300 feet of the adjacent agricultural operations during Restricted Materials application.

Documentation: The permittee shall provide notice to associated persons of Restricted Material applications of adjacent operations such that:

1. They are aware of the area that will be inaccessible
2. The time said area will be inaccessible.

The permittee shall maintain a record of the required notices.

Timing: Notice shall be provided to associated persons within 24 hours of receipt of notice from the Ventura County Agricultural Commissioner's Office (VCAC).

Monitoring and Reporting: The permittee shall provide the VCAC with a point of contact to received notice of Restricted Materials applications. The Ventura County Agricultural Commissioner's Office will keep record of the provided notices and report to the Planning Division any reports of failure to comply with this condition.

35. Diesel Fuel Tank Area

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2-2 and -4, Diesel Fuel Tank Area is required.

Requirement: The Diesel Fuel Tank Area shall be constructed with a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled

liquids into a sump for legal disposal off site. The concrete pad shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage.

Documentation: A copy of the approved Diesel Fuel Tank Area site plan.

Timing: Prior to the Issuance of a Zoning Clearance for use inauguration, the Permittee shall submit a Diesel Fuel Tank Area site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Diesel Fuel Tank Area site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Diesel Fuel Tank Area upon request. (GWQ-4).