



## Planning Director Staff Report– Hearing on January 6, 2022

County of Ventura • Resource Management Agency

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

### “OLSEN ROAD” WIRELESS COMMUNICATION FACILITY (WCF) MODIFIED CONDITIONAL USE PERMIT (CUP), CASE NO. PL20-0109

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) No. 5153 to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period for a site known as “Olsen Road”, Site No. 411141. (Case No. PL20-0109)
2. **Applicant:** Bonnie Belair, c/o American Tower (ATC Sequoia L.L.C.), 10 Presidential Way, Woburn, Massachusetts 01801
3. **Property Owner:** Richard Brecurier, c/o Tierra Rejada Farms L.P. 5191 Read Road, Moorpark, CA 93021
4. **Applicant’s Representative:** Scott Dunaway, c/o D4 Communications, 1114 State Street, Suite 234, Santa Barbara 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 modified CUP.
6. **Project Site Size, Location, and Parcel Number:** The 41.68-acre project site is located at 5191 Read Road, south of the City of Moorpark and west of State Route 23, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitute the project site is 500-0-410-335 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Zoning Designation: OS-10-ac./HCWC/CWPA (Open Space – 10-acre minimum lot area/Habitat Connectivity and Wildlife Corridors/Critical Wildlife Passage Areas)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40-ac/HCWC/CWPA (Agricultural Exclusive, 40-acre minimum lot area/ Habitat	Open Space

Location in Relation to the Project Site	Zoning	Land Uses/Development
	Connectivity and Wildlife Corridors/Critical Wildlife Passage Areas)	
East	OS-40-ac./HCWC/CWPA	State Route 23, followed by Open Space
South	OS-10-ac./HCWC/CWPA	Open Space
West	OS-10-ac./HCWC/CWPA	Open Space

**9. History:** On February 28, 2001, the Planning Director approved CUP 5153 authorizing the installation and operation of a 50-foot high slim-line WCF. The WCF included two antenna sectors with two panel antennas per sector (for a total of four antennas), a microwave dish, a diesel-powered emergency generator, and a 240 square foot prefabricated equipment shelter for an initial 10-year period.

On December 28, 2010, the Planning Director approved a minor modification of CUP 5153 (Case No. LU10-0107) authorizing the continued use, operation and maintenance of the existing WCF for an additional 10-year period.

On February 15, 2021, the subject application was submitted to the County and deemed complete for processing on March 17, 2021.

**10. Project Description:** The applicant requests that a modified CUP be granted to authorize the continued use, operation and maintenance of an existing WCF for a 10-year period. The WCF includes an existing 48.5-foot high slim-line monopole with a whip antenna mounted to the top of the monopole extending to an overall height of 53 feet. Two antenna sectors with two panel antennas per sector (for a total of four antennas) are located on the monopole at centerline of 43 feet and 48 feet and an existing microwave dish is mounted on the monopole at a centerline of 35 feet above ground level. The existing WCF includes a nearby diesel-powered emergency generator and a 240 square foot prefabricated equipment shelter housing ancillary support equipment.

The project does not propose any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service would not be required for the continued use, operation or maintenance of the WCF. The WCF would continue to be unmanned, except for occasional periodic maintenance visits, and would operate 24 hours per day, 365 days per year. Access to the WCF remains available from Moorpark Road, a paved, public road, followed by a private driveway through Underwood Family Farms and through agricultural fields and an avocado orchard. (Exhibit 3)

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

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. As the project is requesting authorization for the continued use, operation, and maintenance of an existing WCF, with no proposed changes, staff has determined that the project would qualify for a 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 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.*

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 project would involve the continued use, operation and maintenance of an existing WCF with no physical or operational changes proposed. As no new development is proposed, project implementation would not impact environmentally sensitive habitat areas or degrade scenic and visual resources. Additionally, at the time of the original approval of the WCF, and as proposed, the project would continue to be compatible with the surrounding development.

Based on the above discussion, 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 environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

The existing WCF is located behind an existing hilltop and among existing vegetation which helps maintain a high standard of design and environmental quality. The location of the WCF minimizes land use conflicts and no traffic congestion is expected from the implementation of the proposed project.

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.*

Implementation of the proposed project would not require construction activities and would not include the introduction of new uses that could adversely impact the surrounding area. Additionally, the project would not be visible from any adjacent public right-of-way viewpoints and existing trees and vegetation would continue to maintain the distinctive natural areas surrounding the project site.

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 project does not propose to relocate or alter the existing siting of the WCF. The WCF would continue to be appropriately located ensuring that cellular mobile communications infrastructure would continue to be provided for adequate services throughout the unincorporated area.

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.*

Implementation of the project would continue to allow for a high-quality service of cellular mobile communication to the Moorpark area of Ventura County. Additionally, the continued use of the WCF and ability to add additional antennas at the WCF would ensure that the nearby residents and businesses would be able to 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-3.5 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 project would involve the continued use, operation and maintenance of an existing WCF with no physical or operational changes proposed. The location of the existing WCF is below significant ridgelines and no new conflicts would 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.

- 7. 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 would continue to meet all Ventura County Fire Protection District standards and regulations. Additionally, conditions of approval (Exhibit 4) would be imposed with the project to ensure that ongoing compliance with the Fire Protection District standards and regulations would be appropriately maintained.

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

**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 Open Space zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project is also subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

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

Special Use Standard	Complies?
<p><b>Section 8107-45.4(f)(4)(e), Maximum Antenna Height:</b>  <i>Flush-mounted wireless communication facilities shall not extend above the building height. If mounted on a structure other than a building, such as a light pole or utility pole, the antennas shall not extend more than 5 feet above the structure.</i></p>	<p>Yes. The proposed project would involve the continued use, operation and maintenance of an existing WCF. All panel antennas would continue to be flush mounted on the monopole and existing whip antenna does not extend more than five feet above the monopole.</p>
<p><b>Section 8107-45.4(n), Accessory Equipment:</b>  <i>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.</i></p>	<p>Yes. None of the accessory equipment would be visible from offsite.</p>
<p><b>Section 8107-45.4(o), Colors and Materials:</b>  <i>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</i></p>	<p>Yes. The WCF would continue to use colors which blend into the surrounding environment. No reflective materials would be used.</p>
<p><b>Section 8107-45.4(p), Noise:</b>  <i>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.</i></p>	<p>Yes. The WCF would continue to be operated and maintained in compliance with the Ventura County noise standards.</p>
<p><b>Section 8107-45.4(r), Security:</b></p> <ol style="list-style-type: none"> <li data-bbox="253 1570 919 1780">1. <i>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.</i></li> <li data-bbox="253 1812 919 1896">2. <i>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</i></li> </ol>	<p>Yes. The WCF would continue to be located in a remote area and within a private avocado orchard, preventing access and potential vandalism to the project site. No new fencing is proposed as part of this project.</p>

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

Special Use Standard	Complies?
<p><i>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.</i></p>	
<p><b>Section 8107-45.4(s), Lighting:</b></p> <ol style="list-style-type: none"> <li>1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i></li> <li>2. <i>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.</i></li> </ol>	<p>Yes. No new lighting would be installed with project implementation.</p>
<p><b>Section 8107-45.4(t), Signage:</b>  <i>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.</i></p>	<p>Yes. The WCF would include signage indicating all necessary information related to the operation of the facility as specified with the project plans (Exhibit 3).</p>
<p><b>Section 8107-45.4(u), Access Roads:</b></p> <ol style="list-style-type: none"> <li>1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i></li> <li>2. <i>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 Department District.</i></li> </ol>	<p>Yes. Access to the WCF remains available from Moorpark Road, a public, paved road, followed by a private driveway through Underwood Family Farms and through agricultural fields and an avocado orchard.</p>

The proposed project is also located within the Habitat Connectivity Wildlife Corridor and Critical Wildlife Passage Area Overlay Zones and, therefore, is subject to the standards of the Ventura County NCZO (Sections 8104-7.7 and 8104-7.8) Table 2 lists the applicable Habitat Connectivity Wildlife Corridor and Critical Wildlife Passage Area Overlay Zone standards and a description of whether the proposed project complies with those standards.

**Table 2 – Habitat Connectivity Wildlife Corridor and Critical Wildlife Passage Area Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
<p><b>Sec. 8104-7.7(a):</b>  <i>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.</i></p> <p><b>Sec. 8104-7.7(b):</b>  <i>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.</i></p> <p><b>Sec. 8104-7.7(c):</b>  <i>Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage.</i></p> <p><b>Sec. 8104-7.7(d):</b>  <i>Minimize the introduction of invasive plants, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.</i></p> <p><b>Sec. 8104-7.7(e):</b>  <i>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.</i></p>	<p>Yes. No proposed operational or physical changes to the WCF are proposed with this modification. The WCF does not require or propose any new lighting, use of water, relocation of the facility, introduction of invasive plants or fencing for the continued use, operation and maintenance of the WCF.</p>
<p><b>Sec. 8104-7.8:</b>  <i>There are three critical wildlife passage areas that are located entirely within the boundaries of the larger Habitat Connectivity and Wildlife Corridors overlay zone. These areas are particularly critical for facilitating wildlife movement due to any of the following:</i></p> <ol style="list-style-type: none"> <li><i>1. the existence of intact native habitat or other habitat with important beneficial values for wildlife;</i></li> <li><i>2. proximity to water bodies or ridgelines;</i></li> <li><i>3. proximity to critical roadway crossings;</i></li> <li><i>4. likelihood of encroachment by future development which could easily disturb wildlife movement and plant dispersal; or</i></li> <li><i>5. presence of non-urbanized or undeveloped lands within a geographic location that connects core habitats at a regional scale.</i></li> </ol>	<p>Yes. Project implementation would not include any new permanent barriers or impediments for potential wildlife passage.</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].**

The continued use, operation and maintenance of the WCF would not alter the appearance of the site or the character of the land uses in the area. No new impact on public views would result from project implementation.

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].**

As discussed above, the proposed project involves the continued use of a WCF on the subject property. No adverse effect on neighboring properties or ongoing uses has been identified that would result from the proposed project. Implementation of the conditions of approval (Exhibit 4) would ensure the compatibility of the project with the ongoing uses in the vicinity.

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].**

No adverse effect of the proposed project on the environment or the use of adjacent properties has been identified. Similarly, no effect of the project has been identified that would be detrimental to the public interest, health, safety, or welfare.

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

**5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].**

The existing WCF would remain compatible with existing and potential land uses in the general area and the location of the antennas and equipment would not be prominently visible from public viewpoints. In addition, no new development is proposed on any of the surrounding parcels.

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 property comprises of a legal lot described and shown as Parcel 4 in Exhibits A and B of Parcel Map Waiver (Large Lot Subdivision) No. 1193, recorded on November 5, 2004, as Document No. 20041105-0296201 of the Official Records of Ventura County. Therefore, the proposed development would occur on a legal lot and this finding can be made.

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 this staff report, and the entire record, the proposed project has been reviewed in compliance with CEQA and all other applicable laws.

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].**

No adverse effect of the proposed project to the Habitat Connectivity Wildlife Corridor or Critical Wildlife Passage Area has been identified. Project implementation would allow for the continued use, operation and maintenance of an existing WCF with no proposed physical or operational changes.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On December 22, 2021, the Planning Division mailed notice to owners of

property within 1,000 feet of the property on which the project site is located. On December 27, 2021, the Planning Division placed a legal ad in the *Ventura County Star*.

The project site is located within the City of Moorpark's Area of Interest. Therefore, on February 23, 2021, the Planning Division notified the City of Moorpark of the proposed project and requested the City of Moorpark to submit any comments that the City might have on the proposed project. To date, the Planning Division has not received any correspondence from the City of Moorpark.

## F. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Minor Modification of CUP 5153 pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Minor Modification of CUP 5153 (Case No. PL20-0109), subject to the conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director will be made within 40 days of the public hearing. This decision is final unless appealed to the Planning Commission within 10 calendar days after the permit has been granted, conditionally granted, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact John Kessler at (805) 654-2461 or john.kessler@ventura.org.

Prepared by:



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John Kessler, Case Planner  
Commercial and Industrial Permits  
Ventura County Planning Division

Reviewed by:



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

**EXHIBITS**

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Conditions of Approval



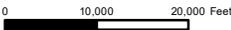
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Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
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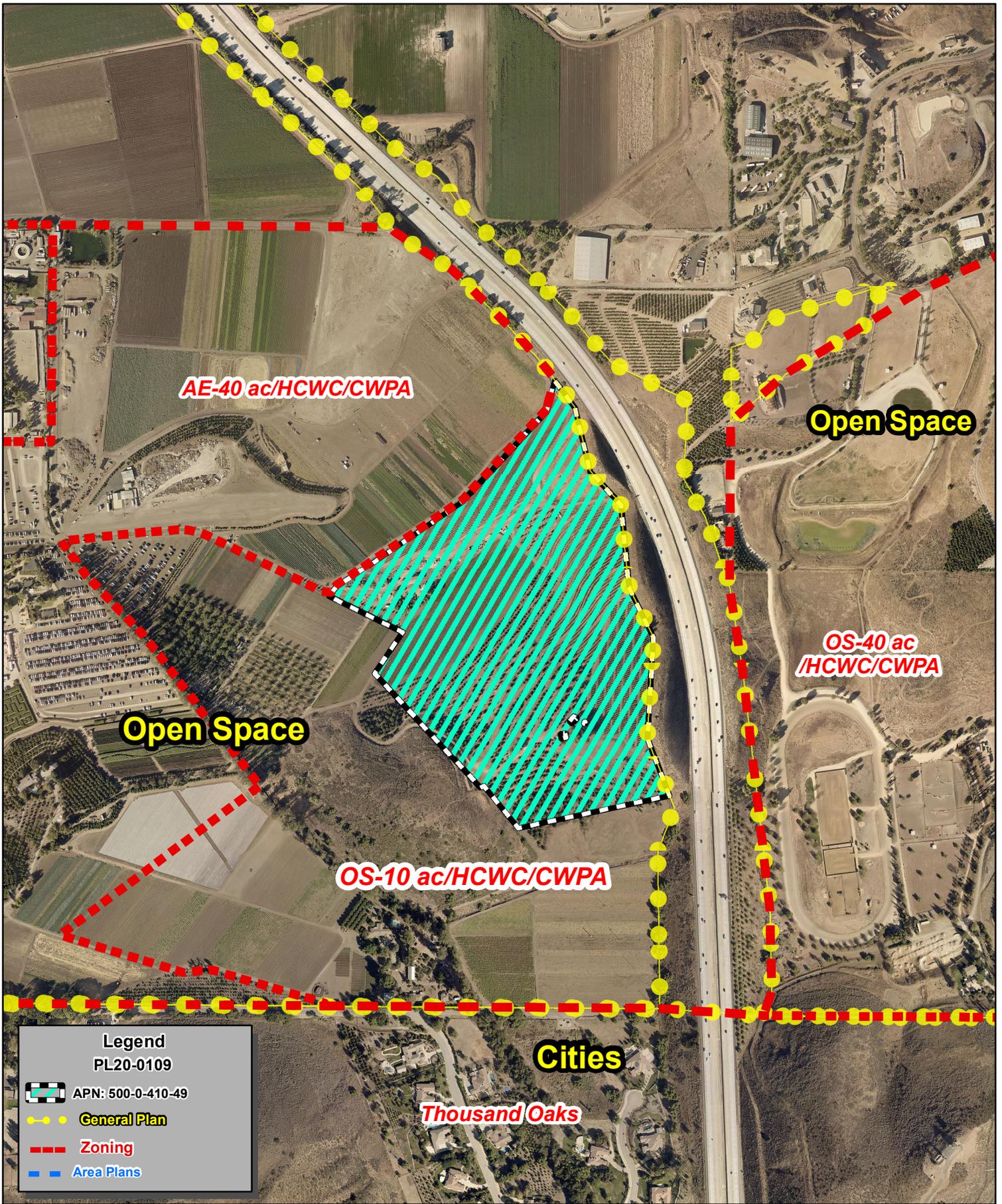


County of Ventura  
Planning Director Hearing  
Case No. PL20-0109  
Exhibit 2 - Maps



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**Legend**  
PL20-0109

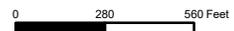
-  APN: 500-0-410-49
-  **General Plan**
-  **Zoning**
-  **Area Plans**



Ventura County, California  
Resource Management Agency  
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**County of Ventura**  
**Planning Director Hearing**  
**PL20-0109**  
**General Plan & Zoning Map**



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500-0-410-49

N 23 FW

S 23 FW



Ventura County, California  
Resource Management Agency  
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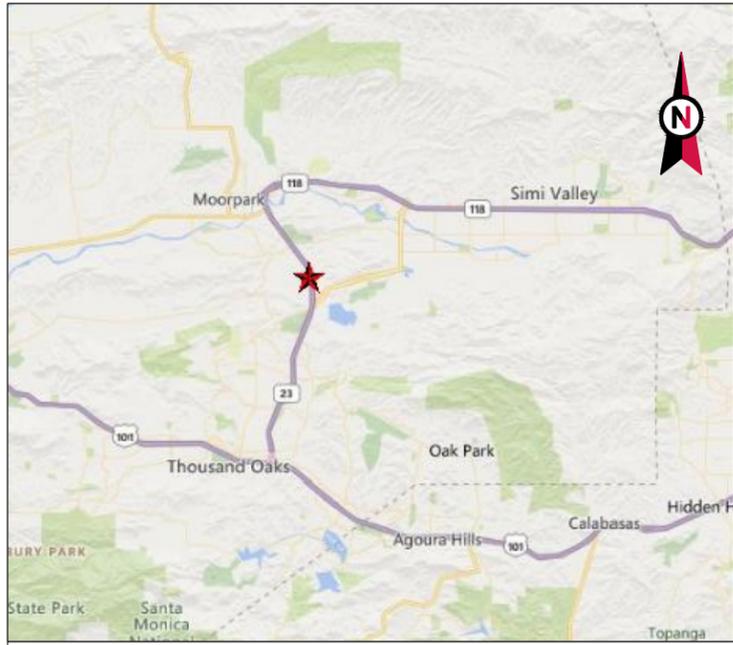


County of Ventura  
Planning Director Hearing  
PL20-0109  
Aerial Photography



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VICINITY MAP



**AMERICAN TOWER®**

**SITE NAME: OLSEN ROAD CA**  
**SITE NUMBER: 411141**  
**SITE ADDRESS: 3370 MOORPARK ROAD**  
**MOORPARK, CA 93021**



LOCATION MAP

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

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REV.	DESCRIPTION	BY	DATE
A	PRELIM	JY	09/03/20

**CONDITIONAL USE PERMIT RENEWAL**

ATC SITE NUMBER:  
**411141**  
 ATC SITE NAME:  
**OLSEN ROAD CA**  
 SITE ADDRESS:  
 3370 MOORPARK ROAD  
 MOORPARK, CA 93021

SEAL:  

PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION

COMPLIANCE CODE	PROJECT SUMMARY	PROJECT DESCRIPTION	SHEET INDEX				
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.  1. 2019 CALIFORNIA ADMINISTRATIVE CODE 2. 2019 CALIFORNIA BUILDING CODE 3. 2019 CALIFORNIA RESIDENTIAL CODE 4. 2019 CALIFORNIA ELECTRICAL CODE 5. 2019 CALIFORNIA PLUMBING CODE 6. 2019 CALIFORNIA ENERGY CODE 7. 2019 CALIFORNIA FIRE CODE 8. 2019 CALIFORNIA EXISTING BUILDING CODE 9. 2018 INTERNATIONAL BUILDING CODE (IBC) 10. NATIONAL ELECTRIC CODE (NEC) 11. LOCAL BUILDING CODE 12. CITY/COUNTY ORDINANCES	<u>SITE ADDRESS:</u> 3370 MOORPARK ROAD MOORPARK, CA 93021 COUNTY: VENTURA  <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.25378888 LONGITUDE: -118.84208055 GROUND ELEVATION: 1118' AMSL  <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA COUNTY PARCEL NUMBER: 500-0-410-45	THIS SUBMITTAL IS FOR RE-PERMITTING WITH VENTURA COUNTY. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS. NO CHANGES TO EXISTING ARE PROPOSED.  <b>PROJECT NOTES</b> 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. EXISTING FACILITY MEETS OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE. 5. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED. 6. HANDICAP ACCESS IS NOT REQUIRED.	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:
	<b>PROJECT TEAM</b>  <u>TOWER OWNER:</u> ATC SEQUOIA LLC 10 PRESIDENTIAL WAY WOBURN, MA 01801  <u>PROPERTY OWNER:</u> TIERRA REJADA FARMS 3370 MOORPARK ROAD MOORPARK, CA 93021  <u>ENGINEER:</u> ATC TOWER SERVICES 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518  <u>AGENT:</u> BONNIE BELAIR ATTORNEY, AMERICAN TOWER 10 PRESIDENTIAL WAY WOBURN, MA 01801	<b>PROJECT LOCATION DIRECTIONS</b>  EXIT 23 AT TIERRA REJADA AND PROCEED WEST TO FIRST LIGHT AND GO LEFT (SUNSET VALLEY ROAD). TURN LEFT INTO UNDERWOOD FARMS. PROCEED STRAIGHT THROUGH WHITE GATES AND STAY STRAIGHT THROUGH FIELDS OF CORN TOMATOES ETC. UNTIL YOU COME TO A T. TURN RIGHT AND GO UNTIL YOU COME TO A Y. AT THE Y TAKE THE LEFT UP THE HILL THROUGH THE AVOCADO ORCHARD. THE SITE IS AT THE TOP ON THE LEFT.	G-001 TITLE SHEET C-101 OVERALL SITE PLAN C-102 DETAILED SITE PLAN & TOWER ELEVATION C-501 SIGNAGE				
	<b>UTILITY COMPANIES</b>  POWER COMPANY: SOUTHERN CALIFORNIA EDISON PHONE: (800) 655-4555  TELEPHONE COMPANY: AT&T PHONE: (611) 000-0000	<b>PROJECT LOCATION DIRECTIONS</b>  EXIT 23 AT TIERRA REJADA AND PROCEED WEST TO FIRST LIGHT AND GO LEFT (SUNSET VALLEY ROAD). TURN LEFT INTO UNDERWOOD FARMS. PROCEED STRAIGHT THROUGH WHITE GATES AND STAY STRAIGHT THROUGH FIELDS OF CORN TOMATOES ETC. UNTIL YOU COME TO A T. TURN RIGHT AND GO UNTIL YOU COME TO A Y. AT THE Y TAKE THE LEFT UP THE HILL THROUGH THE AVOCADO ORCHARD. THE SITE IS AT THE TOP ON THE LEFT.	<div style="border: 1px solid black; padding: 5px; text-align: center;">             County of Ventura              Planning Director Hearing              Case No. PL20-0109              Exhibit 3 - Project Plans           </div>				



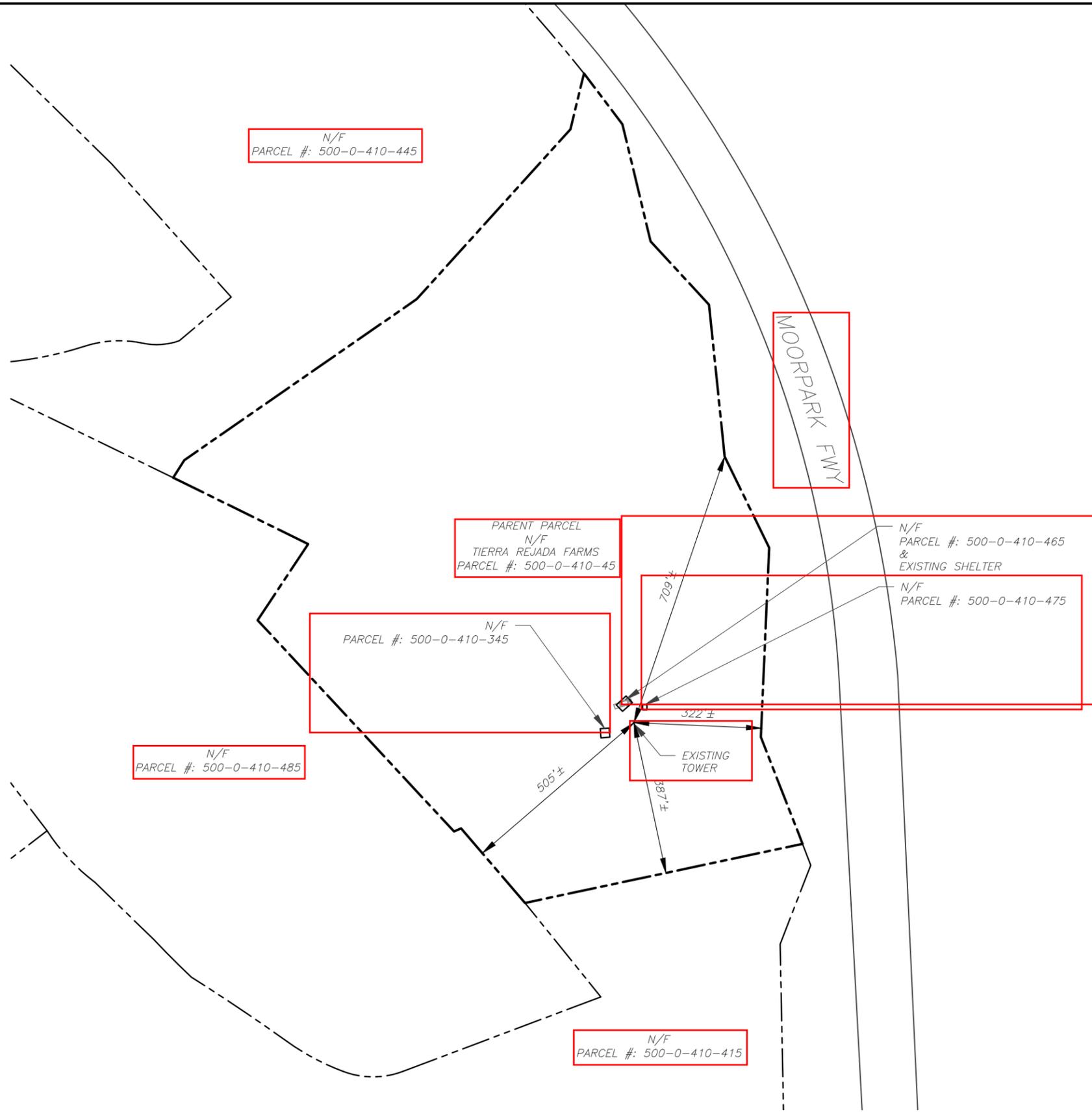
DATE DRAWN: 09/03/20  
 ATC JOB NO: 13320367\_E1

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

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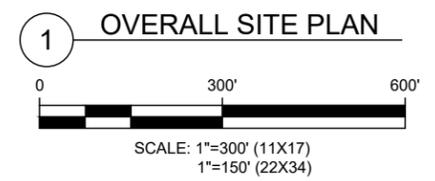
**NOTES:**

1. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
2. BOUNDARY INFORMATION OBTAINED FROM: VENTURA COUNTY ONLINE GIS



**SURVEY LEGEND**

	EXISTING PROPERTY
	EXISTING ADJ. PROPERTY
	EXISTING BUILDING
	EXISTING ROAD (PAVED)



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

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REV.	DESCRIPTION	BY	DATE
A	PRELIM	JY	09/03/20

ATC SITE NUMBER:  
**411141**

ATC SITE NAME:  
**OLSEN ROAD CA**

SITE ADDRESS:  
 3370 MOORPARK ROAD  
 MOORPARK, CA 93021

SEAL:

PRELIMINARY:  
NOT FOR  
CONSTRUCTION

DATE DRAWN:	09/03/20
ATC JOB NO:	13320367_E1

**OVERALL SITE PLAN**

SHEET NUMBER: <b>C-101</b>	REVISION: <b>A</b>
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REV.	DESCRIPTION	BY	DATE
A	PRELIM	JY	09/03/20

ATC SITE NUMBER:  
**411141**  
 ATC SITE NAME:  
**OLSEN ROAD CA**

SITE ADDRESS:  
 3370 MOORPARK ROAD  
 MOORPARK, CA 93021

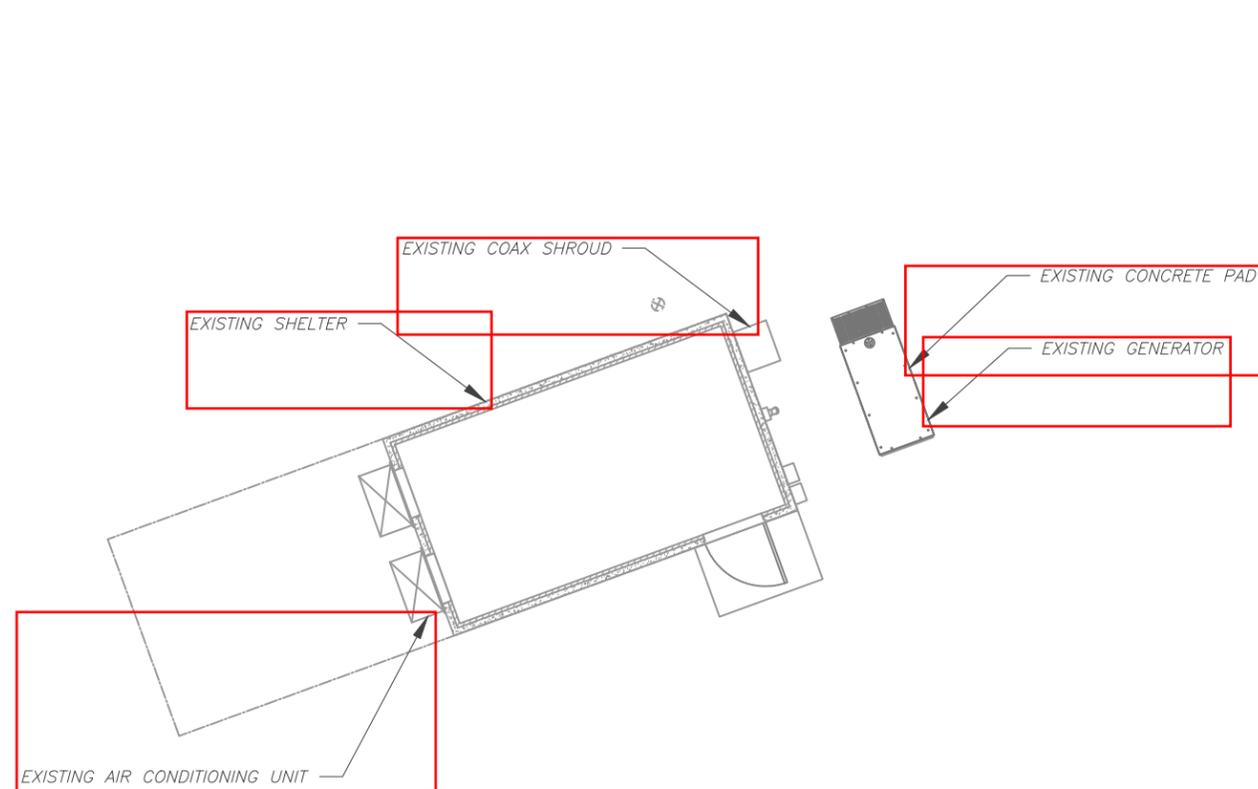
SEAL:

**PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION**

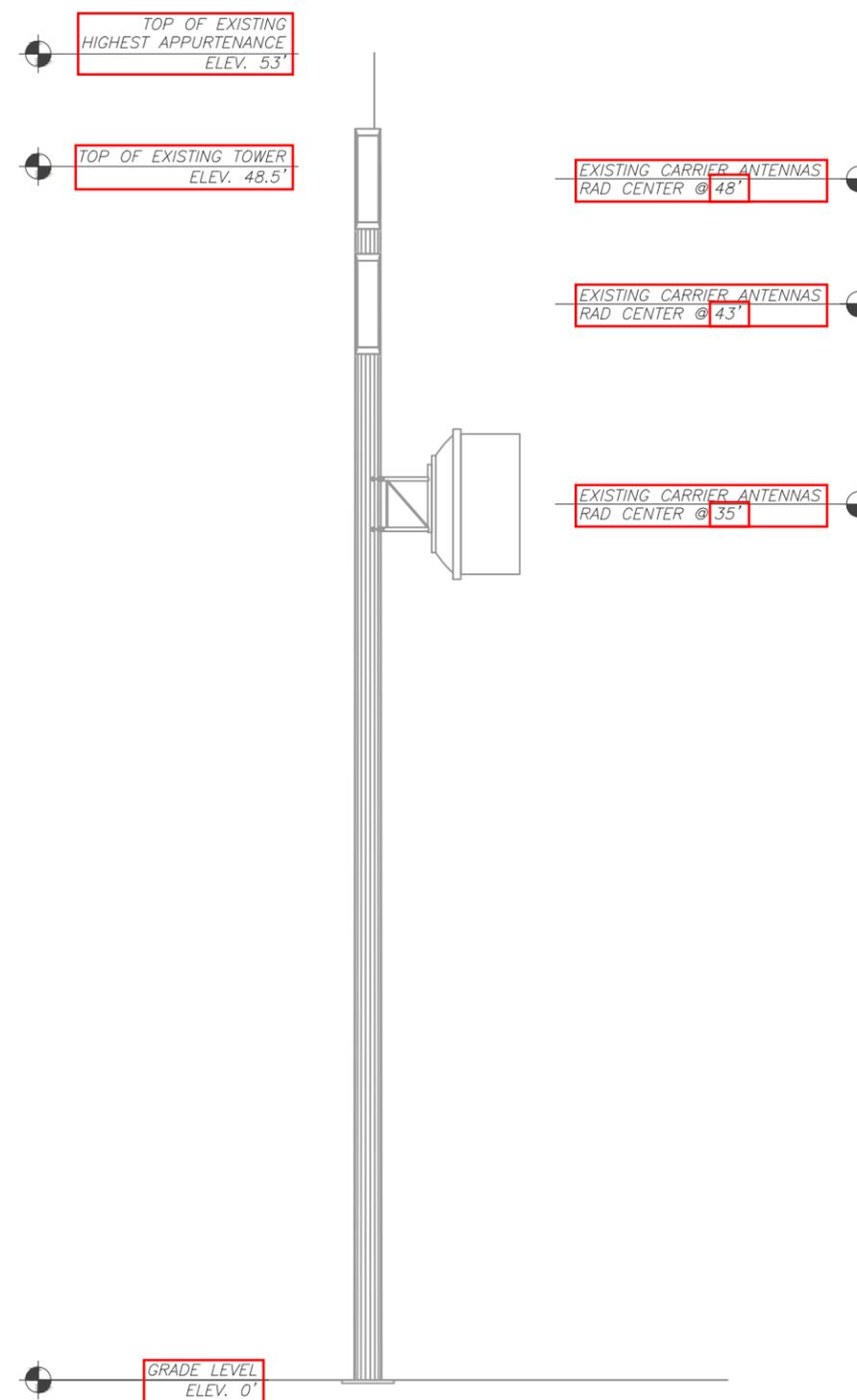
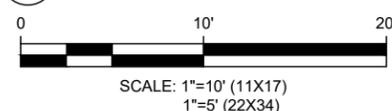
DATE DRAWN: 09/03/20  
 ATC JOB NO: 13320367\_E1

**DETAILED SITE PLAN &  
 TOWER ELEVATION**

SHEET NUMBER:  
**C-102**  
 REVISION:  
**A**



**1** DETAILED SITE PLAN



**2** TOWER ELEVATION  
 SCALE: NOT TO SCALE

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**CAUTION**



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

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

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

**NO TRESPASSING**

ATC CAUTION AND NO TRESPASSING SIGN



**WARNING**



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

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

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

ATC RF WARNING AND FCC NUMBER SIGN

**FCC TOWER REGISTRATION #**

**Posting of sign required by law**

ATC STAND-ALONE FCC TOWER  
REGISTRATION SIGN



EXISTING SIGNAGE PHOTO



**NOTICE**

**GUIDELINES FOR WORKING IN  
RADIOFREQUENCY ENVIRONMENTS**

- ⚠ All personnel should have electromagnetic energy (EME) awareness training.
- ⚠ All personnel entering this site must be authorized.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not stop in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without shields during normal operation.
- ⚠ Do not operate base station antennas in equipment room.

ATC RF PROGRAM NOTICE SIGN



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

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REV.	DESCRIPTION	BY	DATE
△	PRELIM	JY	09/03/20
△			
△			
△			
△			

ATC SITE NUMBER:  
**411141**

ATC SITE NAME:  
**OLSEN ROAD CA**

SITE ADDRESS:  
3370 MOORPARK ROAD  
MOORPARK, CA 93021

SEAL:

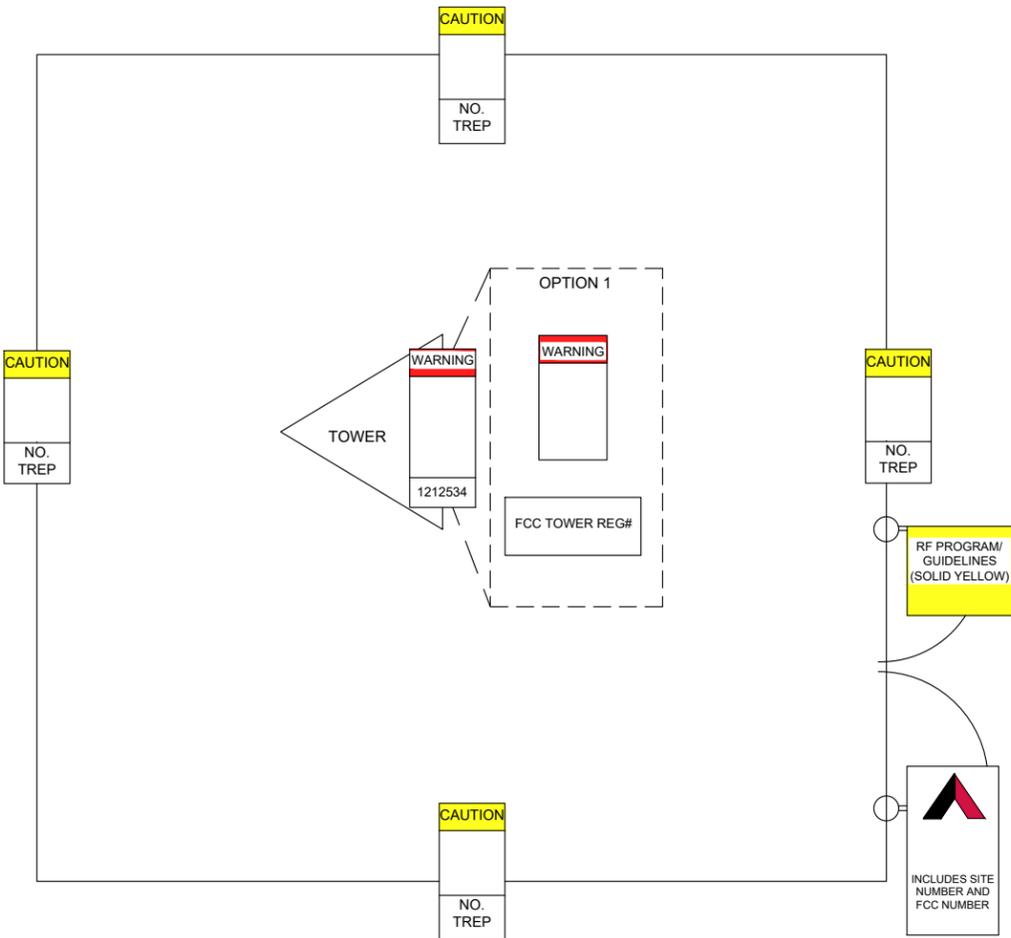
**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

DATE DRAWN: 09/03/20  
ATC JOB NO: 13320367\_E1

**SIGNAGE**

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

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



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

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

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

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



**SITE NAME :** OLSEN ROAD CA  
**SITE NUMBER :** 411141  
**FCC REGISTRATION # :**

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

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

**NO TRESPASSING**

**www.americantower.com**

**POSTING OF THIS SIGNAGE REQUIRED BY LAW**

ATC SITE SIGN

**REPLACEMENT OF SIGNAGE:**

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

**NOTE:**

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

## EXHIBIT 4

### DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 5153, (AS MODIFIED BY MINOR MODIFICATION CASE NOS. LU10-0107 AND PL20-0109) FOR "OLSEN ROAD" WIRELESS COMMUNICATION FACILITY

#### RESOURCE MANAGEMENT AGENCY (RMA)

#### Planning Division Conditions

##### 1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 4 of the Planning Director hearing on January 6, 2022, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A modified CUP has been granted to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period. The WCF includes an existing 48.5-foot high slim-line monopole with a whip antenna mounted to the top of the monopole extending to an overall height of 53 feet. Two antenna sectors with two panel antennas per sector (for a total of four antennas) are located on the monopole at centerline of 43 feet and 48 feet and an existing microwave dish is mounted on the monopole at a centerline of 35 feet above ground level. The existing WCF includes a nearby diesel-powered emergency generator and a 240 square foot prefabricated equipment shelter housing ancillary support equipment.

The project does not authorize any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service is not be required for the continued use, operation or maintenance of the WCF. The WCF shall continue to be unmanned, except for occasional periodic maintenance visits, and may operate 24 hours per day, 365 days per year. Access to the WCF shall remain available from Moorpark Road, a paved, public road, followed by a private driveway though Underwood Family Farms and through agricultural fields and an avocado orchard.

The development, use, and maintenance of the property and the size, shape, arrangement, and location of structures shall conform to the project description above

County of Ventura  
Planning Director Hearing  
Case No. PL20-0109  
Exhibit 4 - Conditions of Approval

and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

## 2. Required Improvements for CUP

**Purpose:** To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

**Requirement:** The Permittee shall ensure that all required off-site and on-site improvements for the Project, including structures and parking are completed in conformance with the approved plans stamped as hearing Exhibit 3. The Permittee shall prepare and submit all final building and site plans for the County's review and approval in accordance with the approved plans.

**Documentation:** The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to final inspection. The Permittee shall maintain the required improvements for the life of the Project.

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

## 3. Site Maintenance

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

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

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

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

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

#### 4. CUP Modification

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

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

#### 5. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

6. Time Limits

a. Use inauguration:

The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1

(1) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

(2) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on January 6, 2032. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

(1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to January 6, 2032; and

(2) The County decision-maker grants the requested modification.

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

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

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

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

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

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration.

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

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

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

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

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

**Timing:** Throughout the life of the Project.

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

9. Recorded Notice of Land Use Entitlement

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

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

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

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

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

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

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

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee 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 10.a (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 timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

#### 11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or

operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

#### 12. Invalidation of Condition(s)

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

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

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

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

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

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

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

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

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

#### 15. Contact Person

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

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

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

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

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

#### 16. Change of Permittee

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

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

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

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

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

#### 17. Color/Material/Manufacture Specifications

**Purpose:** To comply with the Ventura County General Plan *Goals, Policies and Programs* Scenic Resources Policies 1.7.2-1 through 1.7.2-4 and to ensure that the communication facility is constructed as illustrated on the approved plans and photo simulations.

**Requirement:** The Permittee shall:

- a. construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);

- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. provide photos to the Planning Division to verify that the facility is constructed as approved.

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

**Timing:** Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the colors and materials of all buildings and structures on building plans for the Planning Division's review and approval. Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the materials sample/color board that illustrates the proposed colors for the Planning Division's review and approval. Prior to final inspection, the Permittee shall construct and paint the structures according to the approved plans.

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

**18. Removal of Facility upon Abandonment of Use or Expiration of Permit**

**Purpose:** In compliance with § 8111-2.8 and § 8111-8.1 of the Ventura County Non-Coastal Zoning Ordinance and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

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

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

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

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

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

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

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

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

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

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

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

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

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

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

### **20. Hazardous Materials Management**

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

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

**Documentation:** A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System.

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

**Monitoring and Reporting:** Ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff.

## **OTHER VENTURA COUNTY AGENCIES**

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

#### **21. Fire Code Permits**

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

**Conditions of Approval for CUP 5153 (PL20-0109)**      **Permittee:** American Tower, Attn: Bonnie Belair

**Location:** 5191 Read Road, Moorpark

**Date of Public Hearings:** February 28, 2001, December 28, 2010 and January 6, 2022

**Date of Approval:** TBD

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

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

**Timing:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the 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.