



Planning Director Staff Report– Hearing on June 10, 2021

County of Ventura • Resource Management Agency

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

“RED MOUNTAIN” WIRELESS COMMUNICATION FACILITY (WCF) MINOR MODIFICATION OF CONDITIONAL USE PERMIT (CUP) 5119, CASE NO. PL20-0101

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) 5119 to authorize the continued operation, maintenance and use of an existing Wireless Communication Facility (WCF) for a 10-year period. (Case No. PL20-0101)
2. **Applicant:** Jim Lee, c/o Crown Castle, 200 Spectrum Center Drive, Suite 1700, Irvine, California 92618
3. **Property Owner:** The Wood-Claeyssens Foundation, Attn: Joseph Chrisman, 2360 Foothill Road, Santa Barbara, California 93105
4. **Applicant’s Representative:** Lynda McClung, c/o Synergy, 7543 Woodley Avenue, Suite 201, Van Nuys, California 91406
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
6. **Project Site Size, Location, and Parcel Number:** The 639-acre project site is located at 2270 Casitas Vista Road, near the intersection of Red Mountain Fire Road and Casitas Vista Road, near the community Foster Park, in the unincorporated area of Ventura County. The Tax Assessor’s parcel numbers for the parcels that constitutes the project site are 060-0-300-015 (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: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-80 ac (Open Space, 80-acre minimum lot size)	Open Space

Location in Relation to the Project Site	Zoning	Land Uses/Development
East	AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)	Open Space
South	OS-160 ac (Open Space, 160-acre minimum lot size)	Open Space
West	AE-40 ac	Open Space

9. History: Development on the subject property consists of several WCF's, which the County approved under various CUP's. The existing WCF that is the subject of this CUP has been in operation since 2000 (CUP 5119).

On February 13, 2008, the Planning Director approved a Permit Adjustment (LU07-0141) for the addition of equipment to the previously permitted (CUP 5119) subject WCF. The equipment was added but never full permitted, expired, and was later incorporated into a minor modification of CUP 5119 (LU09-0133).

On October 26, 2010, the Planning Director approved a Minor Modification (LU09-0133) of CUP 5119 authorizing a 10-year extension of time for CUP 5119 and to legalize additional equipment that had been installed on the project site. LU09-0133 expired on September 14, 2020.

On April 9, 2015, a Permit Adjustment (PL15-0018) was approved authorizing the installation of one (1) 33.6-inch microwave dish to be stub-mounted at 14 feet high on Tower 1.

On January 27, 2020, an Administrative Zoning Clearance (ZC19-1224) was approved authorizing a "Section 6409(a) Modification" for removal and replacement of a total of nine (9) antennas and nine (9) radio remote units (RRU's) on the existing WCF.

On September 15, 2020, the subject application under review was submitted to the County and later accepted for processing on November 3, 2020 requesting an additional 10-year time extension for CUP 5119 (Case No. PL20-0101).

10. Project Description: The applicant requests that a modified CUP be granted for the continued use, operation and maintenance of an existing WCF, known as The Wood-Claeyssens Foundation Red Mountain, for an additional 10-year period. No new construction or operational changes would be authorized with the project.

The existing WCF is located within an existing 15-foot by 28-foot, 6-inch lease area and comprises of the following components:

- Four (4) 15-foot high pipe mount Towers (Towers 1 through 4) with a combined total of nine (9) antennas and three (3) RRU's;

- One (1) microwave dish mounted on the top of Tower 1 at an overall height of 20 feet, 5-inches above finished grade;
- One (1) microwave dish mounted on the top of Tower 2 at an overall height of 20 feet, 2-inches above finished grade;
- Three (3) equipment cabinets ground mounted to a concrete slab; and,
- One (1) utility frame with a Public Protection Cabinet (PPC) and a meter disconnect box.

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 would continue to be available from Casitas Vista Road, a public, paved road, followed by Red Mountain Fire Road, a private dirt roadway. Water service would not be required to operate or maintain the proposed project and no exterior lighting, fencing or grading is proposed or authorized as part of the project. (Exhibit 3)

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. Given that the project involves the continued use of an existing facility, the project is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). Section 15301 exempts projects that involve the continued use of existing facilities, structures, and equipment.

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

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

C. CONSISTENCY WITH THE GENERAL PLAN

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

The existing WCF would continue to be sited amongst other similar and previously approved WCF's on a largely undeveloped parcel, known as Red Mountain. All ground mounted equipment is installed on a concrete slab and behind an existing chain link fence, which would limit any conflict with nonexistent but potential adjacent agricultural operations. Thus, no conflicts with the adjoining agricultural operations would occur with the continuation of the project and therefore, no buffers are warranted.

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

- 2. LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation:** *The County shall ensure that land designated as Agricultural is used for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

Project implementation would not involve any agricultural designated lands to be removed from operation. The location of the existing WCF would not interfere with the existing agricultural related uses on the remainder of the project site.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-8.2.

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

The existing WCF would continue to provide wireless telecommunication services to the surrounding area and is designed to have the least amount of visual impact while ensuring the adequate provision of public facilities and services. A condition of approval (Condition of Approval No. 16, Exhibit 5) would be included with the project to require the applicant to re-paint the WCF (i.e. Towers, antennas and RRU's) gray in color to blend in with the surrounding environment.

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

- 4. 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 on the 639-acre project site in a location that is not prominently visible from surrounding parcels. No new land use conflicts have been identified as a result of the continued use of the WCF.

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

- 5. 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.*

Project implementation would ensure that adequate cellular mobile infrastructure and communication services throughout the unincorporated area would continue to be provided for. Additionally, a condition of approval (Condition of Approval No. 16, Exhibit 5) would be included with the project to ensure that the WCF would continue to blend seamlessly into the surrounding environment.

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

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

The existing WCF would continue to provide cellular service to the unincorporated area of the Ventura area. The continued use of the WCF and ability to co-locate

additional antennas would ensure that the affected residents and businesses alike would receive a high quality of service.

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

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

The proposed project would not require the removal of any agricultural land and would not interfere with agricultural operations. No Prime Farmland, Farmland of Statewide Importance on the State's Important Farmland Inventory, or topsoil would be affected from the implementation of the proposed project.

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

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

No conflicts with the adjacent agricultural designated lands or agricultural uses of those lands has been identified. The antennas are mounted on the existing support poles and all ground mounted equipment is located within a fenced area. Thus, no new conflicts would occur as a result of implementation of the proposed project.

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

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 AE-40 ac zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed WCF is subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use standards 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(f)(5)(c)(ii), Maximum Antenna Height:</p> <p><i>Non-Stealth facilities may be approved if one or more of the following findings are made:</i></p> <p><i>ii. The applicant demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities.</i></p>	<p>Yes, the design of the proposed project would involve the continued use of a non-stealth WCF with a maximum height of 20 feet, 5-inches above finished grade. The applicant has demonstrated that this is the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter WCF's.</p>
<p>Section 8107-45.4(n), Accessory Equipment:</p> <p><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 existing accessory equipment would be visible from offsite.</p>
<p>Section 8107-45.4(o), Colors and Materials:</p> <p><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 use materials which blend into the natural surroundings and no reflective materials would be used. A condition of approval (Condition of Approval No. 16, Exhibit 5) would be included with the project to require all ancillary equipment (i.e. antennas, RRU's and each pole of Towers 1 through 4) be painted gray in color to ensure the WCF blends into the sky from any view.</p>
<p>Section 8107-45.4(p), Noise:</p> <p><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 all applicable Ventura County noise standards.</p>
<p>Section 8107-45.4(r), Security:</p> <ol style="list-style-type: none"> <i>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.</i> <i>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</i> 	<p>Yes, the WCF is enclosed within an existing chain link fence surrounding the entire project site preventing access and potential vandalism to the project site. No new fencing is proposed or would be authorized as part of this project.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<i>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>Section 8107-45.4(s), Lighting:</p> <ol style="list-style-type: none"> 1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i> 2. <i>Any necessary security lighting shall be downshielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</i> 	Yes, the existing WCF would continue to not be illuminated. No new lighting is proposed or would be required as part of this project.
<p>Section 8107-45.4(t), Signage:</p> <p><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>	Yes, the existing WCF would continue to be surrounded by an existing chain link fence with signage indicating all necessary information related the operation and on-going safety of all personnel periodically maintaining the WCF.
<p>Section 8107-45.4(u), Access Roads:</p> <ol style="list-style-type: none"> 1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i> 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> 	Yes, the existing WCF would continue to be accessed by a public road, followed by a private dirt road leading to the project site.

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 existing WCF that is the subject of this CUP application has been in operation since 2000. The continued use of this 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 the continued operation of the existing WCF.

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

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

As discussed in Section E.2 (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 project implementation. Furthermore, Conditions of Approval (Exhibit 5) would be included project approval to ensure ongoing compatibility of the project with all other 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 proposed project involves the continued use of an existing WCF with no proposed operational or physical changes. The existing WCF would continue to be

located on a remote, largely undeveloped parcel. No adverse effects on the project site have been identified. Given the remote location, a change in land use is not reasonably foreseeable at this time. Thus, the facility is expected to be compatible with existing and potential land uses in the general area.

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.f].

According to a Preliminary Legal Lot Determination dated August 31, 2010, APN No. 060-0-300-015, combined with APN Nos. 060-0-300-025, -045, -055, -065, 060-0-310-155 and -165 comprise a legal lot created by conveyance (deed recorded November 9, 1900 in Book 68, Page 323 of Deeds), prior to regulation by the Subdivision Map Act or Ventura County Subdivision Ordinance.

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

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

As discussed in Section B (above), staff determined that the proposed project would qualify for a Class 1 Categorical Exemption, pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines and therefore, would be approved in accordance with CEQA and all other applicable laws.

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

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

As discussed in Sections C and D (above), no ground disturbance is proposed, and therefore, there would be no impacts to agricultural land or production by the implementation of the Project.

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

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

The WCF is existing and has been in operation since 2000. The Project does not request to change the siting of the WCF and therefore, no conflicts with agricultural operations would occur.

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

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

As discussed in Section E.9 (above), the WCF is existing with no change in siting and therefore, no agricultural land would be removed by the implementation of the Project.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On May 26, 2021, the Planning Division mailed notice to owners of property within 3000 feet of the property on which the project site is located. On May 31, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Minor Modification of CUP 5119 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 5119 (Case No. PL20-0101), subject to the conditions of approval (Exhibit 5); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 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 John Kessler at (805) 654-2461 or john.kessler@ventura.org.

Prepared by:



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

Reviewed by:



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

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Environmental Document
- Exhibit 5 Conditions of Approval



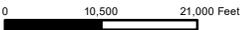
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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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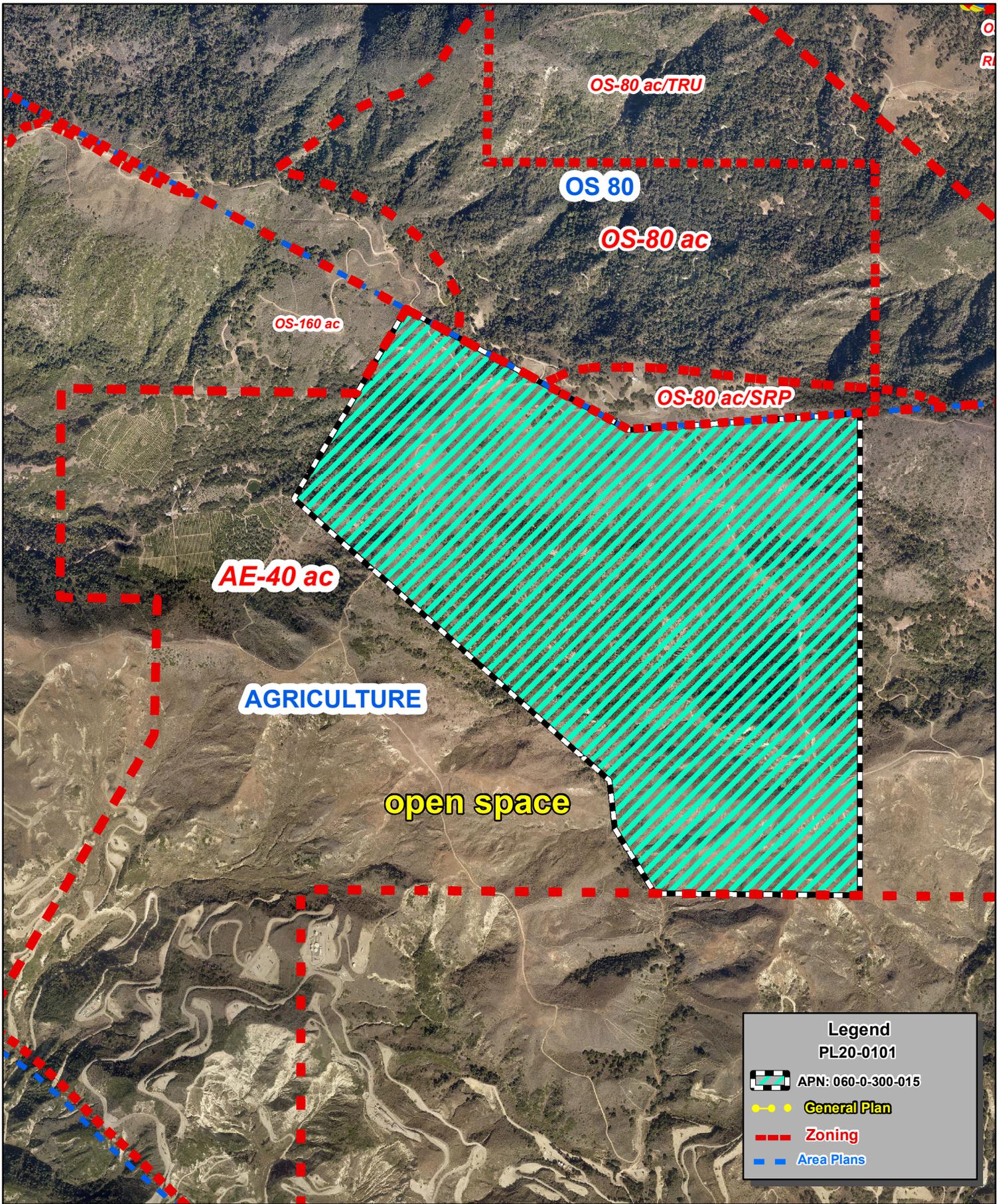


County of Ventura
 Planning Director Hearing
 Case No. PL20-0101
 Exhibit 2 - Maps



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Ventura County, California
 Resource Management Agency
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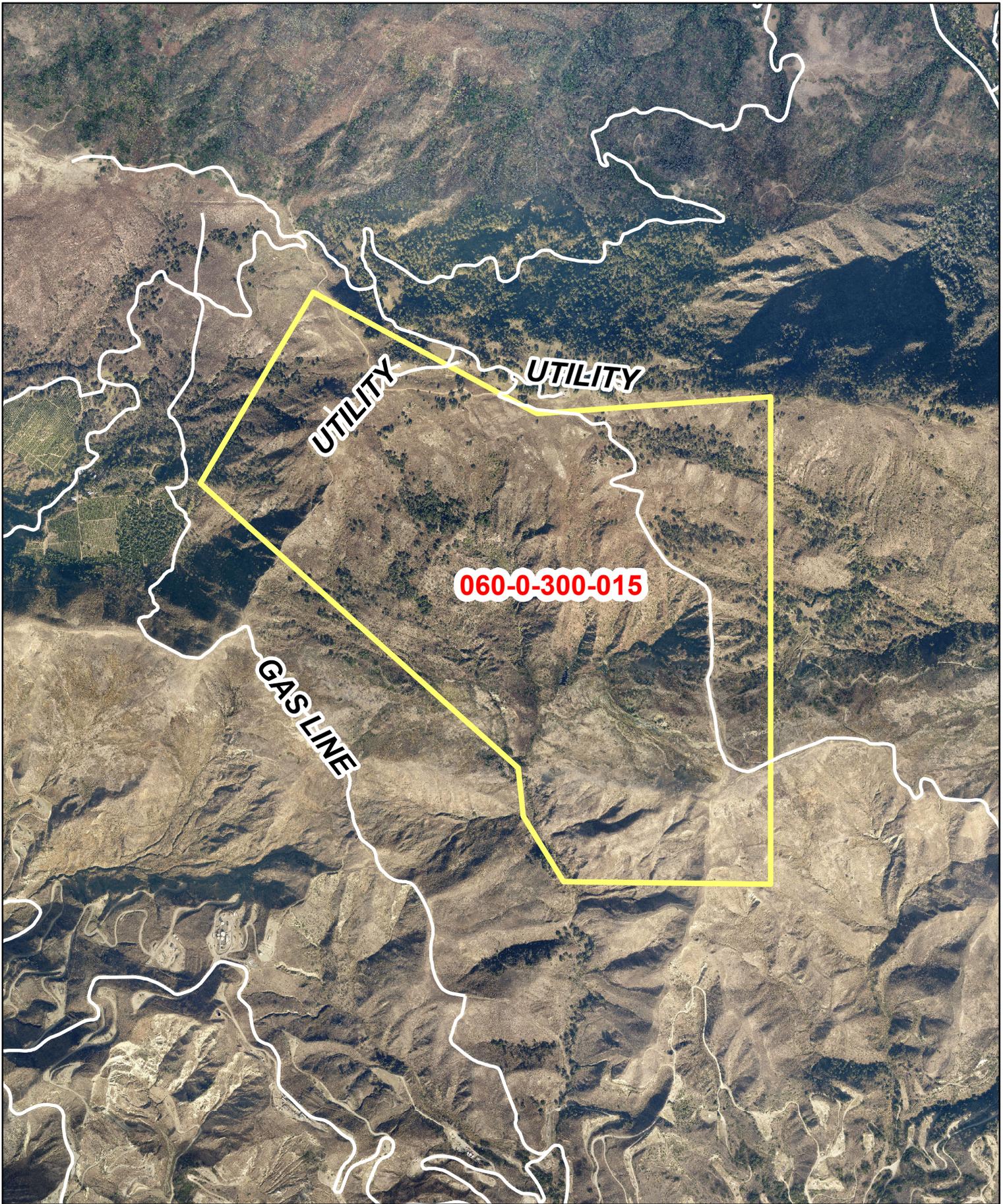


County of Ventura
 Planning Director Hearing
 PL20-0101
 General Plan & Zoning Map



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County of Ventura
Planning Director Hearing
PL20-0101
Aerial Photography



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CUP RENEWAL



SITE NUMBER: 825205 **CITY:** VENTURA
SITE NAME: LA419VENTURA RED MOUNTAIN **COUNTY:** VENTURA COUNTY
SITE TYPE: MONOPOLE **JURISDICTION:** COUNTY OF VENTURA

PROJECT INFORMATION:
(CUP RENEWAL)
LA419VENTURA RED MOUNTAIN
825205
2270 CASITAS VISTA RD, VENTURA, CA 93001
VENTURA COUNTY

CURRENT ISSUE DATE:
05/27/21

ISSUED FOR:
ZONING

REV.	DATE	DESCRIPTION	BY
A	08/24/20	90% ZD ISSUED FOR REVIEW	VRR
B	08/27/20	100% ZD	VRR
C	05/27/21	100% ZDS, RE-ISSUED FOR ZONING	LBK

PLANS PREPARED BY:
 Synergy
a division of advantage engineers
7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:
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DRAWN BY: VRR **CHK.:** AB **APV.:** AB

LICENSURE:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER: T-1 **REVISION:** C
825205

PROJECT SUMMARY

CROWN CASTLE USA INC. SITE NAME: LA419VENTURA RED MOUNTAIN

SITE ADDRESS: 2270 CASITAS VISTA RD VENTURA, CA 93001

COUNTY: VENTURA

MAP/PARCEL #: 060-0-300-015

AREA OF CONSTRUCTION: EXISTING

LATITUDE: 34° 20' 57.31"

LONGITUDE: -119° 20' 33.48"

LAT/LONG TYPE: NAD83

GROUND ELEVATION: 2,117.4 FT.

CURRENT ZONING: SOAR

JURISDICTION: COUNTY OF VENTURA

OCCUPANCY CLASSIFICATION: U

TYPE OF CONSTRUCTION: II B

A.D.A. COMPLIANCE: FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION

PROPERTY OWNER: RANCHO CASITAS LLC
1000 S SEAWARD AVE
ATTN HOFFMAN VANCE & WORTHINGTON
VENTURA, CA 93001-3735

TOWER OWNER: CCTMO LLC
2000 CORPORATE DRIVE
CANONSBURG, PA 15317

CARRIER/APPLICANT: CROWN CASTLE 200 SPECTRUM CENTER DRIVE,
SUITE 1700
IRVINE, CA 92618

ELECTRIC PROVIDER: SOUTHERN CALIFORNIA EDISON (800) 445-6555

TELCO PROVIDER: AT&T (866) 620-6900

CONSULTING TEAM

SAC/ZONING/PERMITTING:
SYNERGY IS A DIVISION OF ADVANTAGE ENGINEERS, LLC
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SYNERGY PROJECT MANAGERS:
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PHONE: (310) 721-3361
EMAIL: SWOOD@SYNERGY.CC

CROWN CASTLE PROJECT MANAGER:
CROWN CASTLE 200 SPECTRUM, SUITE 1700
IRVINE, CA 92618
CONTACT: JIM LEE
PHONE: (714) 642-8036

LATITUDE / LONGITUDE

LAT: 34° 20' 57.31" N **LAT:** 34.34921993 N
LONG: -119° 20' 33.48" W **LONG:** -119.342471 W

UTILITY PURVEYOR

POWER: **TELCO:**
COMPANY: - **COMPANY:** -

APPROVAL

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

	PRINT NAME	SIGNATURE	DATE
LANDLORD:			
ZONING MGR:			
DEVELOP. MGR:			
CONST. MGR:			
PROJECT MGR:			
SR. RF ENGINEER:			
RF ENGINEER:			
OPERATIONS:			
SAC REP.:			
UTILITIES:			

DRAWING INDEX

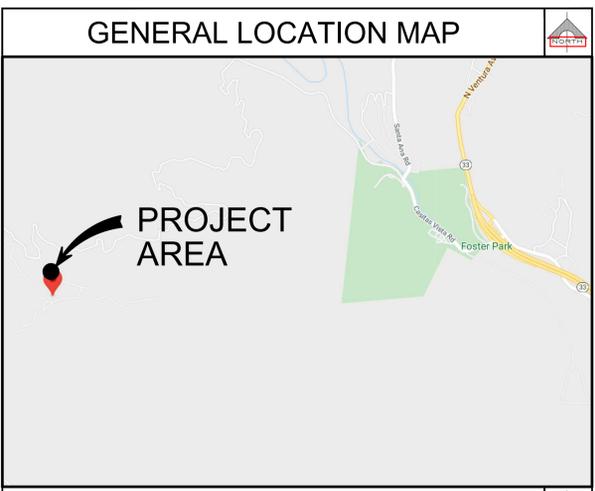
SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	OVERALL SITE PLAN
A-2	EQUIPMENT LAYOUT PLAN
A-3	ANTENNA PLANS
A-4	TOWER ELEVATIONS

ACCESSIBILITY REQUIREMENTS

THE FACILITY IS UNMANNED AND NOT FOR CONTINUOUS HUMAN HABITATION. HANDICAPPED ACCESS IS NOT REQUIRED PER CBC 2019, SECTION 11B-203.4 (LIMITED ACCESS SPACES) SECTION 11B-203.5 (MACHINERY SPACES)

CODE COMPLIANCE

- CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2019
- CALIFORNIA BUILDING CODES 2019
- CALIFORNIA ELECTRICAL CODES 2019
- CALIFORNIA MECHANICAL CODES 2019
- CALIFORNIA PLUMBING CODES 2019
- ANSI / EIA-222 H
- LOCAL BUILDING CODES CITY / COUNTY ORDINANCES
- CALIFORNIA FIRE CODE 2019 EDITION
- ASCE 7-16
- ACI 318-14
- STEEL CONSTRUCTION MANUAL 14TH EDITION



County of Ventura
Planning Director Hearing
Case No. PL20-0101
Exhibit 3 - Project Plans

PROJECT DESCRIPTION

THE PROJECT ENTAILS:
CROWN CASTLE IS REQUESTING A RENEWAL OF THE CONDITIONAL USE PERMIT FOR THE CONTINUED USE AND OPERATION AND OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY LOCATED ON (4) 15-FOOT POLES THE FACILITY CONSISTS OF:

- (E) (9) ANTENNAS
- (E) (3) RRU'S
- (E) (3) EQUIPMENT CABINETS

NOTE: (E) INDICATES PREVIOUSLY PERMITTED BY PERMIT ZC19-1224

DO NOT SCALE DRAWINGS

SUBCONTRACTOR SHALL VERIFY ALL PLANS & EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

SITE PLAN DISCLAIMER:
 PROPERTY LINES AND STRUCTURES HAVE BEEN DIGITIZED FROM PREVIOUS PLAN SETS OR FROM ASSESSORS MAPS. T-MOBILE HAS NOT COMPLETED A SITE SURVEY AND THEREFORE MAKES NO CLAIMS AS TO THE ACCURACY OF INFORMATION DEPICTED ON THIS SHEET

PROJECT INFORMATION:
 (CUP RENEWAL)
LA419 VENTURA RED MOUNTAIN
825205
 2270 CASITAS VISTA RD, VENTURA, CA 93001
 VENTURA COUNTY

CURRENT ISSUE DATE:
05/27/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	08/24/20	90% ZD ISSUED FOR REVIEW	VRR
B	08/27/20	100% ZD	VRR
C	05/27/21	100% ZDS, RE-ISSUED FOR ZONING	IBK

PLANS PREPARED BY:

 a division of advantage engineers
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:

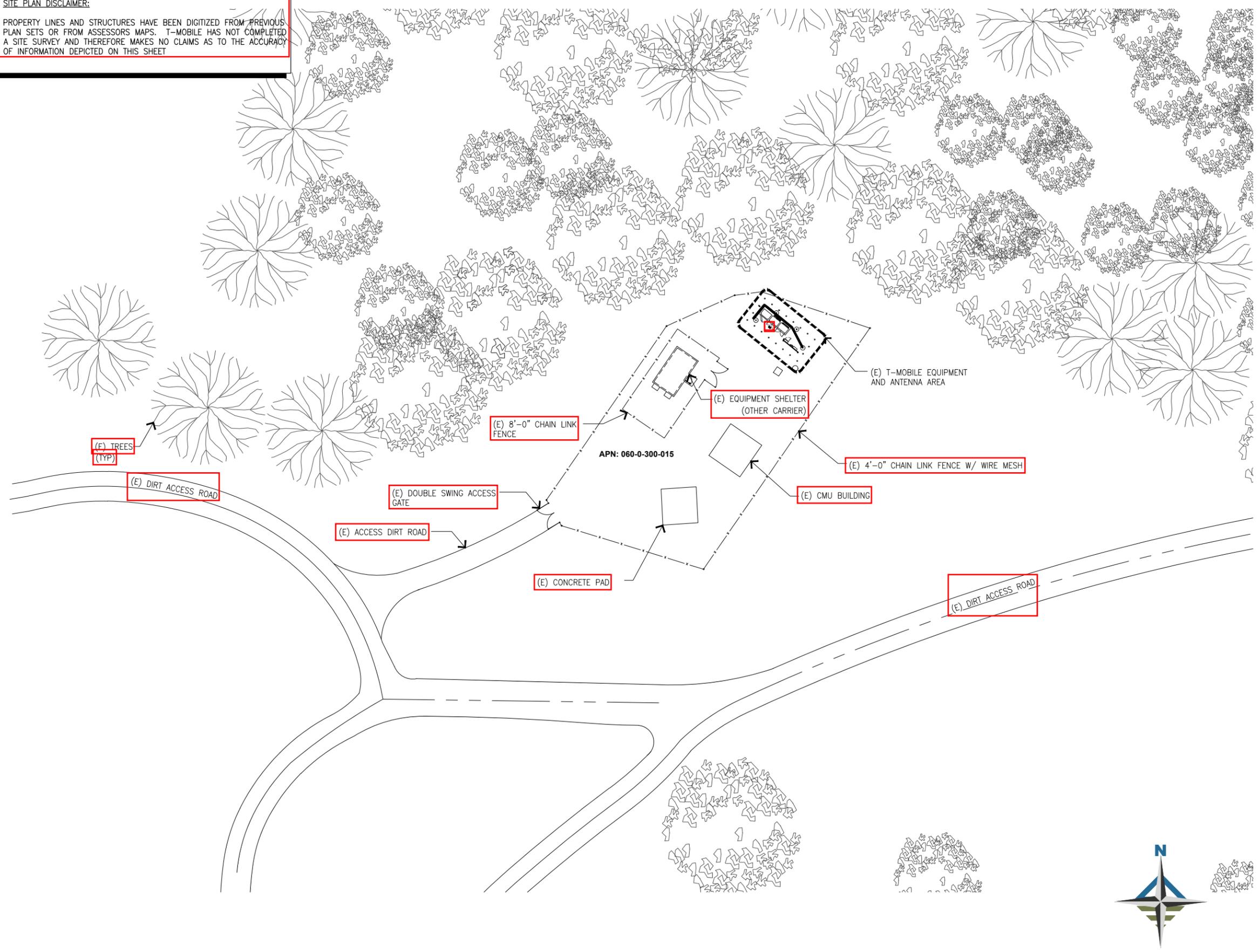
 a division of advantage engineers
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: VRR **CHK.:** AB **APPV.:** AB

LICENSURE:

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER: **A-1** **REVISION:** **C**
 825205



PROJECT INFORMATION:
 (CUP RENEWAL)
LA419VENTURA RED MOUNTAIN
825205
 2270 CASITAS VISTA RD, VENTURA, CA 93001
 VENTURA COUNTY

CURRENT ISSUE DATE:
05/27/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	08/24/20	90% ZD ISSUED FOR REVIEW	VRR
B	08/27/20	100% ZD	VRR
C	05/27/21	100% ZDS, RE-ISSUED FOR ZONING	IBK

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CONSULTANT:

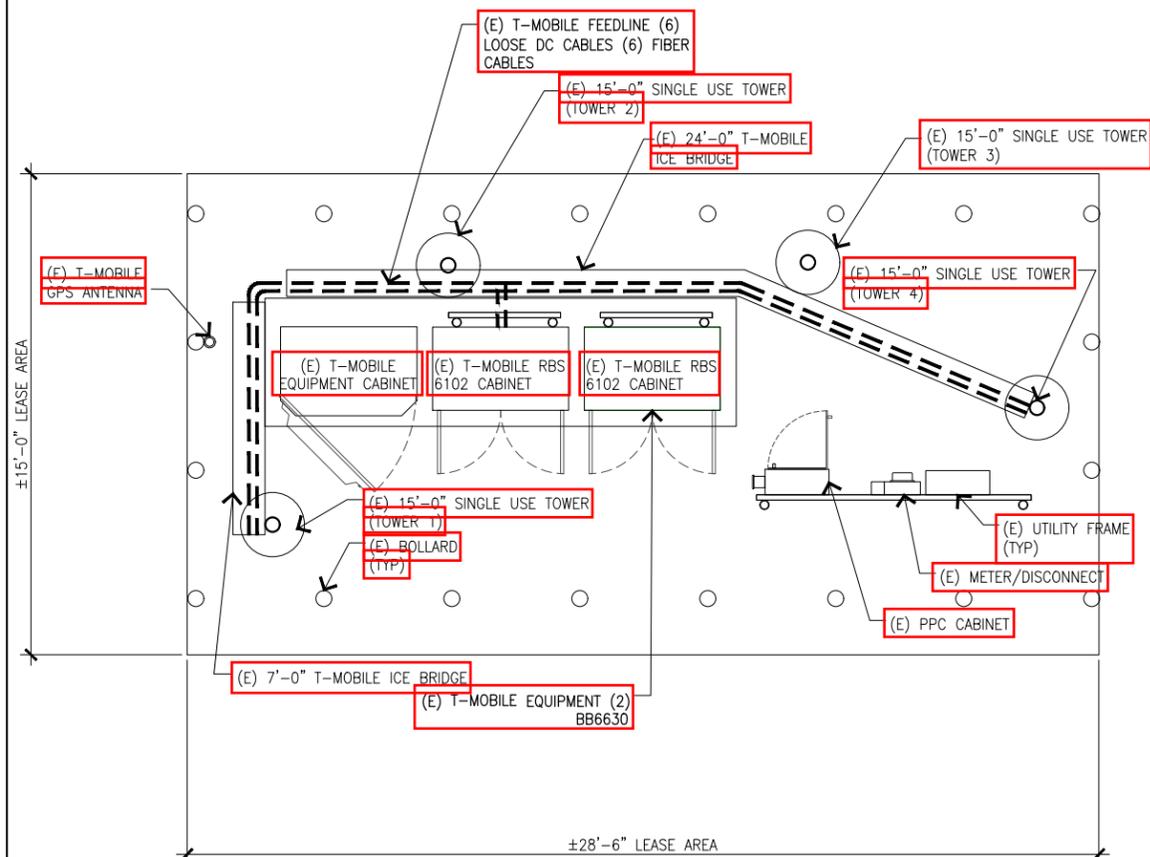
 a division of advantage engineers
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: VRR
 CHK.: AB
 FAPV.: AB

LICENSURE:

SHEET TITLE:
EQUIPMENT LAYOUT PLAN

SHEET NUMBER: **A-2**
 REVISION: **C**
825205



EQUIPMENT LAYOUT PLAN

SCALE:
 5/8" = 1'-0"
 0' 1' 2' 4' 8'

REV.:	DATE:	DESCRIPTION:	BY:
A	08/24/20	90% ZD ISSUED FOR REVIEW	VRR
B	08/27/20	100% ZD	VRR
C	05/27/21	100% ZDS, RE-ISSUED FOR ZONING	IBK

PLANS PREPARED BY:

CONSULTANT:

DRAWN BY:	CHK.:	APV.:
VRR	AB	AB

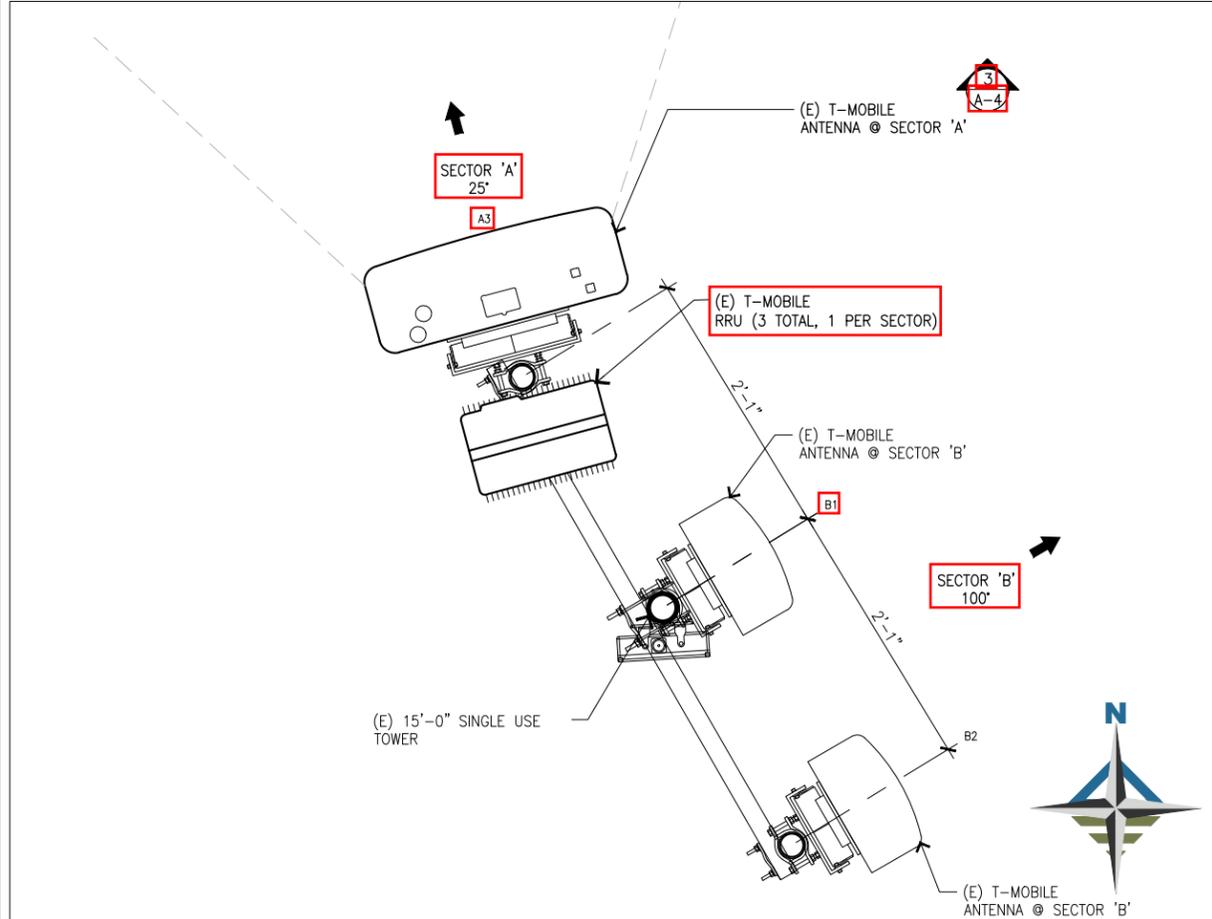
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SHEET TITLE:

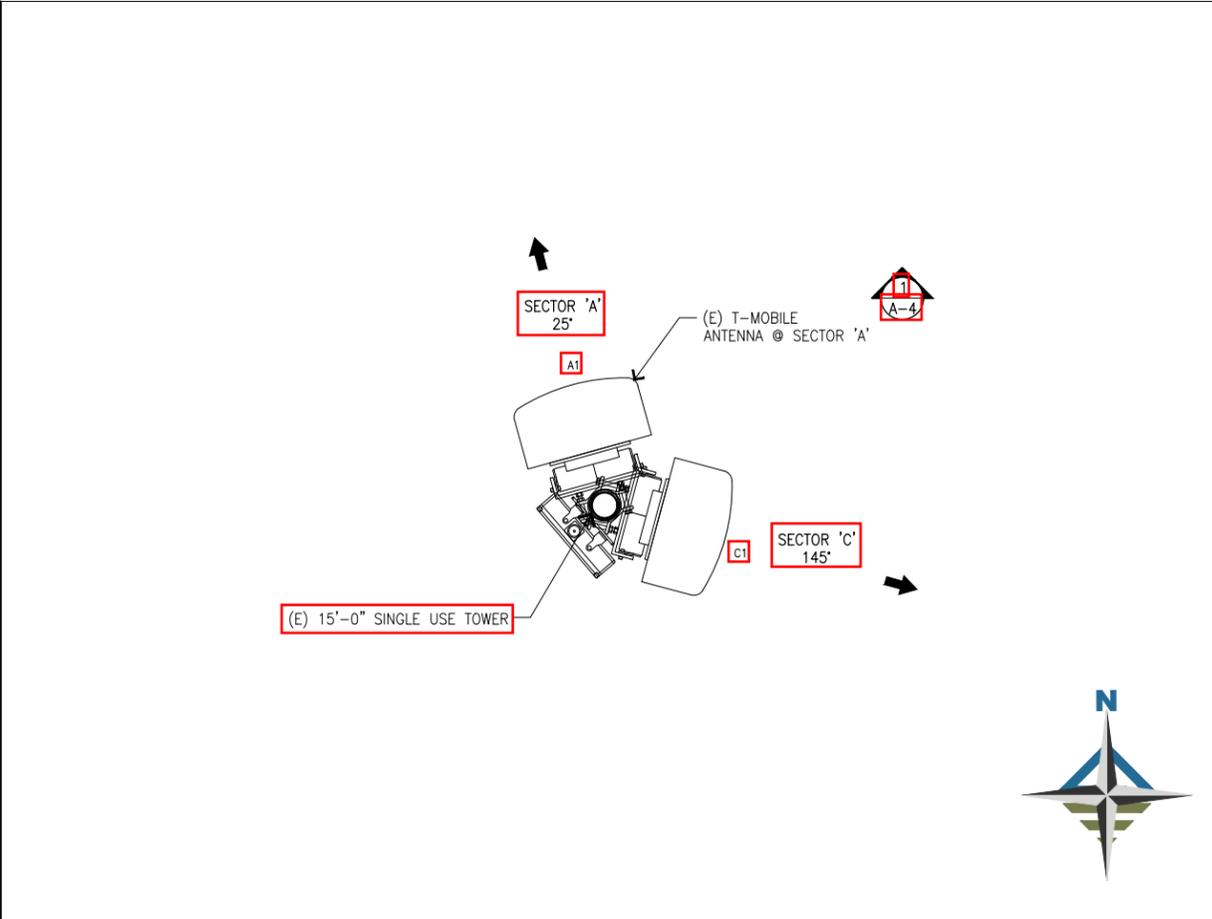
ANTENNA PLANS

SHEET NUMBER: REVISION:

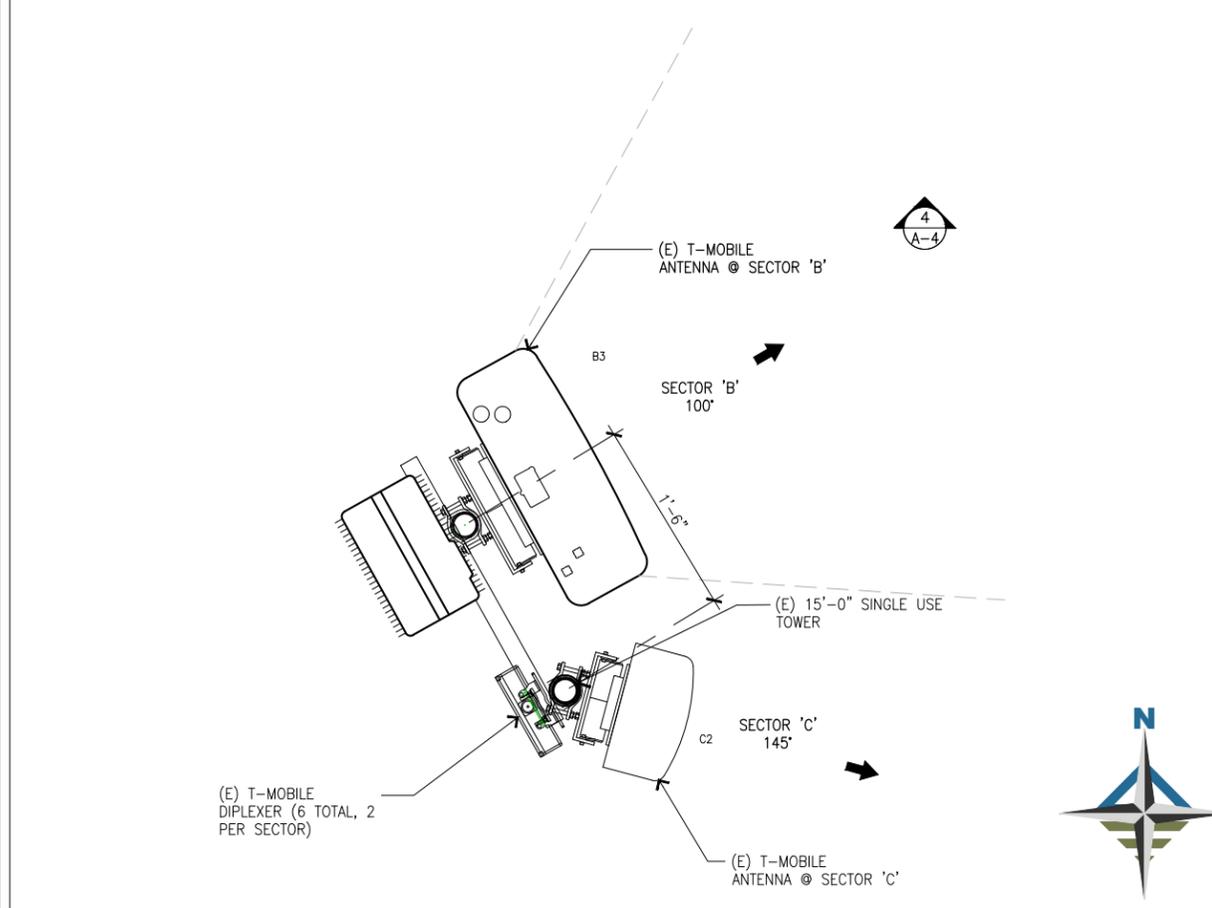
A-3 **C**
825205



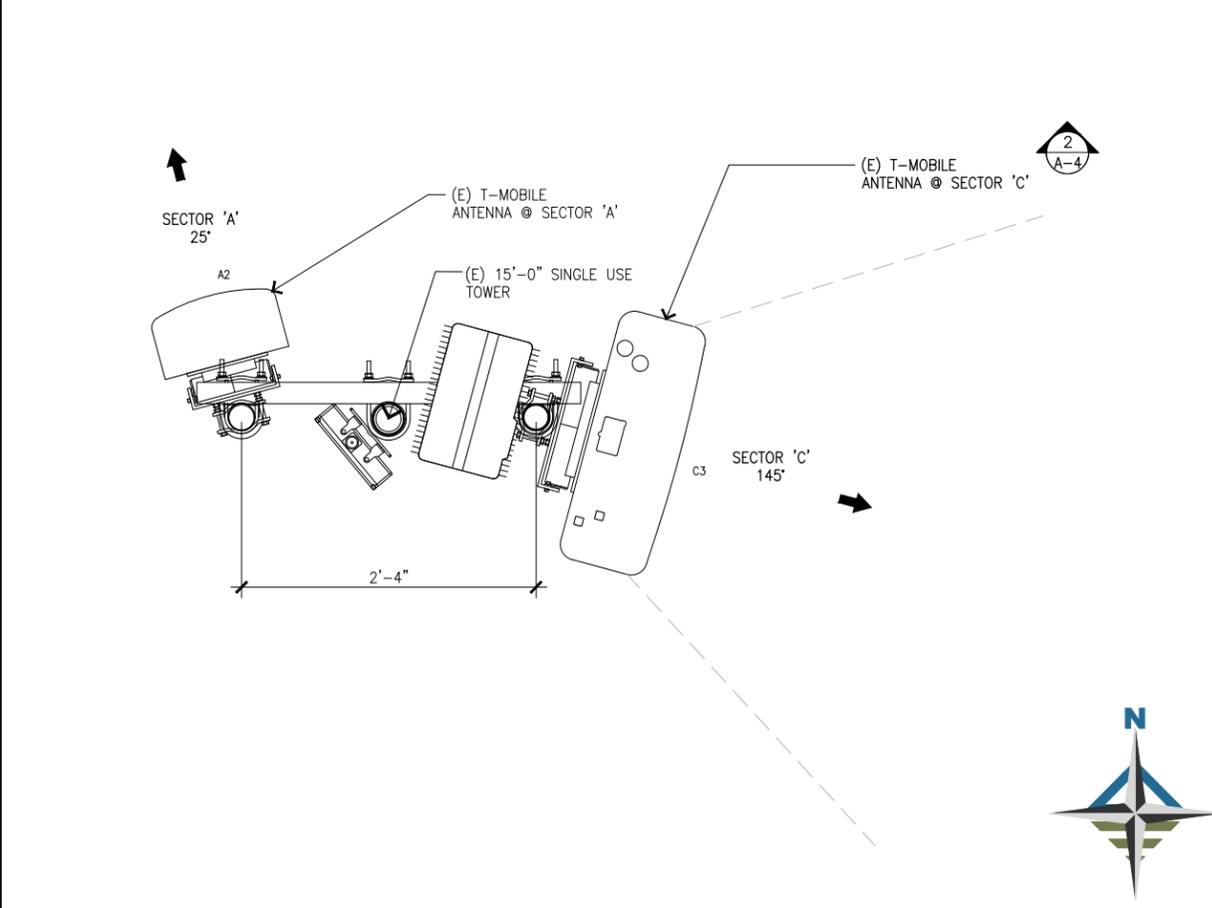
(E) ANTENNA PLAN (TOWER 3) SCALE: 1/2"=1'-0" 0 1' 2' 4' 8' 3



(E) ANTENNA PLAN (TOWER 1) SCALE: 1/2"=1'-0" 0 1' 2' 4' 8' 1



(E) ANTENNA PLAN (TOWER 4) SCALE: 1/2"=1'-0" 0 1' 2' 4' 8' 4



(E) ANTENNA PLAN (TOWER 2) SCALE: 1/2"=1'-0" 0 1' 2' 4' 8' 2

PROJECT INFORMATION:
 (CUP RENEWAL)
LA419VENTURA RED MOUNTAIN
825205
 2270 CASITAS VISTA RD, VENTURA, CA 93001
 VENTURA COUNTY

CURRENT ISSUE DATE:
05/27/21

ISSUED FOR:

ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	08/24/20	90% ZD ISSUED FOR REVIEW	VRR
B	08/27/20	100% ZD	VRR
C	05/27/21	100% ZDS, RE-ISSUED FOR ZONING	IBK

PLANS PREPARED BY:

Synergy
 a division of **advantage engineers**
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

CONSULTANT:

Synergy
 a division of **advantage engineers**
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: VRR
 CHK.: AB
 FAP.: AB

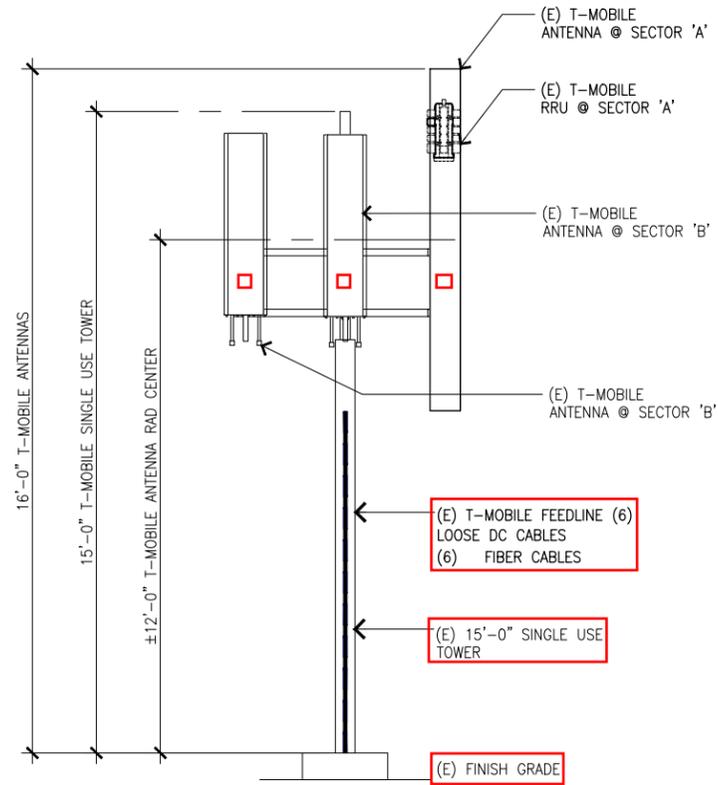
LICENSURE:

SHEET TITLE:

TOWER ELEVATIONS

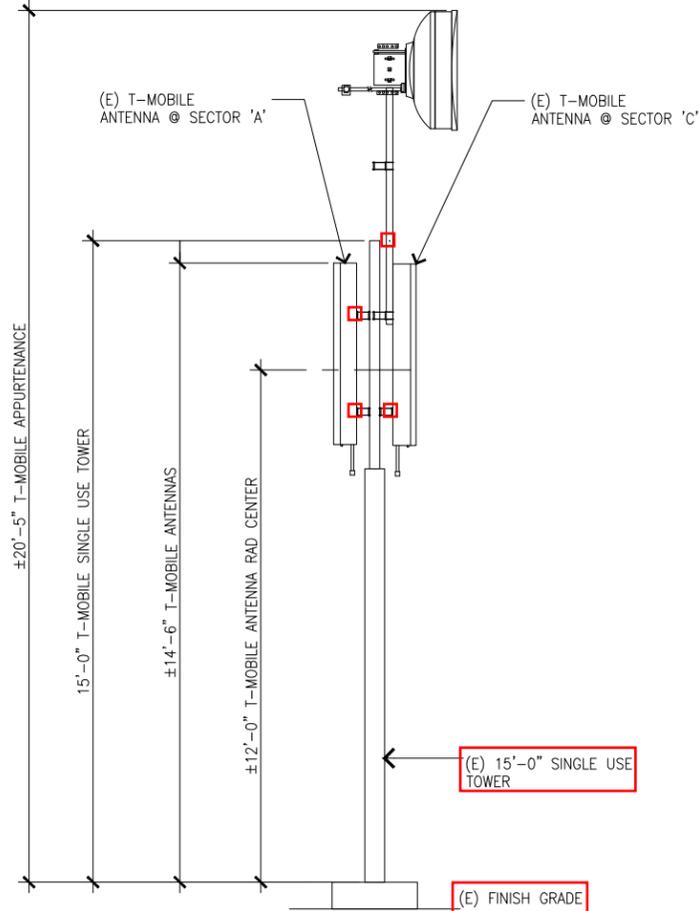
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A-4 **C**
 825205



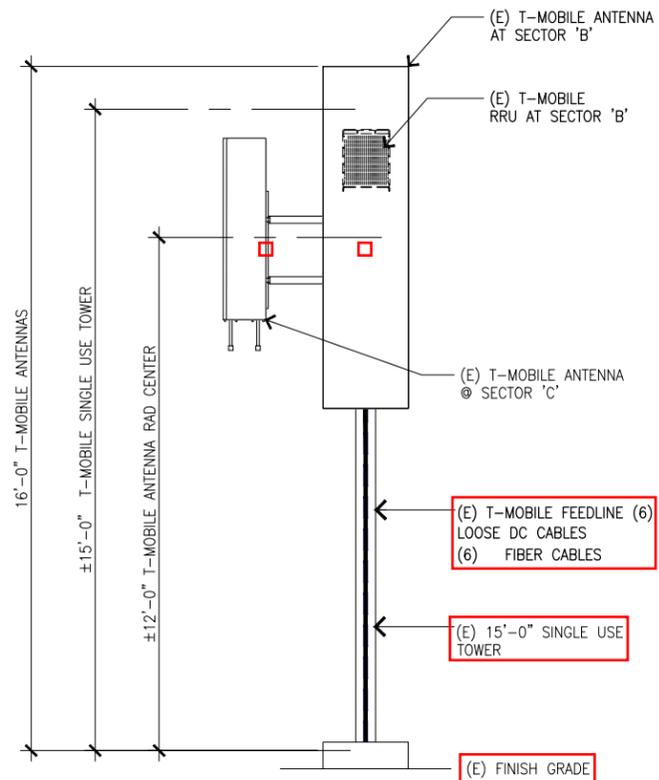
(E) NORTHEAST ELEVATION (TOWER 3)

SCALE: 1/2"=1'-0" 0 1' 2' 4' 8'



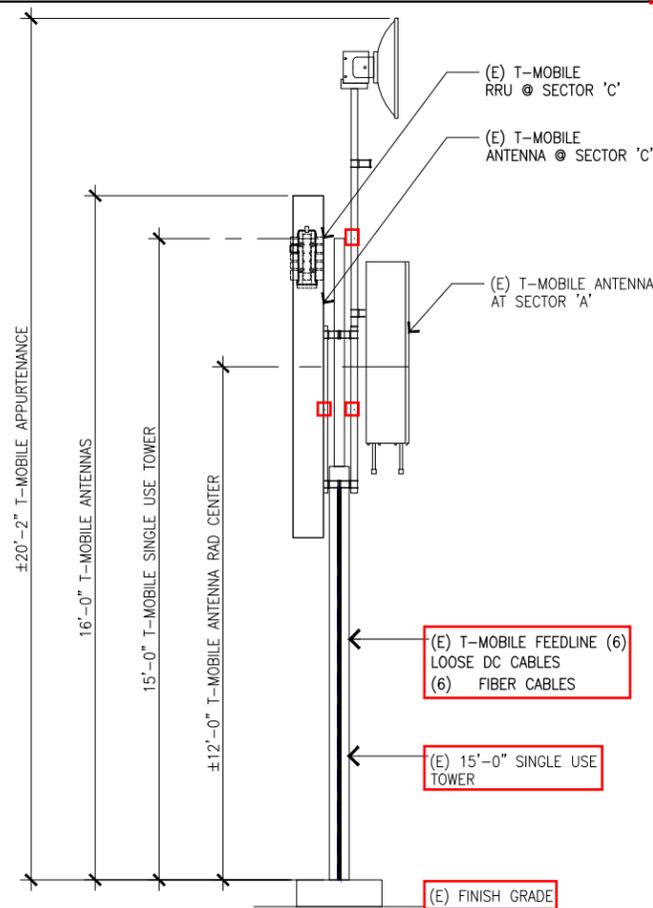
(E) NORTHEAST ELEVATION (TOWER 1)

SCALE: 1/2"=1'-0" 0 1' 2' 4' 8'



(E) NORTHEAST ELEVATION (TOWER 4)

SCALE: 1/2"=1'-0" 0 1' 2' 4' 8'



(E) NORTH ELEVATION (TOWER 2)

SCALE: 1/2"=1'-0" 0 1' 2' 4' 8'



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION

To: **County Clerk**
County of Ventura
800 South Victoria Ave., L#1210
Ventura, CA 93009

From: **County of Ventura**
RMA, Planning Division
800 South Victoria Ave., L#1740
Ventura, CA 93009

Office of Planning and Research
1440 Tenth Street, Room 121
Sacramento, CA 95814
(Only if State discretionary approval is required)

A. Project Description:

1. **Entitlement:** Minor Modification of Conditional Use Permit (CUP) 5119, Case No. PL20-0101
2. **Applicant's Name:** Jim Lee, c/o Crown Castle
3. **Applicant's Address:** 200 Spectrum Center Drive, Suite 1700, Irvine, California 92618
4. **Location:** 2270 Casitas Vista Road, Ventura County
5. **Assessor Parcel No.:** 060-0-300-015
6. **Project Description:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) 5119 to authorize the continued operation, maintenance and use of an existing Wireless Communication Facility (WCF) for a 10-year period.

B. Lead Agency Contact:

1. **Public Agency Approving Project:** County of Ventura, Resource Management Agency, Planning Division
2. **Contact Person:** John Kessler, Case Planner
3. **Telephone No.:** (805) 654-2461
4. **E-mail Address:** john.kessler@ventura.org

C. **Exempt Status:** Categorical Exemption, pursuant to Section 15301, Class 1 (Existing Facilities)

County of Ventura
Planning Director Hearing
Case No. PL20-0101
Exhibit 4 - Environmental Document

D. Justification for Exemption:

As the Project requests the continued use, operation and maintenance of an existing WCF, for an additional 10-year period, staff has determined that the Project qualifies for a Class 1 (Section 15301) categorical exemption.

Project Approval: TBD

Prepared by: John Kessler, Case Planner

Reviewed by:

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

EXHIBIT 5

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 5119, (AS MODIFIED BY MINOR MODIFICATION CASE NOS. LU09-0133 AND PL20-0101 AND PERMIT ADJUSTMENT CASE NOS. LU07-0141 AND PL15-0018) FOR THE WOOD-CLAEYSSSENS FOUNDATION “RED MOUNTAIN” WIRELESS COMMUNICATION FACILITY

RESOURCE MANAGEMENT AGENCY CONDITIONS

I. Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 5 of the Planning Director hearing on June 17, 2021, 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:

The Permittee has been granted authorization for the continued use, operation and maintenance of the existing Wireless Communication Facility (WCF), known as The Wood-Claeysens Foundation Red Mountain, for an additional 10-year period. No new construction or operational changes are authorized with this project.

The existing WCF is located within an existing 15-foot by 28-foot, 6-inch lease area and comprises of the following components:

- Four (4) 15-foot high pipe mount Towers (Towers 1 through 4) with a combined total of nine (9) antennas and three (3) RRU's;
- One (1) microwave dish mounted on the top of Tower 1 at an overall height of 20 feet, 5-inches above finished grade;
- One (1) microwave dish mounted on the top of Tower 2 at an overall height of 20 feet, 2-inches above finished grade;
- Three (3) equipment cabinets ground mounted to a concrete slab; and,

County of Ventura
Planning Director Hearing
Case No. PL20-0101
Exhibit 5 - Conditions of Approval

- One (1) utility frame with a Public Protection Cabinet (PPC) and a meter disconnect box.

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 continue to be available from Casitas Vista Road, a public, paved road, followed by Red Mountain Fire Road, a private dirt roadway. Water service is not required to operate or maintain the authorized project and no exterior lighting, fencing or grading is authorized as part of the project.

The use and maintenance of the property and 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 conditions of approval below.

2. Site Maintenance

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

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

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

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

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

3. CUP Modification

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

if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

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

4. 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.

5. Time Limits

- a. Use inauguration:

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

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

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

b. Permit Life or Operations Period: This CUP will expire on [insert date]. 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 [insert date]; 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.

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

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

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

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

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

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

7. Notice of CUP Requirements and Retention of CUP Conditions

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

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

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

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

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

8. 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.

9. 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 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. Pursuant to the requirements of CUP 5119, the Resource Management Agency created Condition Compliance Case No. CC06-0103 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP 5119. The Planning Division will continue to use Condition Compliance Case No. CC06-0103 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 9.a (above), and any duly imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC06-0103, 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.

10. 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.

11. 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.

12. 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 this condition, 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.

13. 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.

14. 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.

15. 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.

16. Color/Material/Manufacture Specifications

Purpose: To comply with the Ventura County General Plan *Goals, Policies and Programs* and to ensure that the communication facility is constructed as illustrated on the approved plans.

Requirement: The Permittee shall:

- a. maintain the exterior surfaces (antenna brackets, all panel sectors, remote radio units, equipment, cables, etc.) 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. maintain the site in compliance with the approved plans;
- d. Re-paint all Towers (Towers 1 through 4) and all equipment (i.e. antennas and RRU's) that is mounted on all Towers with gray paint to better blend with the surrounding environment; and,
- e. provide photos to the Planning Division to verify that the facility is constructed as approved.

Documentation: The Permittee shall provide plans to the Planning Division for review and approval. Prior to final inspection of the communication facility, the Permittee shall

provide photographs demonstrating that the facility is constructed in compliance with the approved plans.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the colors and materials of all structures on building plans 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 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. The Planning Division maintains the Permittee's approved plans 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.

17. 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.

II. Environmental Health Division Conditions

18. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. Used batteries must be properly disposed of or recycled in accordance with state and local regulations. If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. Ventura County Environmental Health Division/Certified Unified Program Agency issues hazardous material and hazardous waste permits in Ventura County.

OTHER VENTURA COUNTY AGENCIES

III. Ventura County Fire Protection District Conditions

19. 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 as requested.

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.

20. Access Road / Driveway Maintenance

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 maintain all on-site access road(s) and driveway(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s). If gates are to be locked, a Knox System shall be installed.

Documentation: A copy of the Covenants, Conditions and Restrictions or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

Timing: The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau upon request.

Monitoring and Reporting: The Fire District has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the Fire District.

21. Hazard Abatement

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

Requirement: The Permittee shall have all grass or brush adjacent to structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project. The Fire District may require the entire parcel to be cleared. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

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

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

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

22. Address Numbers:

Purpose: To ensure proper premise identification to expedite emergency response.

Requirement: The Permittee shall install a minimum of 10-inch address numbers that are a contrasting color to the background and readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are setback more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s)

shall be posted adjacent to the driveway entrance on an elevated post. Additional address directional signs may be required at common entrances.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install address numbers or provide photo documentation of installation before issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

23. 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.

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.

24. Inspection Authority

Purpose: To ensure on-going compliance with all applicable codes, ordinances and project conditions.

Requirement: The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

Documentation: A copy of the approved entitlement conditions.

Timing: The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

Monitoring and Reporting: A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspection.

25. Fire Extinguishers: Fire extinguishers shall be installed in accordance with the Fire Code. The placement of extinguishers shall be subject to review by the Fire District.