



Planning Director Staff Report Hearing on March 30, 2023

County of Ventura • Resource Management Agency

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

T-MOBILE: “BLACK MOUNTAIN” CONDITIONAL USE PERMIT (CUP), CASE NO. PL22-0154 (formerly Case No. LU09-0071)

A. PROJECT INFORMATION

1. **Request:** The applicant requests a CUP to authorize the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL22-0154).
2. **Applicant:** T-Mobile West, LLC, C/O Lynda McClung, 4100 Guardian Street, Suite 101, Simi Valley, CA 93063.
3. **Property Owner:** RMR Petroleum, LLC, 2000 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067.
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested CUP.
5. **Project Site Size, Location, and Parcel Number:** The 404.15-acre project site is located at 12540 Creek Road, near the intersection of Black Canyon Fire Road, near the community of Ojai Valley, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitute the project site is 035-0-010-165 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Ojai Valley Area Plan Land Use Map Designation: Open Space
 - c. Zoning Designation: OS-40/SRP/TRU (40 acres minimum lot size/Scenic Resource Protection/ Temporary Rental Units Overlay Zones).

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

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

8. History: In 2011, the Planning Director approved CUP LU09-0071 for the installation and maintenance of a WCF operated by T-Mobile.

Subsequently, LU09-0071 expired on November 1, 2021.

9. Project Description: The applicant requests a CUP for the continued use, operation, and maintenance of an existing T-Mobile WCF for an additional 10-year period. The existing WCF is designed as nine (9) “lollypop” poles and the tallest pole is 18 feet in height. The WCF is also comprised of the following components:

- Nine (9) panel antennas mounted on “lollypop” poles with a maximum height of 18-feet above grade level;
- One (1) Microwave Dish;
- Six (6) Remote Radio Unit’s (RRU’s);
- Three (3) Equipment Cabinets located in the equipment shelter;
- One (1) Emergency Generator located within the 425-square-foot lease enclosure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a dirt driveway from Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

On November 11, 2011, the Planning Director adopted a Mitigated Negative Declaration (MND, Exhibit 7) for LU09-0071, that evaluated the environmental impacts of the WCF. The CEQA Guidelines Section 15164 state that the lead agency shall prepare an addendum to an adopted MND if: (1) minor changes or additions are necessary; but (2)

none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent MND have occurred. Exhibit 6 includes a description of the changes or additions that are necessary to amend the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist which require the preparation of an EIR or subsequent MND.

Therefore, based on the information provided above and in light of the whole record, there is no substantial evidence to warrant the preparation of a subsequent MND, and the addendum to the MND (Exhibit 6) reflects the County’s independent judgment and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN AND OJAI AREA PLAN

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

D. ZONING ORDINANCE COMPLIANCE

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

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

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

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4 (a), Partial and Full-Concealment Requirements:</p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes, the existing WCF is designed as nine (9) “lollypop” poles and the tallest pole is 18 feet in height. There are no physical or operational changes proposed as part of the project (see Exhibit 3).</p>
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p>	<p>Yes, the WCF is located in an area where existing topography, vegetation, and structures effectively camouflage the WCF. The existing WCF is designed as nine (9) “lollypop” poles and the</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>(1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and</p> <p>(2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.</p>	<p>tallest pole is 18 feet in height. The WCF and associated equipment is colored to blend in with the existing topography, vegetations, buildings, and structures in the existing setting.</p>
<p>Section 8107-45.4 (e), Non-Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, wireless communication facilities should not be sited in the following locations:</p> <ol style="list-style-type: none"> 1. Within an area zoned Urban Residential. 2. Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when prominently visible from public viewpoints. 3. On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)). 4. Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)). 5. Within environmentally sensitive areas (see Sec. 8107-45.4(k)). 	<p>Yes, the existing WCF is located on a ridgeline that overlooks the City of Ojai and State Route 150. There are no operational or physical changes proposed as part of the project. The existing WCF is not prominently visible from a public viewpoint.</p>
<p>Section 8107-45.4 (f)(6)(a)(b), Height:</p> <ol style="list-style-type: none"> a. Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility. b. Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a). 	<p>Yes, the design of the WCF consist of nine (9) “lollypop” poles. The height of the antenna poles ranges from 18 feet to 10 feet.</p>
<p>Section 8107-45.4 (g) Setbacks:</p> <ol style="list-style-type: none"> 1. All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines. 2. Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit. 	<p>Yes, the WCF is existing and no portion of the antenna array extends beyond the property lines. The proposed WCF meets all setbacks from the property lines.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>3. Whenever feasible, a new ground-mounted wireless communication facility shall be set back from the property line to avoid creating the need for fuel clearance on adjacent properties.</p>	
<p>Section 8107-45.4 (h) Retention of Concealment Elements: No modification to an existing wireless communication facility shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</p> <ol style="list-style-type: none"> 1. A stealth facility is modified to such a degree that it results in a non-stealth facility; or 2. The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or 3. Equipment and antennas are no longer concealed by the permitted stealth design features; or 4. Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design. 	<p>Yes, the existing WCF is not constructed or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit.</p>
<p>Section 8107-45.4 (6a)(b)(c), Standards for Other Faux Stealth Facilities</p> <ol style="list-style-type: none"> a. Faux structure types, including but not limited to water tanks, flag poles, windmills, and light poles, may be used as a stealth facility when that type of structure is commonly found within the local setting of the wireless communication facility. b. Faux structures shall not exceed the maximum height limits established in Sec. 8107-45.4(f)(4)(a). c. Faux light poles shall be designed to function as a light pole and match the design and height of existing light poles on the proposed site, provided that they do not exceed the height listed in Table 1 (Sec. 8107-45.4(f)(4)(a)). This standard is not applicable to light poles within the public right-of-way. 	<p>Yes, the existing stealth WCF consist of nine (9) “lollypop” poles. The tallest pole being 18 feet in height. The WCF is located on a ridgeline but is not prominently visible from any public viewpoint.</p>
<p>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit: A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards,</p>	<p>Yes, the existing WCF is not constructed or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	
<p>Section 8107-45.4 (k), Environmentally Sensitive Areas:</p> <p>All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes, the WCF is existing and is not located within an environmentally sensitive area. The WCF is located on an existing legally disturbed area. There are no proposed modifications to the facility.</p>
<p>Section 8107-45.4 (l) Ridgelines:</p> <p>A wireless communication facility shall not be sited on a ridgeline or hilltop that is prominently visible from a public viewpoint when alternative sites are available. Applicants shall demonstrate that no feasible, alternative locations are available when proposing a wireless communication facility on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.</p>	<p>Yes, the existing WCF is located on a ridgeline above the City of Ojai and State Route 150. The WCF is not prominently visible from a public viewpoint. The WCF is designed as nine (9) "lollypop" poles. The tallest pole is 18 feet in height.</p>
<p>Section 8107-45.4 (m) Scenic Resource Protection Overlay Zone:</p> <p>With the exception of public safety described in Sec. 8107-45.2.4, a wireless communication facility shall not be prominently visible from a public viewpoint, and shall be designed as a stealth facility, when located within a Scenic Resource Protection Overlay Zone.</p>	<p>Yes, the existing WCF is south of Soule Park Road and Creek Road which are identified as scenic viewing locations with the SRP overlay. The existing WCF is designed as nine (9) "lollypop" poles. The height of the antenna poles ranges from ten (10) feet to eighteen (18) feet in height. The existing WCF is not visible from any scenic viewing locations due to the size of the WCF and existing natural features. Lastly, the antenna arrays are painted green to visually blend in with the surrounding trees and chaparral.</p>
<p>Section 8107-45.4 (n), Accessory Equipment:</p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes, all accessory equipment associated with the existing WCF are placed at ground-level and are screened to prevent the facility from being prominently visible from the public viewing area to the maximum extent feasible.</p>
<p>Section 8107-45.4 (o), Colors and Materials:</p>	<p>Yes, all colors and materials used for the WCF blend in with the natural surroundings. There</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>are no reflective materials. The antenna arrays are painted green to visually blend in with the surrounding trees and chaparral.</p>
<p>Section 8107-45.4 (p), Noise:</p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes, the operation of the WCF does not generate noise. The WCF is always operated and maintained to comply with the Ventura County noise standards.</p>
<p>Section 8107-45.4 (q), Landscaping and Screening:</p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>Yes, the existing WCF is designed as nine (9) “lollypop” poles. The height of the antenna poles ranges from eighteen (18) feet to ten (10) feet. The WCF is situated on top of a ridge line, however, it is not prominently visible from a public viewpoint. New landscaping is not necessary to screen the WCF at the time of the subject renewal.</p>
<p>Section 8107-45.4 (r), Security:</p> <ol style="list-style-type: none"> 1. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism. 2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened. 	<p>Yes, the chain-link fence around the WCF is not visible from public viewing areas. The site also includes “No Trespassing” signs around the fence. All fences have been constructed of materials and colors that blend in with the existing setting. The WCF is not located within areas designated as Urban and Existing Community in the General Plan.</p>
<p>Section 8107-45.4 (s), Lighting:</p> <ol style="list-style-type: none"> 1. No facility may be illuminated unless specifically required by the FAA or other government agency. 2. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife. 	<p>Yes, the existing WCF is not illuminated.</p>
<p>Section 8107-45.4 (t), Signage:</p>	<p>Yes, the site includes signage indicating all necessary information related to the</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator’s address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</p>	<p>equipment for the operation of the facility.</p>
<p>Section 8107-45.4 (u), Access Roads:</p> <ol style="list-style-type: none"> 1. Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements. 2. Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County’s Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District. 	<p>Yes, access to the site is via Black Canyon Fire Road from Utility Road, which are both privately maintained.</p>

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

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

Overlay Zone Standard	Complies?
<p>Sec. 8104-7.1 - Scenic Resource Protection (SRP) Overlay Zone</p> <p>The purposes of this zone are:</p> <ol style="list-style-type: none"> a. To preserve and protect the visual quality within the viewshed of selected County lakes, along the County's adopted scenic highways, and at other locations as determined by an Area Plan. b. To minimize development that conflicts with the value of scenic resources. c. To provide notice to landowners and the general public of the location and value of scenic resources which are of significance in the County. 	<p>Yes, the proposed project is existing and does not include any operational or physical changes. The proposed project has been conditioned to comply with the applicable Ojai Valley Scenic Resource Overlay Zone Standards (Exhibit 5, Condition No. 19).</p>

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

Overlay Zone Standard	Complies?
<p>Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone</p> <p>The purpose of this overlay zone is to protect and promote the public health, safety, welfare, the quality of life and the ability to view the night sky and reduce sky glow, by establishing regulations and a process for review of outdoor lighting. This overlay zone is intended to accomplish the following:</p> <ul style="list-style-type: none"> a. Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life; b. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires; c. Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security; d. Provide standards for efficient and moderate use of outdoor lighting; and e. Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires. 	<p>Yes, the proposed project is an existing unmanned WCF. The WCF is not illuminated. There are no proposed modifications to the existing WCF.</p>
<p>Sec. 8104-7.7 – Habitat Connectivity and Wildlife Corridors Overlay Zone</p> <p>The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:</p> <ul style="list-style-type: none"> a. Minimize the indirect impacts to wildlife created by outdoor lighting, such as disorientation of nocturnal species and the disruption of mating, feeding, migrating, and the predator-prey balance. b. Preserve the functional connectivity and habitat quality of surface water features, due to the vital role they play in providing refuge and resources for wildlife. c. Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage. 	<p>Yes, the proposed project is for the renewal of an existing WCF. The WCF is unmanned and does not require to be illuminated. There are no proposed operational or physical changes. Therefore, the proposed project would continue to avoid impacts to wildlife.</p>

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

Overlay Zone Standard	Complies?
d. Minimize the introduction of invasive plants, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.	
e. Minimize wildlife impermeable fencing, which can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity.	

CUP FINDINGS AND SUPPORTING EVIDENCE

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

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

Based on the information and analysis presented in Section D and Exhibit 4 of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

As discussed above, the proposed project involves the continued operation of an existing WCF. The project site is utilized for a private ranch, oil and gas extraction, and undeveloped open space. The existing WCF is designed as nine (9) “lollypop” poles. Due to the existing mixture of uses surrounding the project site, the WCF would continue to blend in with the character of the surrounding area.

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

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

The proposed project involves the continued operation and maintenance of an existing stealth WCF consisting of nine (9) “lollypop” poles. The WCF does not generate substantial noise or pose a health threat. The facility is entirely contained within a fenced area at the rear of the subject parcel. No adverse effect on

neighboring property or uses has been identified. Additionally, the project is conditioned (Exhibit 5, Condition No. 15) to identify a contact person for the timely resolution of complaints.

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

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

The existing WCF is located on land utilized for a private ranch, oil and gas extraction, and undeveloped open space. The facility is located within a 425-square-foot lease area located on a 404.15-acre parcel and the proposed project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified.

In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 5, Condition No. 15). Finally, the project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in conformance with all applicable County and state regulations (Exhibit 5, Condition No. 23).

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

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

The existing stealth facility blends in with the surrounding environment. No changes are proposed and, therefore, the character of the site would not change. The proposed project does not affect any surrounding land uses, and the project is not sensitive to impacts from these uses. No new effects on the surrounding land uses would occur with the continuation of this CUP for additional 10 years of use.

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

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

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

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

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

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

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

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

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

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On March 17, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On March 17, 2023, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. As of the date of this document, no comments have been received.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto including the adopted MND (Exhibit 7) and Addendum to the MND (Exhibit 6), and has considered all comments received during the public comment process;
2. **FIND** that none of the conditions have occurred or exist as set forth in CEQA Guidelines Section 15162 to require the preparation of a subsequent MND for the subject CUP, and that the addendum to the adopted 2011 MND (Exhibit 6) satisfies the environmental requirements of CEQA;

3. **MAKE** the required findings to grant a CUP, Case No. PL22-0154 pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** the requested CUP (Case No. PL22-0154), 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 Novi at (805) 654- 2462 or John.Novi@ventura.org.

Prepared by:



John Novi, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



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

EXHIBITS

- | | |
|-----------|---|
| Exhibit 2 | Maps |
| Exhibit 3 | Site Plans |
| Exhibit 4 | General Plan and Ojai Valley Area Plan Consistency Analysis |
| Exhibit 5 | Conditions of Approval |
| Exhibit 6 | Addendum to the Adopted 2011 Mitigated Negative Declaration |
| Exhibit 7 | Mitigated Negative Declaration for LU09-0071 |



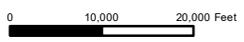
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 02-21-2023

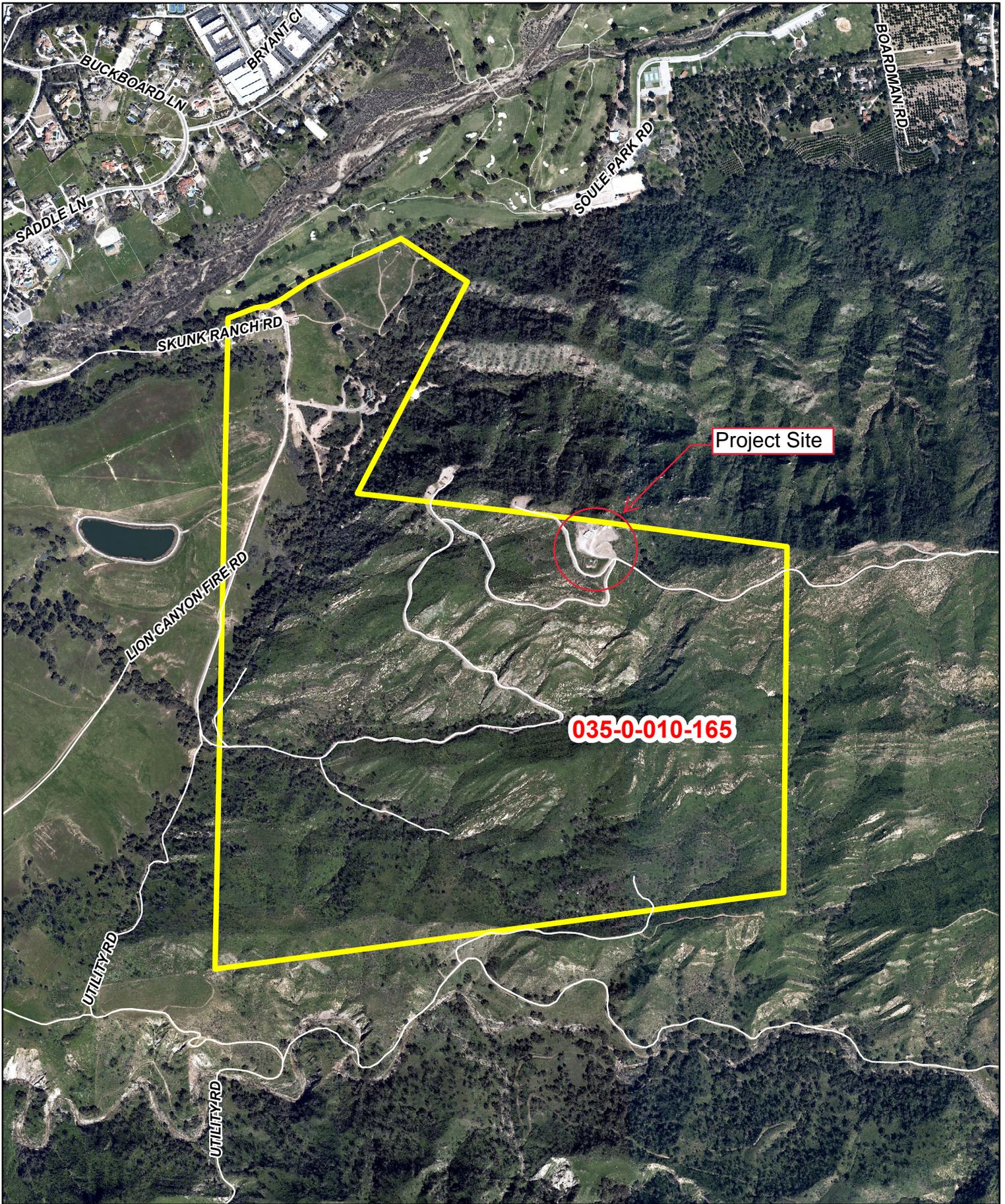


**County of Ventura
Planning Director Hearing
PL22-0154
Location Map**



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





CUP RENEWAL



County of Ventura
Planning Director Hearing
Case No. PL22-0154
Exhibit 3 - Site Plans

SITE NUMBER: SV13553B **CITY:** OJAI
SITE NAME: BLACK MOUNTAIN **COUNTY:** VENTURA
SITE TYPE: RAWLAND **JURISDICTION:** COUNTY OF VENTURA

T-Mobile
Stick Together
4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:
SITE NUMBER: SV13553B
SITE NAME: BLACK MOUNTAIN
 12540 CREEK ROAD
 OJAI, CA 93023

CURRENT ISSUE DATE:
 09/22/22

ISSUED FOR:
 ZONING

REV.	DATE	DESCRIPTION	BY
A	12/07/21	90% ZD ISSUED FOR REVIEW	ROY
0	08/08/22	100% ZONING	ROY
1	09/22/22	CUP RENEWAL REDLINES	JY

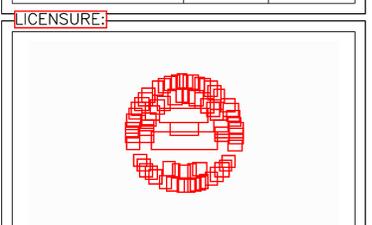
PLANS PREPARED BY:

 a division of advantage engineers
 2500 Red Hill Ave., #220, Santa Ana, CA 92705
 Office: (949) 202-4913 Fax: (818) 840-0708

CONSULTANT:

 a division of advantage engineers
 2500 Red Hill Ave., #220, Santa Ana, CA 92705
 Office: (949) 202-4913 Fax: (818) 840-0708

DRAWN BY: BAK **CHK.:** AM **APV.:** AM



SHEET TITLE:
 TITLE SHEET

SHEET NUMBER: T-1 **REVISION:** 1
 SV13553B

PROJECT SUMMARY

SITE ADDRESS:
 12540 CREEK ROAD
 OJAI, CA 93023

PROPERTY OWNER CONTACT:
 RMR PETROLEUM LLC
 2000 AVENUE OF THE STARS,
 7TH FLOOR
 LOS ANGELES, CA 90067

APPLICANT:
 T-MOBILE WEST LLC
 4100 GUARDIAN ST, SUITE 101
 SIMI VALLEY, CA 93063
 REPRESENTATIVE: LYNDA MCCLUNG
 PROJECT MANAGER: JILLIANNE NEWCOMER
 T-MOBILE PROJECT MANAGER: JOHN BEKE

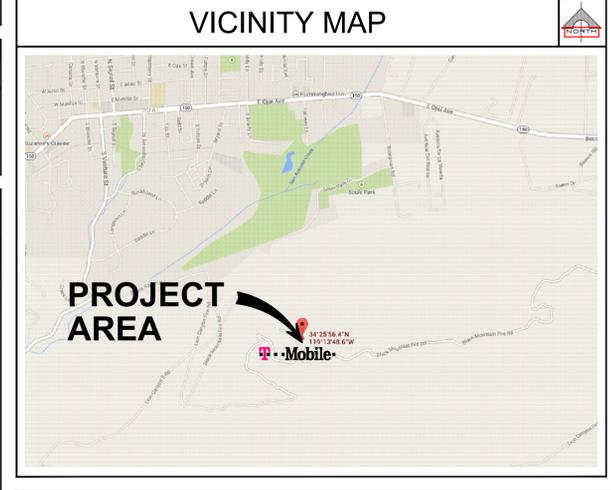
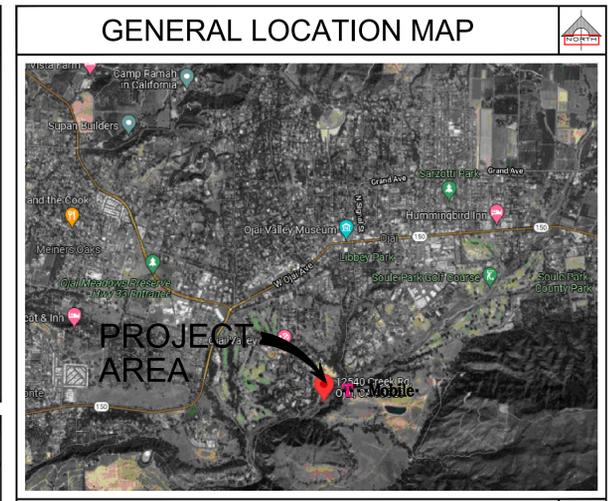
CONSULTING TEAM

SAC/ZONING/PERMITTING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC
 7543 WOODLEY AVE.
 VAN NUYS, CA 91406
 CONTACT: JILLIANNE NEWCOMER
 PHONE: (951) 382-2523

PERMITTING: LYNDA MCCLUNG
 PHONE: (714) 328-3385

ARCHITECTURAL/ENGINEERING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC
 2500 RED HILL AVENUE
 SUITE 220, SANTA ANA CA 92705
 CONTACT: ALIREZA MASHHADI ALI, P.E.
 PHONE: (919) 640-8683

STRUCTURAL ENGINEERING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC
 2500 RED HILL AVENUE
 SUITE 220, SANTA ANA CA 92705
 CONTACT: ALIREZA MASHHADI ALI, P.E.
 PHONE: (919) 640-8683



DRAWING INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	OVERALL SITE PLAN AND ENLARGED PLAN @ RANCH HOUSES
A-2	SITE PLAN
A-3	EQUIPMENT/ANTENNA LAYOUT PLANS
A-4	ANTENNA SECTORS AND EQUIPMENT ENCLOSURE ELEVATIONS

BUILDING SUMMARY

OCCUPANCY CLASSIFICATION: S-2 (UNNAMED TELECOMMUNICATION FACILITY)
ZONE CLASSIFICATION: A-2-1 / REG-1
BUILDING USE: UNMANNED TELECOMMUNICATIONS FACILITY
CONSTRUCTION TYPE: V-B
APN: 035-0-010-165

LATITUDE / LONGITUDE

LAT: 34° 08' 13.4" N **LAT:** ----
LONG: 118° 11' 17.6" W **LONG:** ----

UTILITY PURVEYOR

POWER: **TELCO:**
COMPANY: SCE **COMPANY:** AT&T

PROJECT DESCRIPTION

THE PROJECT ENTAILS: EXISTING T-MOBILE PROPOSES TO MODIFY (E) WIRELESS TELECOMMUNICATIONS SITE BY:

CUP RENEWAL:
 1. (E) (9) ANTENNAS
 2. (E) (6) RRU's
 3. (E) (3) EQUIPMENTS CABINETS
 4. (E) (1) GENERATOR
 5. (E) (3) TMS
 6. (E) (3) DIPLEXERS

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:			
REAL ESTATE MGR:			

LEGAL DESCRIPTION

LOT: 1 TRACT NO: 25761 ABBREVIATED DESCRIPTION: LOT:1
 TR#:25761 TRACT NO 25761 LOT COM AT NW COR OF LOT 1 TH E
 ON S LINE OF LASSEN ST TO A LINE PARALLEL WITH AND DIST W AT
 R/A 150 FT FROM IMP1=INST, 1580SF, YB:1965,1STY;
 IMP2=INST,56388SF, YB:1965,1STY; IMP3=INST, 21120SF,YB:1962,1STY.

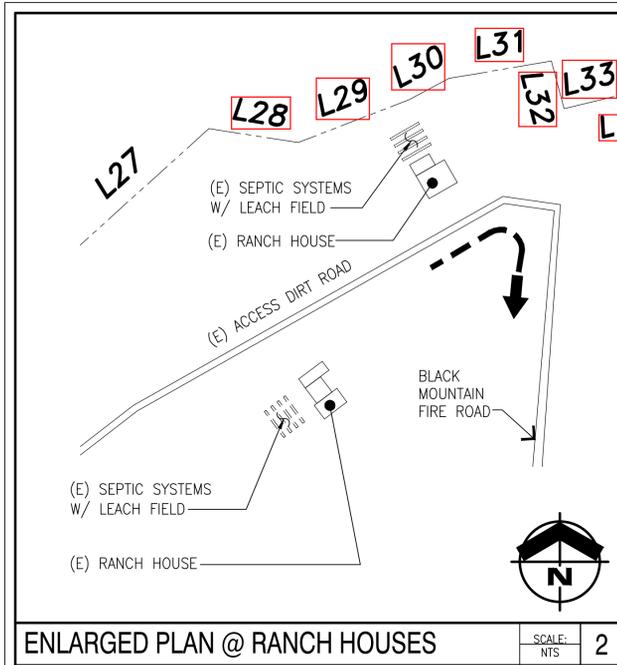
ACCESSIBILITY REQUIREMENTS

THE FACILITY IS UNMANNED AND NOT FOR CONTINUOUS HUMAN HABITATION. HANDICAPPED ACCESS IS NOT REQUIRED PER CBC 2019, SECTION 1103.2.7 (LIMITED ACCESS SPACES) SECTION 1103.2.9 (EQUIPMENT SPACES)

CODE COMPLIANCE

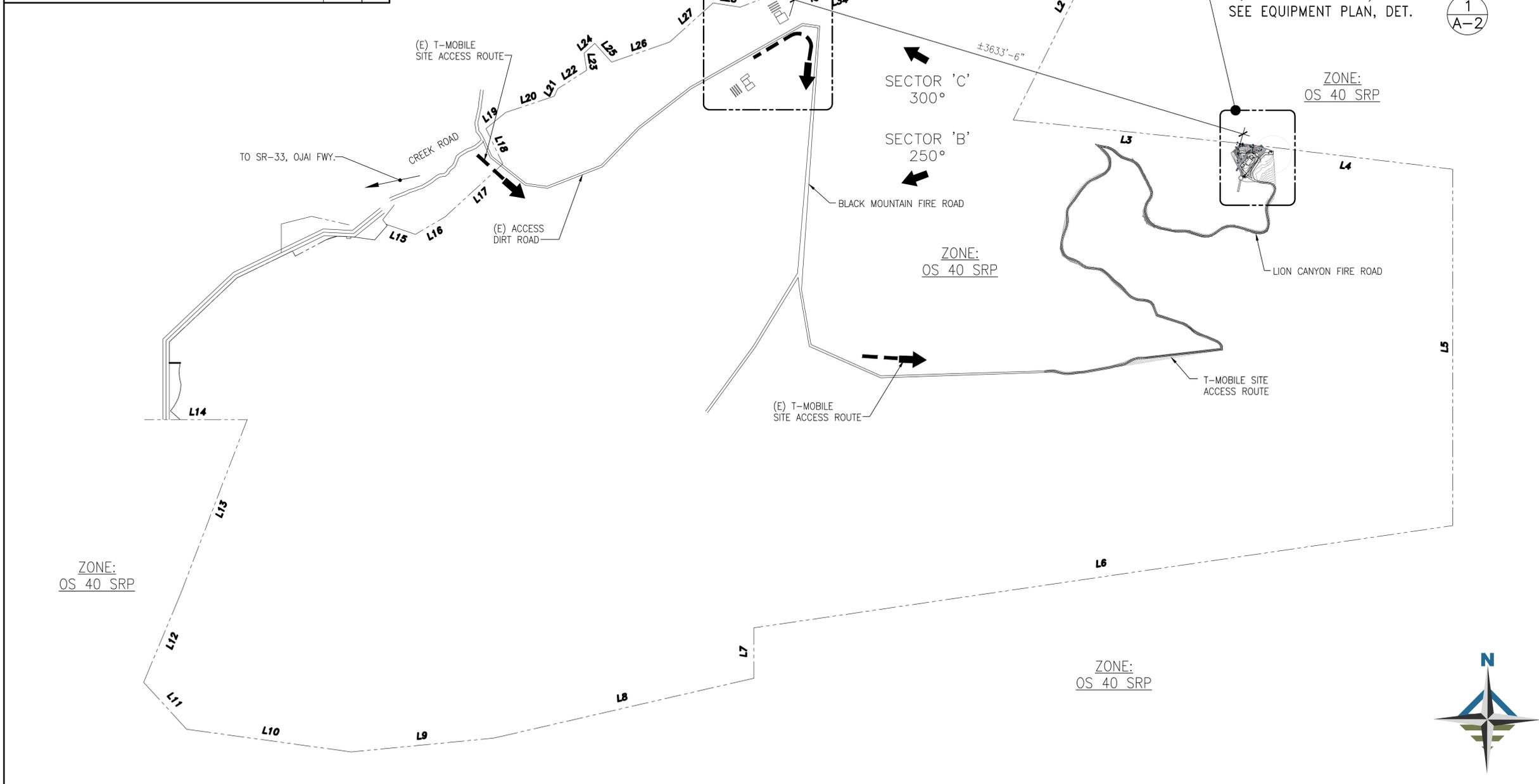
ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

- CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2019
- CALIFORNIA BUILDING CODE 2019
- CALIFORNIA ELECTRICAL CODE 2019
- CALIFORNIA MECHANICAL CODE 2019
- CALIFORNIA PLUMBING CODE 2019
- ANSI / TIA-222-H-2017
- LOCAL BUILDING CODE
- CITY / COUNTY ORDINANCES
- CALIFORNIA FIRE CODE 2019 EDITION
- ASCE 7-16
- 11. ACI 318-14
- 12. STEEL CONSTRUCTION MANUAL, 15TH EDITION



TRENCHING DATA			
POWER	TELCO	COAX	
		SECTOR A	SECTOR B & C
±312'-0"	±280'-0"	±53'-0"	±142'-0"

ENLARGED PLAN @ RANCH HOUSES



OVERALL SITE PLAN

T-Mobile
Stick Together

4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:

SITE NUMBER:
SV13553B

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BLACK MOUNTAIN

12540 CREEK ROAD
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0	08/08/22	100% ZONING	ROY
1	09/22/22	CUP RENEWAL REDLINES	JY

PLANS PREPARED BY:

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a division of advantage engineers

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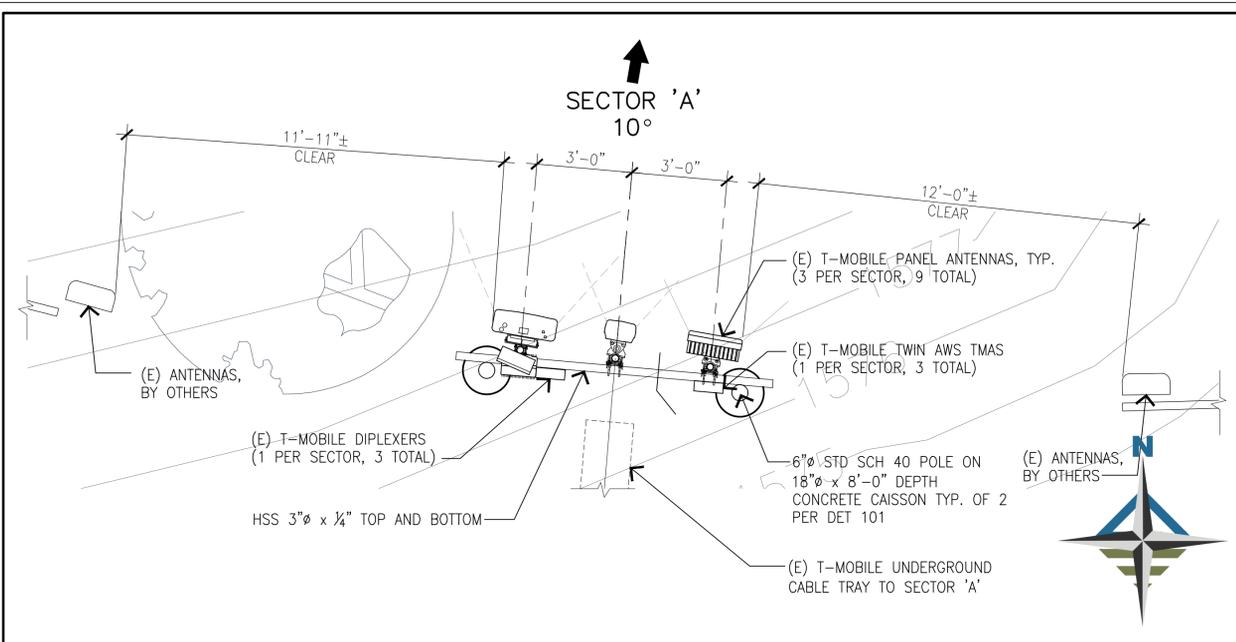
DRAWN BY:	CHK.:	APV.:
BAK	AM	AM

LICENSURE:

SHEET TITLE:
OVERALL SITE PLAN AND ENLARGED PLAN @ RANCH HOUSES

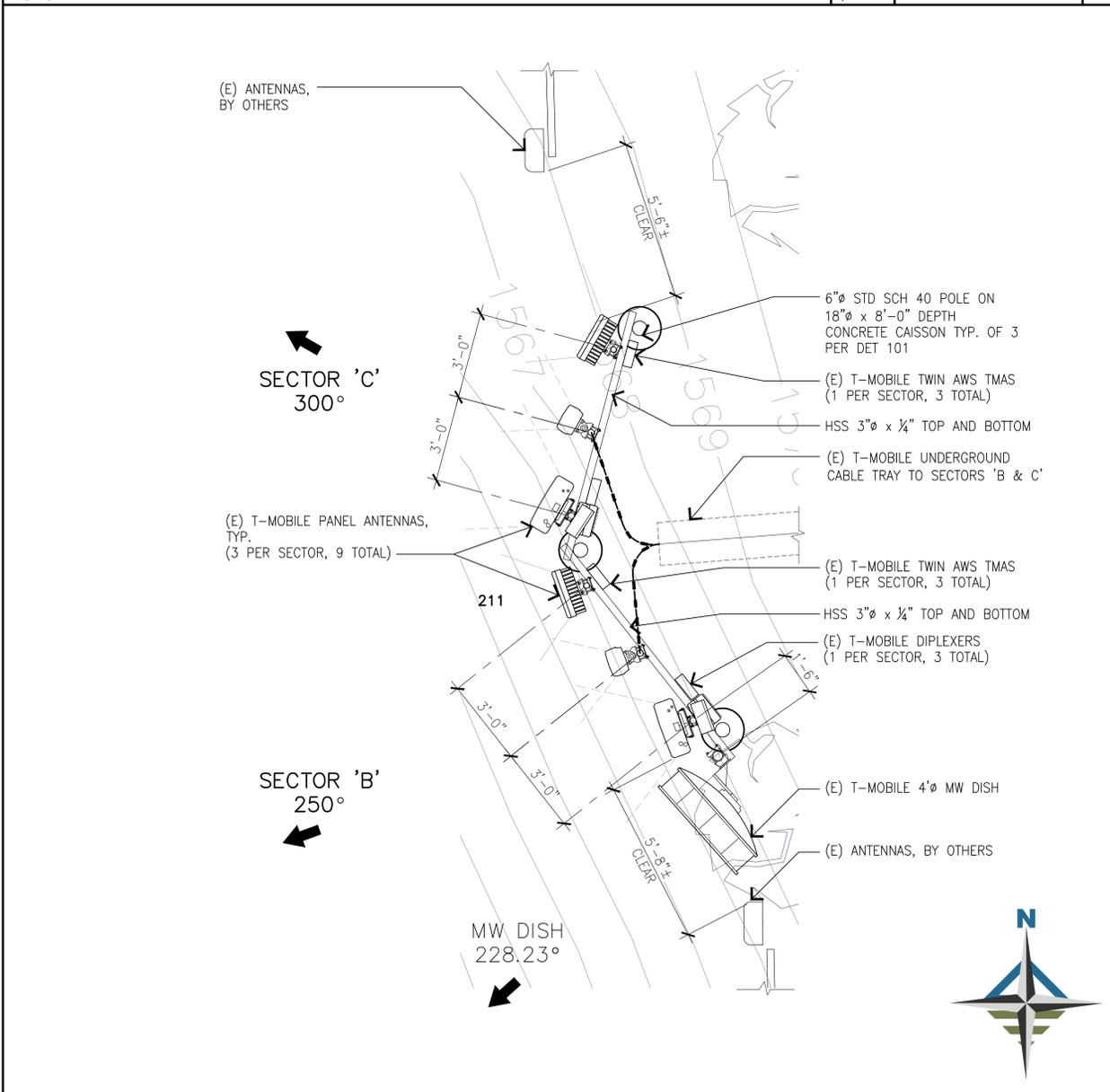
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SV13553B



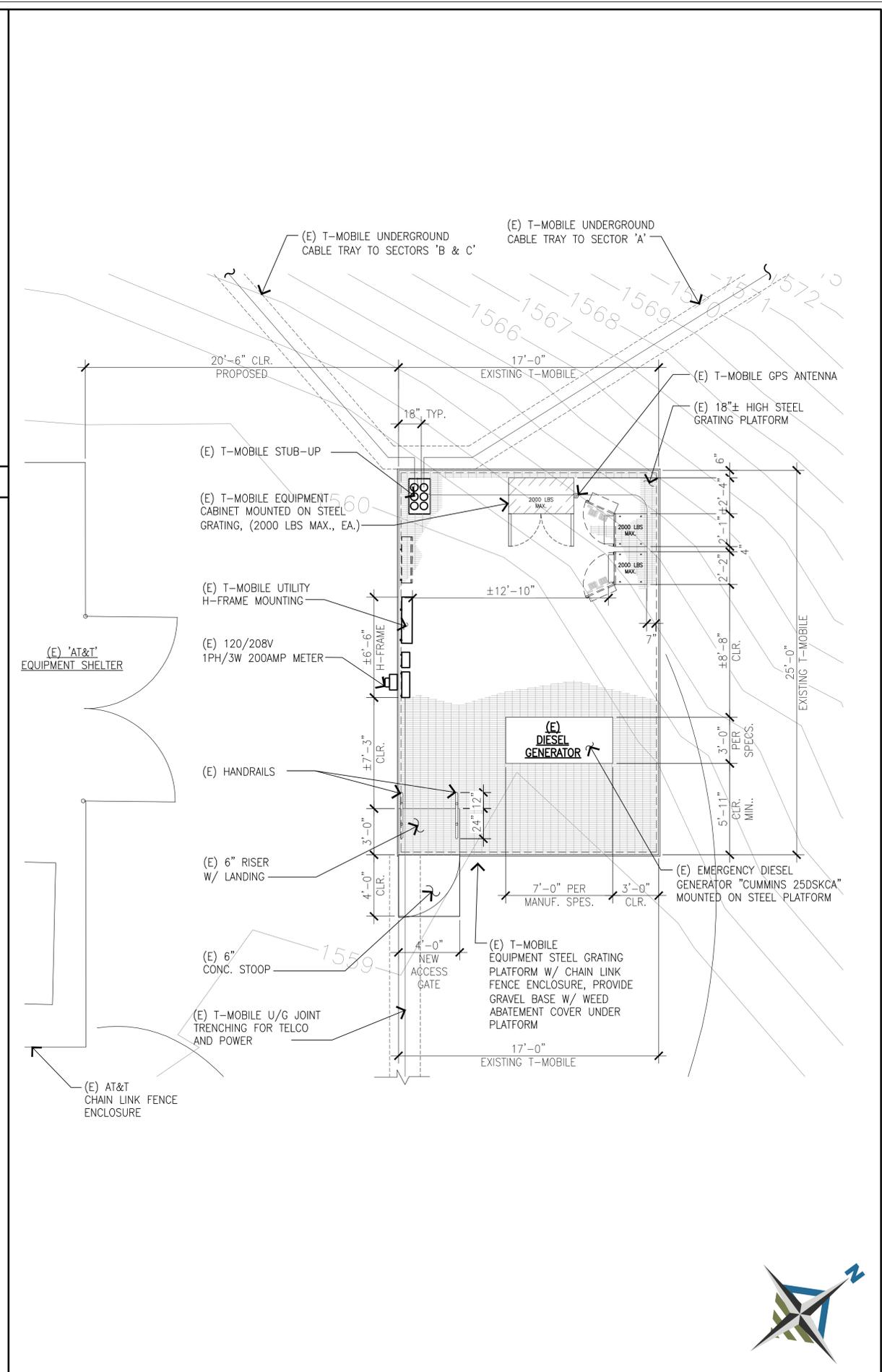
(E) ANTENNA LAYOUT PLAN - SECTOR 'A'

SCALE:	0 1' 2' 5'	2
	3/8"=1'-0"	



(E) ANTENNA LAYOUT PLAN - SECTORS 'B' & 'C'

SCALE:	0 1' 2' 5'	3
	3/8"=1'-0"	



(E) EQUIPMENT LAYOUT PLAN

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

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DRAWN BY:	CHK.:	APV.:
BAK	AM	AM

LICENSURE:

SHEET TITLE:
EQUIPMENT / ANTENNA LAYOUT PLANS

SHEET NUMBER: **A-3** REVISION: **1**
 SV13553B

PROJECT INFORMATION:
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SV13553B
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12540 CREEK ROAD
OJAI, CA 93023

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REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	12/07/21	90% ZD ISSUED FOR REVIEW	ROY
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DRAWN BY: CHK.: APV.:

BAK	AM	AM
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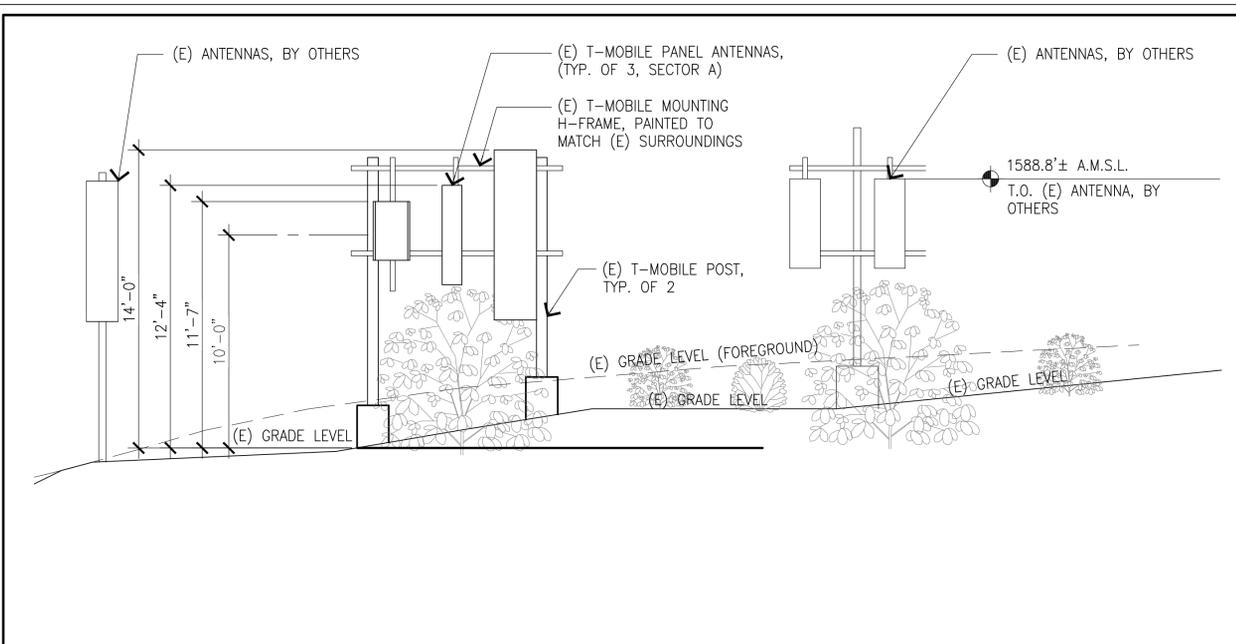
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SHEET TITLE:

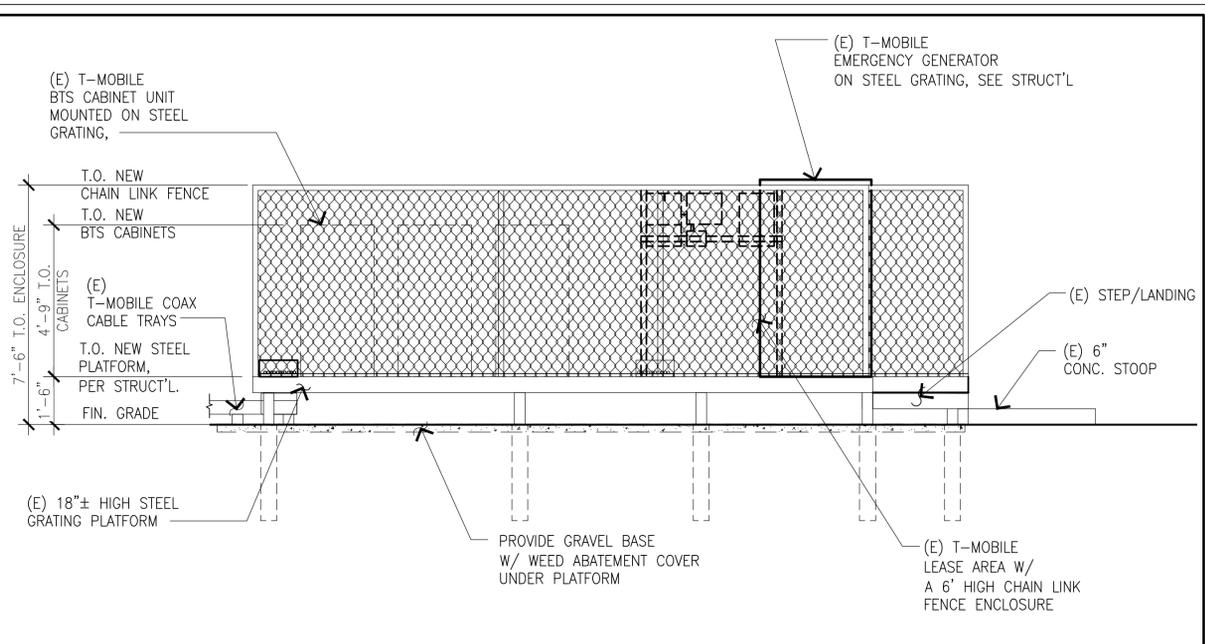
ANTENNA SECTORS AND EQUIPMENT ENCLOSURE ELEVATIONS

SHEET NUMBER: REVISION:

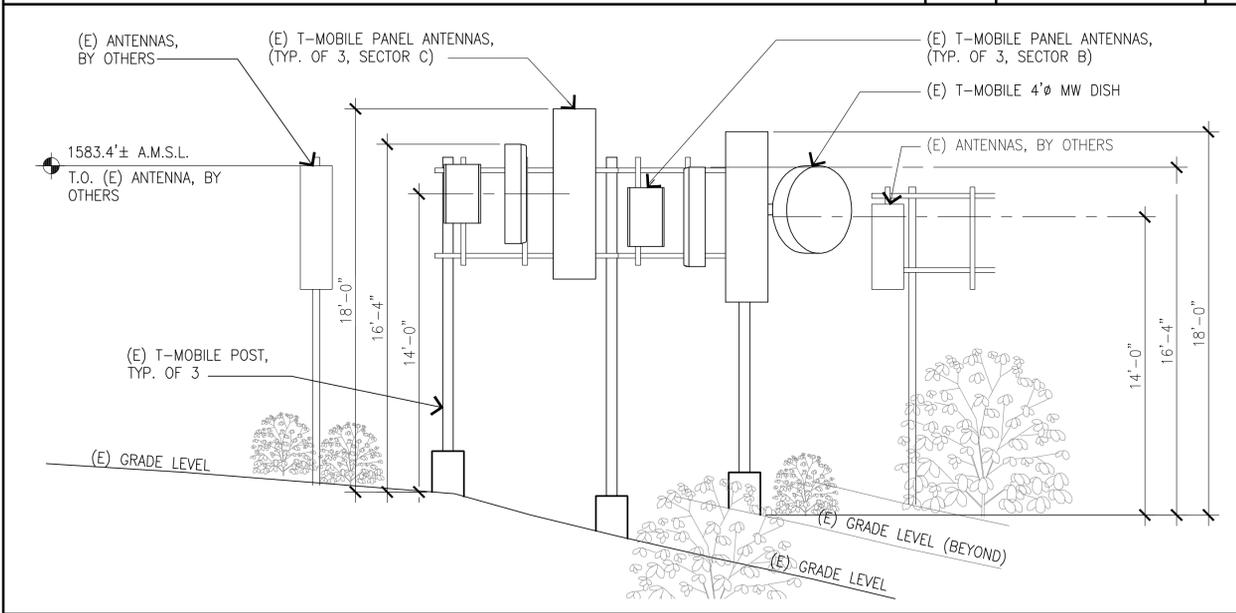
A-4 **1**
SV13553B



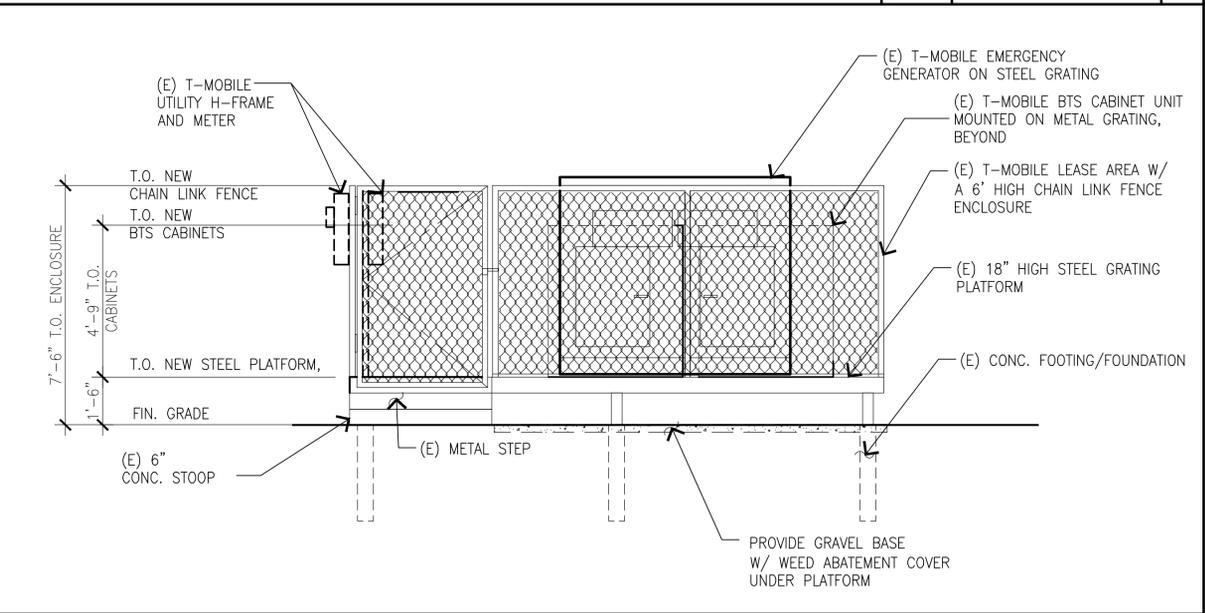
(E) NORTH ELEVATION - SECTOR 'A' SCALE: 1/4"=1'-0" 0 1' 2' 4' 8' 4



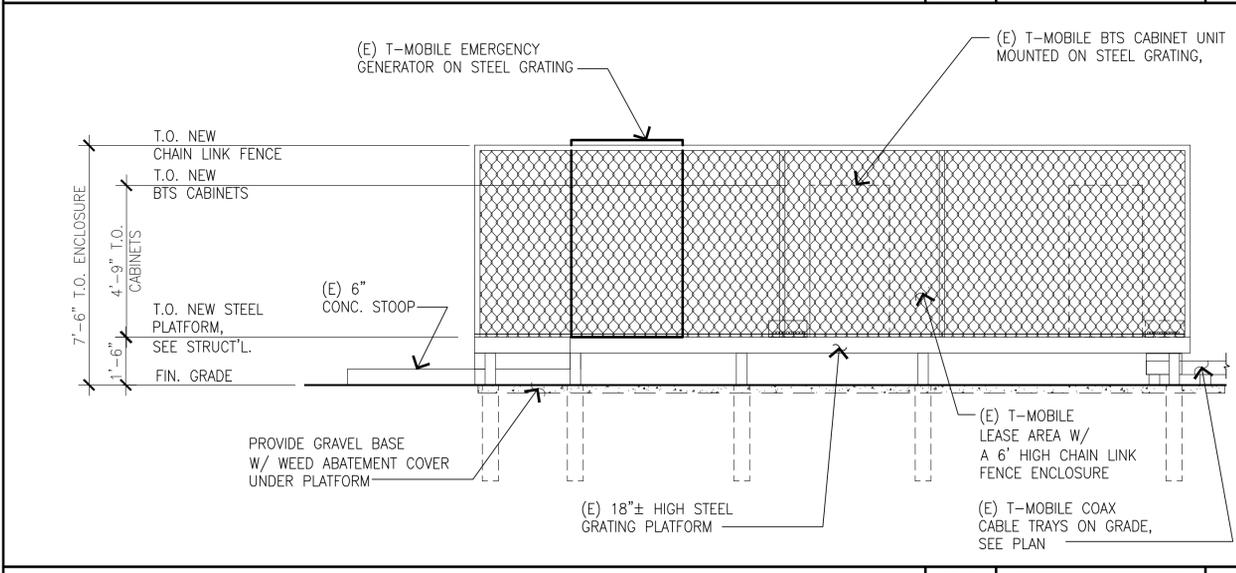
(E) SOUTHWEST ELEVATION - EQUIPMENT SCALE: 3/8"=1'-0" 0 1' 2' 5' 1



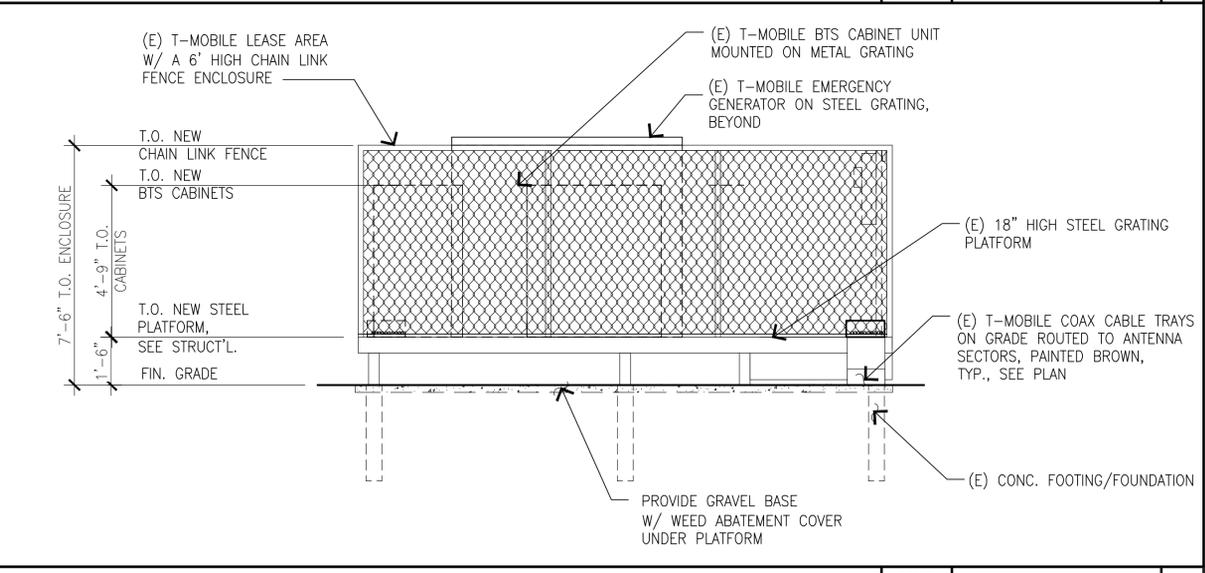
(E) WEST ELEVATION - SECTORS 'B & C' SCALE: 1/4"=1'-0" 0 1' 2' 4' 8' 5



(E) SOUTHEAST ELEVATION - EQUIPMENT SCALE: 3/8"=1'-0" 0 1' 2' 5' 2



(E) NORTHEAST ELEVATION - EQUIPMENT SCALE: 3/8"=1'-0" 0 1' 2' 5' 6



(E) NORTHWEST ELEVATION - EQUIPMENT SCALE: 3/8"=1'-0" 0 1' 2' 5' 3



Exhibit 4 – General Plan and Ojai Area Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

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

CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN FOR “BLACK MOUNTAIN” WIRELESS COMMUNICATION FACILITY

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County’s General Plan.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The proposed project would authorize a Conditional Use Permit (CUP) for the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL22-0154).

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

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

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

The existing WCF is located on a ridgeline that is not prominently visible by a public viewpoint. The WCF is designed as nine (9) panel antennas mounted on “lollypop” poles with a maximum height of 18-feet above grade level. The design and color of the WCF would continue to blend in with the surrounding land uses. The site is accessed via Black Mountain Fire Road. The WCF would continue to provide wireless telecommunication services to the surrounding area remain compatible with the neighboring land uses. No new land use conflicts or visual impacts would

occur with the continued use of the WCF. There are no operational or physical changes proposed to the existing WCF. Lastly, no water is required for this project.

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

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

The proposed project would authorize the continued use of an existing WCF. There are no proposed physical or operational changes to the existing WCF. Any future development will comply with the standards of the Critical Wildlife Passage Area overlay outlined in the NCZO.

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

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

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

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

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

- a. *Limit construction to single-story structures on or near ridgelines;*

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

The existing WCF is located on a ridgeline that is not prominently visible by a public viewpoint. The WCF is designed as nine (9) "lollypop" poles. The height of the tallest pole is 18-feet above grade level. The WCF is painted to match the existing vegetation. There are no reflective accessories or painted colors that would take away from the scenic vistas or roadways. All cabling is installed underground from the equipment shelter to the antenna poles. The WCF is not visible from any public viewing locations with scenic vistas or scenic roadways. There are proposed physical or operational changes to the existing WCF.

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

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

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

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

OV-49.1 High Fire Hazard Area Requirements: *The County shall require discretionary development within high fire hazard areas to be reviewed with attention to the environmental impact of required brush clearance to biological resources, particularly on moderate to steep slopes. The County shall encourage*

brush clearance that reduces fuel volumes while allowing the selective retention of native shrubs a minimum of 20 feet apart, as permitted by the Ventura County Fire Protection District.

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

The existing WCF is located in an area designated as a "very high fire hazard area". The project is conditioned to ensure all structures meet hazardous fire area building code requirements. The project is also conditioned to have all grass or brush removed at a distance of 30 feet from antenna structures, emergency power systems and 10 feet from each side of all access roads within the project (see Exhibit 5, Conditions of Approval Nos. 26-29). The 30-foot clearance would make the existing facility visible. However, the locations along the designated scenic highway from which this site can be viewed are more than on-half mile away. Given the distance and the visual blending of the green and tank facility components with the surrounding vegetation, the facility would not be prominent or substantially affect public views. There are no proposed physical or operational changes to the existing WCF.

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

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

The proposed project was reviewed by the Department of Environmental Health (DEH). In response to DEH's review, the existing WCF would be conditioned to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 5, Condition No. 23).

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

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

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

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

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

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

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

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

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

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

- 8. OV-42.2 Wireless Communication Height Restriction:** *The County shall limit discretionary development permits for wireless communication facilities the height*

of such facilities, with the exception of monopole whip-type antennas, to 40 feet. The County prefers several shorter facilities to one large facility.

The WCF is designed as nine (9) "lollypop" poles. The height of the tallest pole is 18-feet above grade level. The WCF is painted to match the existing vegetation. There are no reflective accessories or painted colors that would take away from the scenic vistas or roadways.

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

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO. PL22-0154 FOR “BLACK MOUNTAIN” WIRELESS COMMUNICATION FACILITY (WCF) (Formerly LU09-0071)

RESOURCE MANAGEMENT AGENCY (RMA)

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, exhibits of the Planning Director hearing on March 30, 2023, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A CUP has been granted to authorize the continued use, operation, and maintenance of an existing T-Mobile WCF for an additional 10-year period. The existing WCF is designed as nine (9) “lollypop” poles and the tallest pole is 18 feet in height. The WCF is also comprised of the following components:

- Nine (9) panel antennas mounted on “lollypop” poles with a maximum height of 18-feet above grade level;
- One (1) Microwave Dish;
- Six (6) Remote Radio Unit’s (RRU’s);
- Three (3) Equipment Cabinets located in the equipment shelter;
- One (1) Emergency Generator located within the 425-square-foot lease enclosure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a dirt driveway from Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes proposed to the existing WCF. There are no operational or physical changes proposed as part of this project (Exhibit 3).

2. Site Maintenance

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

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

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

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

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

3. CUP Modification

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

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

4. Construction Activities (Note: no construction proposed)

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

5. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

6. Time Limits

a. Use inauguration:

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

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

- b. Permit Life or Operations Period: This CUP will expire on April 11, 2033. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to April 11, 2033; and
- (2) The County decision-maker grants the requested modification.

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Recorded Notice of Land Use Entitlement

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

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

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

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

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) / Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP/. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Establishment of Revolving Compliance Account: Pursuant to the requirements of CUP Case No. LU09-0071, the Resource Management Agency created Condition Compliance Case No. CC12-0017 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU09-0071. The Planning Division will continue to use Condition Compliance Case No. CC12-0017 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC12-0017, 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.

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

15. Contact Person

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

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

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

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

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

16. 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. Future Collocation of Wireless Telecommunication Facilities and Equipment

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

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

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

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

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

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

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. Materials and Colors in the SRP Overlay Zone

Purpose: In order to ensure that buildings and structures comply with the development standards of the Scenic Resource Protection Overlay Zone § 8109-4.1.5 of the Ventura

County Non-Coastal Zoning Ordinance and Ventura County General Plan Policy 1.7.2.2(3)(e) and blend in with the Project site's surroundings.

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

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

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

Monitoring and Reporting: The Planning Division maintains the approved plans in the Project file. Prior to occupancy, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures were treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the approved plans consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

Mitigation Monitoring Conditions

20. MM1: Bryant's Woodrat Nest Avoidance and Relocation

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

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

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

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

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

site to be dismantled and the new artificial midden site, 3 days prior to dismantling. The midden will be dismantled by hand, removing the materials layer by layer. All salvageable midden materials will be relocated and incorporated (as needed) or placed adjacent to the artificial midden.

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

5. Woodrat Presence and Activity After Midden Relocation:

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

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

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

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

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

21. MM2: Special Status Wildlife Surveys and Relocation

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

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

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

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

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

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

22. MM3: Avoidance of Nesting Birds

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

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

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

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

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

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

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

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

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

Environmental Health Division (EHD) Conditions

23. Hazardous Materials/Waste Management (CUPA Permit Required)

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

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

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

review by this Ventura CUPA staff upon request.

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

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

OTHER VENTURA COUNTY AGENCIES

Ventura County Air Pollution Control District (APCD) Conditions

24. VCAPCD Rules and Regulations for Grading and Construction

Purpose: In order to ensure that fugitive dust and particulate matter related to project development are minimized to prevent impacts on adjacent properties.

Requirement: The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust). The Permittee may be required to prepare and submit an Air Emissions Mitigation Plan for Dust Control to VCAPCD. The Air Emissions Mitigation Plan for Dust Control shall also be part of any construction contract for the site grading.

Documentation: The Plan shall include the following elements:

- i. the area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- ii. pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities;
- iii. fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 1. All trucks shall cover their loads as required by California Vehicle Code § 23114.
 2. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all

unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.

3. Re-vegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.
 4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and roll compaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be hydro-seeded and watered until growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
 5. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
 6. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 15 miles per hour averaged over one hour.) During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent or supervisor shall use their discretion in determining when winds are excessive. Based on their independent judgment and as part of their regular site inspection responsibilities, Public Works and/or APCD inspectors will require that the site superintendent and/or supervisor shall halt all such activities if it they determine the fugitive dust is impacting adjacent properties;
- iv. adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads;
 - v. personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations; and,
 - vi. signs displaying the APCD Complaint Line Telephone number for public complaints shall be posted on the site: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Timing: The Permittee shall submit an Air Emissions Mitigation Plan for Dust Control as part of and on the grading plans to be reviewed and approved by the APCD and Public Works Agency. The Plan shall be approved prior to the issuance of grading permits.

Monitoring and Reporting: Public Works Agency inspectors shall field-monitor all dust control measures during grading activities. The approved grading plans, including the Air Emissions Mitigation Plan for Dust Control, shall be kept onsite in an easily accessible location until final grading inspections are complete.

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

Ventura County Fire Protection District (VCFPD) Conditions

25. Address Number Plan (Note: condition satisfied)

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

Requirement: The Permittee shall submit a plan to the VCFPD indicating the method in which buildings are to be addressed.

Documentation: A stamped copy of the approved addressing plan.

Timing: The Permittee shall submit an addressing plan to the VCFPD for approval before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan shall be kept on file with the VCFPD. The VCFPD shall conduct a final inspection to ensure that all structures are addressed according to the approved plans.

26. Fire Code Permits (Note: condition satisfied)

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 VCFPD 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 VCFPD. The VCFPD 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 VCFPD, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

27. Access Road Gates

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

Requirement: The Permittee shall design and install all gates along required fire access roads/driveways consistent with Fire Protection District Standards.

Documentation: A stamped copy of the approved gate plans.

Timing: The Permittee shall submit gate plans to the VCFPD for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

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

28. Hazardous Fire Area

Purpose: To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building Department.

Timing: The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

Monitoring and Reporting: The VCFPD shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the VCFPD, the Permittee, and their successors in interest, shall maintain the approved construction for the life of the structure.

29. 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 30 feet from antenna structures, emergency power systems and 10 feet on each side of all access roads 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 VCFPD shall conduct on-site inspections to ensure compliance with this condition.



MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Conditional Use Permit (CUP) for continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL22-0154)
2. **Applicant:** T-Mobile West, LLC, C/O Lynda McClung, 4100 Guardian Street, Suite 101, Simi Valley, CA 93063
3. **Property Owner:** RMR Petroleum, LLC, 2000 Avenue of the Stars, 7th Floor, Los Angeles, CA 90067
4. **Location:** 12540 Creek Road, Ojai, CA 93023
5. **Tax Assessor's Parcel Number:** 035-0-010-165
6. **Lot Size:** 404.15 acres
7. **General Plan Land Use Designation:** Open Space
8. **Area Plan Land Use Designation:** Open Space
9. **Zoning Designation:** OS-40/SRP/TRU (40 acres minimum lot size/Scenic Resource Protection/Temporary Rental Units Overlay Zones)
10. **Project Description:** The applicant requests a CUP for the continued use, operation, and maintenance of an existing T-Mobile WCF for an additional 10-year period. The existing WCF is designed as nine (9) "lollypop" poles and the tallest pole is 18 feet in height. The WCF is also comprised of the following components:
 - Nine (9) panel antennas mounted on "lollypop" poles with a maximum height of 18-feet above grade level;
 - One (1) Microwave Dish;
 - Six (6) Remote Radio Unit's (RRU's);
 - Three (3) Equipment Cabinets located in the equipment shelter;
 - One (1) Emergency Generator located within the 425-square-foot lease enclosure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a dirt driveway from Creek Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On November 11, 2011, the Planning Director approved LU09-0071 and adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of a new WCF designed as nine (9) “lollypop” poles and the tallest pole is 18 feet in height under CUP LU09-0071. The facility was constructed in compliance with the conditions of approval of the CUP and the mitigation measures of the adopted MND. The proposed project under PL22-0154 is for the continued operation of the existing facility and includes no physical modification. Additionally, the conditions of approval for PL22-0154 include the mitigation measures of the adopted MND.

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

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

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

The proposed project is for the continued operation of an existing WCF constructed in compliance with the mitigation measures and conditions of approval for LU09-0071. There are no modifications or new construction proposed with the project and therefore would not involve new environmental effects or a substantial increase in the severity of previously identified significant effects.

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

The proposed project is for the continued operation of an existing WCF constructed in compliance with the mitigation measures and conditions of approval for LU09-0071. There are no modifications or new construction proposed with the project and, therefore, it would not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

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

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

The proposed project does not include modifications or new construction of an existing WCF, and conditions of approval include the mitigation measures of the adopted MND. Since no construction is proposed, there are no additional significant effects the project may have that were not discussed in the previous MND.

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

The potentially significant effects examined in the previous MND were related to construction activities for the facility. Mitigation measures to reduce the impacts to a less than significant level were included as conditions of approval and the facility was constructed in accordance with the mitigation, and CUP PL22-0154 includes the same mitigation measures in the conditions of approval. Since no construction is proposed, the significant effects previously examined for construction activities would not be more severe than shown in the previous MND.

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

The previous MND did not identify mitigation measures or alternatives that would be infeasible and all mitigation measures from the MND were included as conditions of approval for both LU09-0071 for construction of the facility and PL22-0154 for continued operation of the existing facility. The mitigation measures of the previous MND reduced all potentially significant impacts to less than significant impacts with mitigation. Additionally, the project proponents did not decline to adopt the mitigation measures.

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

The previous MND did not identify mitigation measures or alternatives that were considerably different than those analyzed and adopted under the previous MND. The mitigation measures of the previous MND reduced all potentially significant impacts to less than significant impacts with mitigation and were included as

conditions of approval on both LU09-0071 for construction of the facility and PL22-0154 for continued operation of the existing facility. Additionally, the project proponents did not decline to adopt the mitigation measures.

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

C. PUBLIC REVIEW:

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

Prepared by:



John Novi, 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

county of ventura

NOTICE OF AVAILABILITY AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The County of Ventura Planning Division, as the designated Lead Agency, has reviewed the following proposed project:

1. **Entitlement:** Conditional Use Permit No. LU09-0071
2. **Applicant:** T-Mobile West Corporation
3. **Location:** 12540 Creek Road, in the Ventura County unincorporated area of Ojai
4. **Assessor Parcel No(s):** 035-0-010-165
5. **Parcel Size:** 404.15 acres
6. **General Plan Designation:** Open Space
7. **Existing Zoning:** OS 40 ac/SRP (Open Space 40 acres minimum lot size/ Scenic Resource Protection Overlay zone)
8. **Responsible and/or Trustee Agencies:** NA
9. **Project Description:** The applicant requests a Conditional Use Permit to authorize the installation and operation of an unmanned wireless communications facility. This facility will consist of 8 antennas located on two arrays (Sector A & Sector B) to achieve optimum coverage over the Ojai Valley. The antennas will be installed on "popsicle stick" shaped structures, with an antenna tip height of 15 feet above grade on one sector and 10 feet above grade on the second sector. The facility will include 5 telecommunication equipment cabinets, a sixth cabinet with 1 battery pack back-up unit, and 1 emergency generator with a 100 gallon fuel tank. The cabinets, generator, and tank will be installed on a raised steel platform that will be elevated approximately 14 inches above grade. The platform will encompass approximately 425 square feet. The installation of equipment on a platform will avoid conflicts with existing wireless telecommunication facility cables

In accordance with Section 15070 of the California Code of Regulations, the Ventura County Planning Department has determined that this proposed project may have a significant effect on the environment. However, mitigation measures are available which would reduce the impacts to less than significant levels. As such, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

POSTED

County of Ventura
Planning Director Hearing
Case No. PL22-0154
Exhibit 7 - Mitigated Negative Declaration
LU09-0071

SEP 28 2011
MARK A. LUNN
Ventura County Clerk and Recorder

By: _____, Deputy
(805) 654-2481 Fax (805) 654-2509

800 South Victoria Avenue, L# 1740, Ventura, CA 93009



List of Potentially Significant Environmental Impacts Identified:

6a. Endangered, Rare or Threatened Species & 6d. Locally Important Species and Communities:

Potentially significant but mitigable impacts to the loss of Bryant's woodrat nests and the Coast Horned Lizard habitat would result from:

- the Ventura County Fire Protection District 30 foot vegetation clearance requirement for wireless communications facilities; and,
- the trenching for cables and the installation of antenna mounts on the project site.

The public review period is from **September 30, 2011 to October 19, 2011**. The Initial Study/Mitigated Negative Declaration is available for public review on-line at www.ventura.org/planning (select "CEQA Environmental Review") or at the County of Ventura, Resource Management Agency, Planning Department, 800 South Victoria Avenue, Ventura, California from 8:00 am to 5:00 pm Monday through Friday. The public is encouraged to submit written comments to Kristina Roodsari, no later than 5:00 p.m. on October 19, 2011 to the address listed above. In the alternative, you may fax your comments to (805) 654-2509 or e-mail the case planner at kristina.roodsari@ventura.org.

Following the review period, consideration of the project will be given at a Planning Director public hearing to be held **Thursday, October 27, 2011, at 10:00 A.M.** in the Santa Cruz Conference Room 311, 800 South Victoria Avenue, Ventura, CA 93009.



Brian R. Baca, Manager
Commercial & Industrial Permits

9-26-11

Date

county of ventura

MITIGATED NEGATIVE DECLARATION

A. PROJECT DESCRIPTION:

Entitlement: Conditional Use Permit No. LU09-0071

Applicant: T-Mobile West Corporation

Location: 12540 Creek Road, in the Ventura County unincorporated area of Ojai

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

Parcel Size: 404.15 acres

General Plan Designation: Open Space

Existing Zoning: OS 40 ac/SRP (Open Space 40 acres minimum lot size/ Scenic Resource Protection Overlay zone)

Responsible and/or Trustee Agencies: NA

Project Description: The applicant requests a Conditional Use Permit to authorize the installation and operation of an unmanned wireless communications facility. This facility will consist of 8 antennas located on two arrays (Sector A & Sector B) to achieve optimum coverage over the Ojai Valley. The antennas will be installed on "popsicle stick" shaped structures, with an antenna tip height of 15 feet above grade on one sector and 10 feet above grade on the second sector. The facility will include 5 telecommunication equipment cabinets, a sixth cabinet with 1 battery pack back-up unit, and 1 emergency generator with a 100 gallon fuel tank. The cabinets, generator, and tank will be installed on a raised steel platform that will be elevated approximately 14 inches above grade. The platform will encompass approximately 425 square feet. The installation of equipment on a platform will avoid conflicts with existing wireless telecommunication facility cables.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

State law requires that an Initial Study (environmental analysis) be conducted to determine if this project could significantly affect the environment. Based on the findings contained in the attached Initial Study, it has been determined that this proposed project may have a significant effect on the environment, however mitigation measures are available which would reduce the impacts to less than significant levels. As such, a Mitigated Negative Declaration has been prepared and the applicant has agreed to implement the mitigation measures.

C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED:

6a. Endangered, Rare or Threatened Species & 6d. Locally Important Species and Communities:



Potentially significant but mitigable impacts to the loss of Bryant's woodrat nests and the Coast Horned Lizard habitat would result from:

- the Ventura County Fire Protection District 30 foot vegetation clearance requirement for wireless communications facilities; and,
- the trenching for cables and the installation of antenna mounts on the project site.

D. PUBLIC REVIEW:

Legal Notice Method: Direct mailing to property owners within 300 feet of proposed project boundary, and a legal notice in a newspaper of general circulation.

Document Posting Period: September 30, 2011 through October 19, 2011

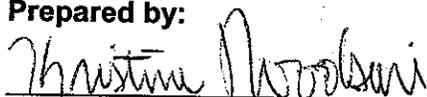
Public Review: The Initial Study prepared for this proposed project has determined that the project will not have adverse environmental impacts. The Initial Study/Mitigated Negative Declaration is available for public review on-line at www.ventura.org/planning (select "CEQA Environmental Review") or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

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

E. CONSIDERATION AND APPROVAL OF THE NEGATIVE DECLARATION:

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

Prepared by:



Kristina Roodsari, Case Planner
(805) 654-2467

Reviewed for Release to the Public by:



Brian R. Baca, Manager
Commercial & Industrial Permits Section

Recommended for Approval by
Lead Agency by:

KIMBERLY L. PRILLHART, Director
Planning Division

SECTION A
PROJECT DESCRIPTION

PROJECT: Conditional Use Permit No. LU09-0071

APPLICANT: T-Mobile West Corporation

LOCATION: 12540 Creek Road, in the Ventura County unincorporated area of Ojai

Project Location

The project site is located at 12540 Creek Road within the unincorporated Ojai area of Ventura County. The project site is east of Skunk Ranch Road (private road) and north Creek Road (public road), and approximately 3,481 feet (0.61 miles) southeast of the City of Ojai. The project site is locally accessible from Creek Road (a public road), and regionally accessible from State Route (SR) 33 and SR 150 (Exhibit A, Aerial and Local Vicinity map).

Project Size and Physical Description

The project site consists of the following land use designations:

APN	035-0-010-165
ACREAGE	404.15 Acres
ZONING	OS-40 ac/SRP (40 acres minimum lot size/Scenic Resource Protection Overlay Zone).
GENERAL PLAN LAND USE DESIGNATION	Open Space
AREA PLAN	Ojai Valley
Minimum Lot Size Requirements	40 acres minimum lot size
AREA PLAN LAND USE DESIGNATION	Open Space

The project site consists of a portion of one, approximately 404 acre lot, which is a mixture of mountainous and relatively flat land currently used for raising cattle and horses. The project site is located on a ridgeline that overlooks SR 150 and the City of Ojai.

According to the Ventura County Important Farmland Inventory Maps (Planning GIS, Farmland Inventory Data Layer, 2010), the lot has a soil designation of "grazing land" and is not a part of a recognized County Greenbelt. The project site has been historically used for ranching purposes and was subject to fire events in 1903, 1963 and

1985 (Planning GIS Fire History Data Layer, 2010). There is an existing communications facility (Conditional Use Permit Case Nos. 4894/LU08-0021), owned by American Tower Corporation and operated by Verizon, that is located adjacent to the proposed project area. The facility consists of a 360 square-foot (sq. ft.) equipment shelter, a 50' monopole with five 14' whip antennas, two 4' wide grid antennas, three 6' wide microwave dishes, one 4" wide disk antenna, and one 2' high Loran whip antenna for a total of 12 antennas. Three separate communications facilities also exist on the site and are located more than 1,000 feet away from the proposed project area. In addition, two existing oil and gas exploration and production permits are also located on the proposed lot. These facilities are identified in the table below.

Permit Number	Use	Status of Application	Location on Proposed Project Lot
LU08-0021 (American Tower Corporation)	Communications facility	In process	Adjacent to proposed project
LU09-0061 (Cingular Wireless)	Communications facility	In process	Approximately 1,400 feet south of proposed project site
CUP 5142 (AT&T)	Communications facility	Approved and operational	Approximately 1,400 feet south of proposed project site
CUP 5186 (Sprint)	Communications facility	Approved and operational	Approximately 1,247 feet south of proposed project site
CUP 37	Oil & gas exploration	Approved and operational	Approximately 1,143 northwest of proposed project site
CUP 4159	Oil & gas exploration	Approved and operational	515 north of proposed project site

Surrounding development includes: the City of Ojai to the north, agricultural uses to the north and west and open space, undeveloped land to the south and east.

Project History

The subject property gained its current configuration by conveyance prior to regulation by the Subdivision Map Act, with a deed recorded on May 5, 1958 in Book 1623, Page 43, of the Official Records.

Project Description

The applicant proposes to install a new, unmanned communications facility, which will consist of 8 antennas located on two arrays (Sector A & Sector B) to achieve optimum coverage over the Ojai Valley. The antennas will be installed on pop sickle stick-shaped structures, with an antenna tip height of 15 feet above grade on one sector and 10 feet above grade on the second sector. The facility will include 5 telecommunication equipment cabinets, a sixth cabinet with 1 battery pack back up unit in it, and 1 emergency generator with a 100 gallon tank. The cabinets, generator, and tank will be installed on a steel platform, raised approximately 14 inches above grade. The equipment is proposed to be installed on this platform in order to avoid other wireless telecommunication facility co-ax cables that may be in the area (Exhibit B).

Exhibits

- Exhibit A- Aerial and Local Vicinity map
- Exhibit B- Site, floor and elevation plans
- Exhibit C- Cumulative Impact Analysis Area
- Exhibit D- Proposed and Existing photos of Project Site

Cumulative Impact Analysis Area

The Ventura County Initial Study Assessment Guidelines requires an initial study to analyze potential cumulative impacts that could result from the proposed development. A "cumulative impact" is defined as:

...the adverse change to the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable projects. 'Related' means that other projects will have an adverse impact on one or more of the same specific environmental issue(s) as the proposed project. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Surrounding discretionary project information is listed in Table 1 (below) and is shown in Exhibit "C," *Cumulative Impact Analysis Area*. As the proposed project includes the installation of a new communications facility just below the top of the ridgeline that will be surrounded by chaparral and native vegetation (Exhibit B, antenna array Sector A facing SR 150 and Sector B on top of the ridgeline facing west), it is assumed that other potential projects within the cumulative impact analysis area may have the potential to adversely affect other resources, facilities, and hazards that the proposed project will affect. Thus, the following analysis of cumulative impacts includes 4 discretionary projects in Table 1, followed by a discussion in the initial study regarding the potential these projects have at adversely affecting other resources, facilities, and hazards surrounding the project site.

Table 1 - Cumulative Impact Analysis Area

Assessor's Parcel Number (APN) and Project Number	Location	Zoning Designation	Lot Size	Physical Characteristics	Project
035-0-010-165 (subject lot)	12540 Creek Road, south of SR 150	Open Space 40 acres minimum lot size	404.15 acres	Open Space, mountainous ridgeline	Proposed communications facility with tallest structure 15 feet high
035-0-010-165 LU08-0021	12540 Creek Road, south of SR 150	Open Space 40 acres minimum lot size	404.15 acres	Open Space, mountainous ridgeline	Existing communications facility with tallest structure 50 feet high

030-0-130-065 LU09-0113	7250 Ojai Santa Paula Road, east of project site	Open Space 40 acres minimum lot size	33.86 acres	Open Space	Existing communications facility with tallest structure 60 feet high
035-0-030-315 LU08-0107	8434 Ojai Santa Paula Road, east of project site	Open Space 40 acres minimum lot size	288.54 acres	Agricultural Land	Ranch with 7,200 SF hay barn

SECTION B INITIAL STUDY CHECKLIST

PROJECT: Conditional Use Permit No. LU09-0071

APPLICANT: T-Mobile West Corporation

LOCATION: 12540 Creek Road, in the Ventura County unincorporated area of Ojai

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS- M	PS	N	LS	PS- M	PS
GENERAL:	1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES (PLNG.)		X				X		
LAND USE:	2. LAND USE (PLNG.):								
	A. COMMUNITY CHARACTER		X				X		
	B. HOUSING	X				X			
	C. GROWTH INDUCEMENT		X				X		
RESOURCES:	3. AIR QUALITY (APCD):								
	A. REGIONAL		X				X		
	B. LOCAL		X				X		
	4. WATER RESOURCES (PWA):								
	A. GROUNDWATER QUANTITY		X				X		
	B. GROUNDWATER QUALITY		X				X		
	C. SURFACE WATER QUANTITY		X				X		
	D. SURFACE WATER QUALITY		X				X		
	5. MINERAL RESOURCES (PLNG):								
	A. AGGREGATE	X				X			
	B. PETROLEUM	X				X			
	6. BIOLOGICAL RESOURCES:								
	A. ENDANGERED, THREATENED, OR RARE SPECIES			X			X		
	B. WETLAND HABITAT	X				X			
	C. COASTAL HABITAT	X				X			

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS- M	PS	N	LS	PS- M	PS
	D. MIGRATION CORRIDORS		X				X		
	E. LOCALLY IMPORTANT SPECIES/COMMUNITIES			X			X		
	7. AGRICULTURAL RESOURCES (AG. DEPT.):								
	A. SOILS	X				X			
	B. LAND USE IMCOMPATIBILITY		X				X		
	8. VISUAL RESOURCES:								
	A. SCENIC HIGHWAY (PLNG.)		X				X		
	B. SCENIC AREA/FEATURE		X				X		
	9. PALEONTOLOGICAL RESOURCES								
	10. CULTURAL RESOURCES								
	A. ARCHAEOLOGICAL		X				X		
	B. HISTORICAL (PLNG.)		X				X		
	C. ETHNIC, SOCIAL OR RELIGIOUS	X				X			
	11. ENERGY RESOURCES								
	12. COASTAL BEACHES & SAND DUNES	X				X			
HAZARDS:	13. SEISMIC HAZARDS (PWA):								
	A. FAULT RUPTURE	X				X			
	B. GROUND SHAKING		X			X			
	C. TSUNAMI	X				X			
	D. SEICHE	X				X			
	E. LIQUEFACTION	X				X			
	14. GEOLOGIC HAZARDS (PWA):								
	A. SUBSIDENCE	X				X			
	B. EXPANSIVE SOILS		X			X			
	C. LANDSLIDES/MUDSLIDES	X				X			
	15. HYDRAULIC HAZARDS (PWA/WPD):								

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS- M	PS	N	LS	PS- M	PS
	A. EROSION/SILTATION	X				X			
	B. FLOODING	X				X			
	16. AVIATION HAZARDS (AIRPORTS)	X				X			
	17. FIRE HAZARDS (FIRE)		X				X		
	18. HAZARDOUS MATERIALS/WASTE								
	A. ABOVE-GROUND HAZARDOUS MATERIALS (FIRE)	X				X			
	B. HAZARDOUS MATERIALS (EH)		X				X		
	C. HAZARDOUS WASTE (EH)	X				X			
	19. NOISE AND VIBRATION		X				X		
	20. GLARE	X				X			
	21. PUBLIC HEALTH (EH)		X				X		
PUBLIC FACILITIES & SERVICES	22. TRANSPORTATION/CIRCULATION:								
	A. PUBLIC ROADS AND HIGHWAYS								
	(1) LEVEL OF SERVICE (PWA)		X			X			
	(2) SAFETY/DESIGN (PWA)		X			X			
	(3) TACTICAL ACCESS (FIRE)		X			X			
	B. PRIVATE ROADS AND DRIVEWAYS (FIRE):								
	(1) SAFETY/DESIGN	X				X			
	(2) TACTICAL ACCESS	X				X			
	C. PEDESTRIAN/BICYCLE:								
	(1) PUBLIC FACILITIES (PWA)		X				X		
	(2) PRIVATE FACILITIES		X				X		
	D. PARKING (PLNG.)	X				X			

ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
	N	LS	PS- M	PS	N	LS	PS- M	PS
E. BUS TRANSIT	X				X			
F. RAILROADS	X				X			
G. AIRPORTS (AIRPORTS)	X				X			
H. HARBORS (HARBORS)	X				X			
I. PIPELINES	X				X			
23. WATER SUPPLY:								
A. QUALITY (EH)	X				X			
B. QUANTITY (PWA)	X				X			
C. FIRE FLOW (FIRE)	X				X			
24. WASTE TREATMENT/DISPOSAL:								
A. INDIVIDUAL SEWAGE DISPOSAL	X				X			
B. SEWAGE	X				X			
C. SOLID WASTE MANAGEMENT (PWA)	X				X			
D. SOLID WASTE FACILITIES (EHD)	X				X			
25. UTILITIES:								
A. ELECTRIC		X				X		
B. GAS		X				X		
C. COMMUNICATION		X				X		
26. FLOOD CONTROL/DRAINAGE:								
A. WPD FACILITY (WPD)		X				X		
B. OTHER FACILITIES (PWA)	X				X			
27. LAW ENFORCEMENT/EMERGENCY SVS. (SHERIFF):								
A. PERSONNEL/EQUIPMENT	X				X			
B. FACILITIES	X				X			
28. FIRE PROTECTION (FIRE):								
A. DISTANCE/RESPONSE TIME	X				X			

	ISSUE (RESPONSIBLE DEPARTMENT)	PROJECT IMPACT DEGREE OF EFFECT*				CUMULATIVE IMPACT DEGREE OF EFFECT*			
		N	LS	PS- M	PS	N	LS	PS- M	PS
	B. PERSONNEL/EQUIPMENT/ FACILITIES	X				X			
	29. EDUCATION:								
	A. SCHOOLS	X				X			
	B. LIBRARIES (LIB. AGENCY)	X				X			
	30. RECREATION (GSA):								
	A. LOCAL PARKS/FACILITIES	X				X			
	B. REGIONAL PARKS/FACILITIES	X				X			
	C. REGIONAL TRAILS/CORRIDORS	X				X			

DEGREE OF EFFECT:

N = No Impact.

LS = Less Than Significant

PS-M = Potentially Significant Impact Unless Mitigation Incorporated

PS = Potentially Significant Impact

AGENCIES:

APCD - Air Pollution Control District

Airports - Department Of Airports

WPD - Watershed Protection District

PWA - Public Works Agency

Fire - Fire Protection District

Ag. Dept. - Agricultural Department

Plng. - Planning Division

Sheriff - Sheriff's Department

Lib. Agency - Library Services Agency

GSA - General Services Agency

EH - Environmental Health Division

SECTION C

INITIAL STUDY - DISCUSSION OF RESPONSES

PROJECT: Conditional Use Permit No. LU09-0071

APPLICANT: T-Mobile West Corporation

LOCATION: 12540 Creek Road, in the Ventura County unincorporated area of Ojai

GENERAL

1. GENERAL PLAN ENVIRONMENTAL GOALS AND POLICIES:

The *Ventura County General Plan* contains a large number of goals, policies and programs which guide development and land use within the unincorporated area. The General Plan programs are a coordinated set of measures to be implemented by County staff and other public agencies to carry out the goals and policies.

To determine project consistency with the General Plan, proposed projects are evaluated only for conformance with the policies unless:

- (1) A policy is so vague that a related goal needs to be evaluated so as to clarify the intent of the specific policy;
- (2) There is a specific feature about the project which requires evaluation of a specific goal; or
- (3) a goal addresses issues which are not covered by specific policies. Where a goal and a policy overlap, only the policy is evaluated.

Policies are considered to be specific, "guiding day-to-day principles " which are designed to implement the much more generalized General Plan goals. This project is being evaluated in terms of both the County General Plan Policies and the Ojai Area Plan goals and policies.

The project site has a General Plan land use designation of Open Space, pursuant to Figure 3.1 of the County General Plan Goals, Policies and Programs, and a zoning designation of OS-40 ac/SPR (Open Space 40 acres minimum lot size/Scenic Resource Protection Overlay Zone). The project site is also located within the Ojai Valley Area Plan and has an area plan designation of OS-40 ac/SRP (Open Space 40 acres minimum lot size/Scenic Resource Protection Overlay Zone). As the proposed project is located in the Scenic Resource Protection Overlay zone and within the Ojai Valley Area Plan, several General Plan policies and Ventura County Non-Coastal Zoning Ordinance (2010) regulations apply to the proposed project. These policies and regulations will be discussed in detail in initial study items 8a, 13a, 13c, 13e, 14a, 14c, 19, 22d, 23c, 29b, 30a and 30b.

Source Document: Ventura County General Plan Goals, Policies and Programs (General Land Use Map Figure 3.1), Ojai Valley Area Plan (Land Use Map Figure 3), and Ventura County Non-coastal Zoning Ordinance (Sections 8102-0 and 8105-4).

LAND USE

2. LAND USE:

Item A - Community Character

Project Specific Impacts:

The project site is located at 12540 Creek Road within the unincorporated Ojai area of Ventura County, east of Skunk Ranch Road (private road) and north Creek Road (public road). The project site is also located on a lot adjacent to the City of Ojai. The existing community consists of agricultural uses to the north and west and open space, undeveloped land to the south and east. As the proposed project is a request to construct a new communications facility by the installation of 8 antennas on two "pop sickle stick" arrays, which have an antenna tip height of 15 feet above grade and 10 feet above grade, the project will not be out of character with the open space and agricultural uses surrounding the area. The project will not require ~~vegetation removal~~ grading that would make it visually incompatible with other lots on which the same type of ~~vegetation~~ landscape is located. The project site will be located within existing chaparral and native vegetated areas on the slope of a mountain that overlooks the City of Ojai to the east and north and SR 33 to the west. The location of the proposed facility is at a height lower than the adjacent existing monopole owned by American Tower (LU08-0021). The proposed facility cannot prominently be seen from the City of Ojai. Therefore, due to the location and design of the proposed project, it will not be out of character with the surrounding lots and uses, and thus create less than significant impacts to community character.

A project that is consistent with both the zoning and the Ventura County General Plan is considered to have a less than significant impact on the land use of an area, so long as its design/architectural style is compatible with the surrounding community (Ventura County Initial Study Assessment Guidelines, 2008, Item 2A). The proposed project is consistent with the land use designation, density, and minimum lot size requirements that apply to the proposed project. Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4) the proposed communications facility is a permitted use in the OS-40 ac zone, by the means of a Conditional Use Permit. Therefore, as the proposed project would comply with the Ventura County Non-Coastal Zoning Ordinance, and the proposed use of the site would be compatible with the surrounding community, impacts to community character would be less than significant.

Cumulative Impacts

Cumulative impacts to community character are deemed less than significant as the proposed project will not create a substantial physical change to the surrounding environment, including the projects within the cumulative impact analysis area. The

project site would not be seen from SR 150 and the City of Ojai, will not require any ~~vegetation removal or~~ grading and will be located within existing chaparral and native vegetated areas on the slope of a mountain that overlooks the City of Ojai to the east and north and SR 33 to the west. The pop sickle stick antenna arrays will reach a maximum height of 15 feet, which is the smallest height of any structure of a project within the cumulative impact analysis area. The storage cabinets will be approximately 7 feet high and located adjacent to the access road and away from the ridgeline. Therefore, as designed and situated, the proposed project will not create a substantial change to the physical environment and the architectural style of the proposed project would not be out of character with the surrounding project's architectural form and style.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 2A Community Character, 2010 Ventura County Non-coastal Zoning Ordinance and 2010 Ventura County General Plan, Chapter 3, Land Use Designations.

Item B - Housing

Project Specific and Cumulative Impacts:

The project does not propose to eliminate any existing dwelling units, as the project is a request to construct a new communications facility by the installation of 8 antennas on two "pop sickle stick" arrays, which have an antenna tip height of 15 feet above grade and 10 feet above grade. Therefore, there are no adverse project-specific and cumulative impacts to housing.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 2B Housing.

Item C - Growth Inducement

Project Specific and Cumulative Impacts:

The Ventura County Initial Study Assessment Guidelines defines "growth inducement" as any action that would eliminate or remove an impediment to growth in an area, including both physical impediments (e.g., lack of sewers or access roads) and policy impediments (e.g., changes in zoning designations). The project consists of the construction of a new communications facility, which will not require water or sewage disposal services. Moreover, access to the project site exists via Creek Road (public Road), and Old Skunk Road, a private agricultural road that leads to the project site. The existing roads are adequate to access the project site and, as such, the project does not involve the extension of existing roads, or the construction of new roads that could facilitate additional growth. Therefore, the project would result in less than significant project-specific and cumulative growth inducement impacts.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 2C Growth Inducement Impacts, 2010 *Ventura County General Plan*, General Land Use Map Figure 3.1

RESOURCES

3. AIR QUALITY:

Item A - Regional Air Quality Impacts

Project Specific and Cumulative Impacts:

Based on information provided by the applicant, air quality impacts will be below the five pounds per day threshold for reactive organic compounds and oxides of nitrogen as described in the Ventura County Air Quality Assessment Guidelines (2008). Therefore, the project will have a less than significant project-specific impact, and will make a less than significant contribution to cumulative impacts, on regional air quality.

Source Document: Memo from Alicia Stratton of the Ventura County Air Pollution Control District, dated July 21, 2010.

Item B - Local Air Quality Impacts

Project Specific and Cumulative Impacts:

Based on information in the project application, the project will generate local air quality impacts but those impacts are not likely to be significant. The project site is not located near a congested intersection or roadway, is not development close to high traffic levels, and is not development near a source of odorous emissions or high levels of dust emissions.

Although the project is not expected to result in any significant local air quality impacts, the project will be conditioned to require that all project construction and site preparation operations must be conducted in compliance with all applicable VCAPCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust), as well as Rule 10, (Permit Required). Implementation of this condition will help minimize fugitive dust and particulate matter that may result from construction activities on the site and reduce project-specific and cumulative impacts to a less than significant level.

Source Document: Memo from Alicia Stratton of the Ventura County Air Pollution Control District, dated July 21, 2010 and the Ventura County Air Quality Assessment Guidelines of October 2003, Ventura County Air Pollution Control District.

4. WATER RESOURCES:

Item A - Groundwater Quantity

Project Specific and Cumulative Impacts:

The proposed project will not require the use of groundwater and, therefore, does not have the potential to have a project-specific impact, or contribute to cumulative impacts, related to groundwater quantity.

Source Document: Memo from Viergutz of the Groundwater Section of the Ventura County Watershed Protection District, dated July 27, 2010.

Item B - Groundwater Quality

Project Specific and Cumulative Impacts:

The Groundwater Quality Section comments that impacts to groundwater quality are deemed less than significant, project-specific and cumulatively, because there are no groundwater quality impacts due to this project. The emergency generator will have secondary containment for the diesel fuel and will have a hazardous material permit issued from the County Environmental Health Division.

Source Document: Memo from Viergutz of the Groundwater Section of the Ventura County Watershed Protection District, dated July 27, 2010.

Item C - Surface Water Quantity

Project Specific and Cumulative Impacts:

The proposed project will not include the use of surface water; therefore, the project does not have the potential to create a project-specific impact, or contribute to cumulative impacts, related to surface water quantity.

Source Document: Memo from Viergutz of the Groundwater Section of the Ventura County Watershed Protection District, dated July 27, 2010.

Item D - Surface Water Quality

Project Specific and Cumulative Impacts:

The project's water quality impacts are not expected to result in a violation of any surface water quality standards as defined in the Los Angeles Basin Plan. Therefore, the project would have a less than significant project-specific impact, and a less than significant contribution to cumulative impacts, related to surface water quality.

Source Document: Memo from Ewelina Mutkowska of the Water Quality Section of the Watershed Protection District, dated July 20, 2010.

5. MINERAL RESOURCES:

Item A - Aggregate

Project Specific and Cumulative Impacts:

Aggregate resources consist of sand, gravel, and crushed rock used in the construction industry. The *Ventura County General Plan* and *Ventura County Non-Coastal Zoning Ordinance* include Mineral Resource Protection (MRP) areas and overlay zones (respectively) for areas where important mineral resources do or may exist, and areas where the extraction of these resources may be a compatible land use. The proposed

project is not located in, or within the vicinity of, a MRP zone. In addition, none of the lots within the cumulative impact analysis area are located in, or within the vicinity of, a MRP zone. Therefore, there will be no adverse project-specific or cumulative impacts on aggregate resources.

Source Document: Planning GIS data layers (Aggregate Resources)

Item B - Petroleum

Project Specific and Cumulative Impacts:

Two oil and gas CUP's (CUP 37 & CUP 4159) are currently operating on the subject parcel; however, these facilities are located more than 500 feet from the project site and are not expected to disrupt the operation of the proposed communications facility. In addition, the communications facility will not disrupt the oil and gas operations. Therefore, there project will have no adverse project-specific or cumulative impacts on petroleum resources.

Source Document: 2010 Ventura County General Plan, Resources Appendix, Figure 1.4.7, Ventura County Non-Coastal Zoning Ordinance Section 8105-4 and Planning GIS data layers (Oil Permits).

6. BIOLOGICAL RESOURCES:

Item A - Endangered, Threatened or Rare Species, Item B - Wetland Habitat, Item C - Coastal Habitat, Item D - Migration Corridors, and Item E - Locally Important Species/Communities

Project Specific and Cumulative Impacts:

~~A review of the available aerial photography, Planning GIS data layer on biological resources, a site visit conducted by the case planner, and the applicant's project description indicate that the site has not been developed, except for the existing T-Mobile communications facility that is located adjacent to the proposed project, the three other existing communications facilities and the two oil and gas facilities currently operating on the subject lot. Due to the small scale design of the proposed facility and the fact that the facility does not involve any vegetation removal, introduction of light, noise, or human beings that will come into contact with wildlife, impacts to biological resources are expected to remain less than significant. The proposed project will not require any grading or the removal of vegetation or sensitive habitat and, therefore, does not have the potential to create project specific impacts, or contribute to cumulative impacts, related to endangered, threatened, or rare species. Wetland habitat exists over 1,000 feet south of the project site; however, at this distance, the project is unlikely to have any direct or indirect adverse effects on the wetland habitat. The project site is located approximately five miles from the Coastal Zone and, therefore, does not have the potential to adversely affect coastal habitat. Finally, a review of the GIS Planning data layers and the site visit confirmed that migration corridors and locally important species/communities would be less than significant. Although the proposed facility would create somewhat of an obstruction to wildlife~~

~~movement due to its location on the mountain, the impacts would be less than significant as the project site would utilize approximately 600 sq. ft. and not require any grading or vegetation removal. Therefore, project specific and cumulative impacts to the biological resources noted above are deemed less than significant.~~

~~Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 6a to 6e Biological Resources, Planning GIS data layers (Biological Resources) and applicant's project description~~

This project would have potentially significant, but mitigable, impacts on biological resources. The following responses to the Initial Study Checklist were prepared based on information provided in a recent Initial Study Biological Assessment (ISBA) prepared by Rincon and Associates for another wireless communication facility within the same area on Black Mountain in Ojai, as well as aerial imagery, County biological resources maps, and a site visit conducted by the Planning Division staff biologist on July 19, 2011.

Species

Plants

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

Animals

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

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

It is likely that birds that are protected by the California Fish and Game Code and the federal Migratory Bird Treaty Act nest within the project area. Vegetation removal during the nesting season to meet the fuel modification requirements could cause potentially significant impacts on nesting birds. This could occur during the first clearance of vegetation, as the low-growing grasses and weedy vegetation that would

be cleared on an annual basis would be less likely to support nesting birds than the chaparral/sage scrub that occurs on the site now. However, implementation of Mitigation Measure 3, Nesting Bird Surveys and Buffers, would reduce this impact to less than significant.

Ecological Communities

Sensitive Plant Communities

The California sagebrush – black sage plant community found on the project site has a conservation ranking of G4S4. Plant communities with a ranking of G1-G3 and S1-S3 are considered rare; therefore the plant community on the project site is not considered rare. Portions of this plant community within the project site are disturbed, and other portions are healthy with a diversity of other shrubs, including laurel sumac, sticky monkeyflower, bush sunflower, hollyleaf cherry, buck brush, and fuschia-flowered gooseberry, occurring along with the two dominant species, California sagebrush and black sage. Given that the plant community on the project site is not a rare plant community, and only approximately one-quarter of an acre would be removed for fuel modification around the antenna sites and equipment cabinets combined, impacts on plant communities are considered less than significant.

Waters and Wetlands

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

Habitat Connectivity

The project site is located within a mapped regional wildlife corridor, the Sierra Madre-Castaic Linkage identified by the South Coast Missing Linkages Project. No local routes or corridors for wildlife were identified within the immediate project site. The project site contains existing wireless communication facilities, including antennas and equipment shelters and cabinets. The project footprint, which includes two antenna mounts and equipment cabinets, is small and therefore would not introduce a barrier to wildlife movement within the linkage. The project also does not involve a significant increase in light, noise, or human activity that would disrupt wildlife in the area. The project is not expected to impact habitat connectivity.

Mitigation Measures

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

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

Purpose: In order to minimize impacts on Bryant's woodrats (San Diego desert

woodrats), avoidance measures shall be implemented.

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

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

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

2) After creating habitat outside of the construction footprint, begin vegetation clearance around the nest structures to reduce woodrat dispersal back into the project area.

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

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

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

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

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

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

MM2: Special Status Wildlife Surveys and Relocation

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

Requirement: A County-approved biologist with a CDFG Scientific Collecting Permit shall conduct surveys for special-status wildlife, specifically coast horned lizard. The first survey shall be conducted 30 days prior to initiation of tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and surveys must continue on a weekly basis with the last survey being conducted immediately prior to the initiation of land clearing activities. Individuals of special-status wildlife species that are found shall be relocated to suitable undisturbed habitat, at least 100 feet away from ground disturbance activities. CDFG shall be consulted if any species listed under the California Endangered Species Act are found, and USFWS shall be consulted if any species listed under the federal Endangered Species Act are found.

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

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

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

MM3: Nesting Bird Surveys and Buffers

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

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

1. Prohibit land clearing activities during the breeding and nesting season (February 1 – August 31).
2. Conduct site-specific surveys prior to land clearing activities and avoid occupied bird nests.

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

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

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

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

construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

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

With the implementation of the above mitigation measures, the proposed project's impacts to biological resources would be reduced to less than significant level.

Source Document: Rincon Consultants, Inc. July 27, 2011. Initial Study Biological Assessment for LU11-0038: CUP Application for a Wireless Communication Facility on Black Mountain, Ojai and Site visit conducted by Planning Division Biologist on July 19, 2011.

7. AGRICULTURAL RESOURCES:

Item A – Soils

Project Specific and Cumulative Impacts:

The Initial Study Assessment Guidelines Threshold of Significance for Agricultural soils requires that any project that would result in a direct and/or indirect loss of agricultural soils designated Prime, Statewide Importance, Unique or Local Importance will have an impact. The project site has land identified as grazing land, and no grading or ~~vegetation removal~~ is proposed with the project. Therefore, there are no adverse impacts to agricultural soils as a result of the proposed project.

There will be no cumulative adverse impacts to agricultural soils, as the project and the projects within the cumulative impact analysis area will not result in the permanent conversion of the designated agricultural soils, and the project will make no contribution to the cumulative loss of those soils.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 7A and Planning GIS data layers (Important Farmland Inventory).

Item B - Land Use Compatibility

Project Specific and Cumulative Impacts:

The Initial Study Assessment Guidelines Threshold of Significance for Agricultural Land Use Compatibility states that any proposed non-agricultural land use located within one-half mile of property that is currently in, or suitable for, agricultural production may have a potential impact. Portions of the lot on which the project site is located and the lot adjacent to the project site contain soil of local importance. However, as the proposed project is located more than 1,000 feet away from these soils and the the fact that the facility does not involve ~~any vegetation removal~~, introduction of light, noise, or human

beings that will come into contact with soil, the project would not affect those areas, the effects related to land use compatibility is considered less than significant.

Although the proposed project would introduce a non-agricultural use on land adjacent to land suitable for or currently used for agricultural development, that impact would be less than significant. The proposed project will be located on a mountain overlooking the City of Ojai and be contained within in an area of approximately 600 sq. ft. No ~~vegetation or~~ grading is proposed, therefore the project would not create a use that is incompatible with surrounding agricultural uses. When evaluated with the other projects within the cumulative impact analysis area, the cumulative impact to agricultural land use incompatibility is also less than significant, due to the small size of each project area, location of he project site and use of the site.

8. VISUAL RESOURCES:

Item A - Scenic Highway and Item B - Scenic Area/Feature

Project Specific Impacts:

The proposed project is located on a ridgeline in the Scenic Resource Protection Overlay Zone area of Ojai. *Ventura County General Plan Goals, Policies and Programs* Policy 1.7.2.1 states that discretionary development that would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited, unless feasible mitigation measures are unavailable and the decision-making body determines that there are overriding considerations to justify the approval of the project. A "scenic highway" is defined as the visible area as seen from a designated or eligible scenic highway that can generally be defined as the view from the road. The foreground viewshed is generally within one-half mile on either side of the highway (2010 Ventura County General Plan Resources Appendix, Section 1.7.1).

Eligible and designated scenic highways within the vicinity of the project site consist of SR 150 which is located approximately 0.69 mile (5,760') to the north, and SR 33 which is located approximately 1.5 miles (9,126') to the west. Both of these highways are located greater than one-half mile from the project site; however, due to the existing topography between SR 150 and the project site, a portion of the proposed project site is visible from this roadway. Although a portion of the project site (Sector B Antenna array) is visible from SR 150, ~~this portion of the project area would be surrounded by existing vegetation (chaparral and trees)~~ the facility would be painted tan and green ~~and painted green~~ so as to blend into the surrounding ~~vegetation~~ landscape. Although a portion of the antenna arrays will become visible during the winter months when the vegetation becomes brown, the visual impact to the City of Ojai and SR 150 would be temporary and thus considered less than significant.

Policy 1.6.2-2 of the Ojai Valley Area Plan states that discretionary development shall be located and designed to minimize visibility and silhouetting against the skyline as viewed from nearby public roads, and shall incorporate as many of the following planning techniques as feasible:

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

The project proposes a maximum antenna height of 15 feet. As most single story structures are built at approximately this height, the proposed project is consistent with Policy 1.6.2-2(a). The project site will not utilize a building pad, berms, landscaping and raised foundations; therefore techniques "b" to "d" above do not apply to the proposed project. As such, the project is consistent with Policy 1.6.2-2. ~~Moreover, as noted above, although a portion of the project site (Sector B Antenna array) is visible from SR 150, this portion of the project area would be surrounded by existing vegetation (chaparral and trees) and painted green so as to blend into the surrounding vegetation. Although a portion of the antenna arrays will become visible during the winter months when the vegetation becomes brown, the visual impact to the City of Ojai and SR 150 would be temporary and thus considered less than significant. Moreover, the County Fire Protection Code Sections K105.2 & M104-3 (2011) requires 30 feet of vegetation clearance around the proposed pop sickle stick arrays and cabinets. With this clearance, the proposed facility would be visible to the Ojai Valley. However, the facility would not be visible within 1/2 mile from a designated scenic highway (i.e. SR 33 and SR 150). This visual impact would be softened as the pop sickle sticks would be painted green and the cabinets tan so as to blend in with the surrounding vegetation that would remain on the mountain. Thus, the proposed project is consistent with Policy 1.6.2-2 (a).~~

Policy 1.6.2-1 of the Ojai Valley Area Plan states that discretionary development which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land shall be prohibited, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body. As noted above, ~~the proposed facility would be visible over the Ojai Valley with the 30 feet of vegetation clearance around the facility, as required per the Fire Code. However, the facility would be visible within 1/2 mile from a designated scenic highway (i.e. SR 33 and SR 150). This visual impact would be softened as the pop sickle sticks would be painted green and the cabinets tan so as to blend in with the surrounding vegetation that would remain on the mountain.~~ although a portion of the project site (Sector B Antenna array) is visible from SR 150, this portion of the project area would be surrounded by existing vegetation (chaparral and trees) and painted green so as to blend into the surrounding vegetation. Although a portion of the antenna arrays will become visible during the winter months when the vegetation becomes brown, the visual impact to the City of Ojai and SR 150 would be temporary and minimal.

Thus, the proposed project is consistent with Policy 1.6.2-1.

Policy 1.6.2-3 of the Ojai Valley Area Plan states that discretionary development for antenna and satellite dish facilities shall be prohibited unless public need has been adequately demonstrated. When it can be demonstrated that antenna and/or satellite dish facilities are necessary for public safety or to provide a substantial public benefit, they shall be conditioned to minimize visual impacts to the maximum extent feasible. Specifically, the height of such facilities, with the exception of monopole whip type antennas, shall be limited to 40 feet where technically feasible; and new facilities shall be avoided when feasible if there is available capacity on existing antenna facilities. The applicant is requesting the proposed new communications facility in order for T-Mobile to provide better coverage to the Ojai Valley. As the facility proposes two pop sickle stick arrays at 10 feet and 12 feet in height, and it is not feasible for the applicant to co-locate onto an existing facility, the proposed project is consistent with Policy 1.6.2-3.

Policy 1.6.2-4 of the Ojai Valley Area Plan states that as a result of *any discretionary development*, the reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum. This project does not propose any grading, therefore, this Policy does not apply to the proposed project. Moreover, vegetation clearance around the proposed facility would not reshape the natural terrain.

Therefore, based on the topography of the site, location on the site and the height of the structures, the sector arrays will be located and designed in a way that will minimize visibility and silhouetting against the skyline as viewed from nearby public roads.

Section 8109-4.1.5 of the Ventura County Non Coastal Zoning Ordinance requires discretionary development within the Scenic Resource Protection Overlay Zone to be sited and designed to:

- (1) Prevent significant degradation of a scenic view or vista;
- (2) Minimize alteration of the natural topography, physical features and vegetation;
- (3) Utilize native plants indigenous to the area for re-vegetation of graded slopes, where appropriate considering the surrounding vegetative conditions;
- (4) Avoid silhouetting of structures on ridge tops that are within public view;
- (5) Use materials and colors that blend in with the natural surroundings and avoid materials and colors that are highly reflective or that contrast with the surrounding vegetation and terrain, such as large un-shaded windows, light colored roofs, galvanized metal, and white or brightly colored exteriors.
- (6) Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas.

As noted above, the proposed facility would be visible from over the Ojai Valley with the required 30 feet of vegetation clearance around the facility. However, the facility would be visible within ½ mile from a designated scenic highway. This visual impact would be

~~*softened as the pop sickle sticks would be painted green and the cabinets tan so as to blend in with the surrounding vegetation that would remain on the mountain. This*~~ portion of the project area would be surrounded by existing vegetation (chaparral and trees) and painted green so as to blend into the surrounding vegetation. Although a portion of the antenna arrays will become visible during the winter months when the vegetation becomes brown, the visual impact to the City of Ojai and SR 150 would be temporary and minimal. To ensure that impacts to the surrounding areas remain less than significant, the project will be conditioned to require that the placement of new utility service lines be placed underground wherever feasible. Therefore, as designed, the project will not create a significant degradation to SR 150. As no grading or vegetation removal is proposed with the project, the natural topography will not be significantly altered. Silhouetting from Sector B antenna array will be minimal, as ~~only a portion of the structure will be visible from the City of Ojai and SR 150, and that portion~~ of the facility will be painted green to blend in with the surrounding landscape. Finally, the project does not propose any exterior lighting. Therefore, as designed and situated on the lot, the project is consistent with Section 8109-4.1.5 of the Ventura County Non Coastal Zoning Ordinance.

Cumulative Impacts:

All the projects within the cumulative impact analysis area are located along SR 150 and Ojai-Santa Paula Road. The proposed project would not introduce a visual impact to the City of Ojai and SR 150, due to the proposed project's design and location on top of the mountain. Although two of the projects (LU09-0113 and LU08-0107) within the cumulative impact analysis area can be seen from SR 150, when evaluated together the cumulative impact to scenic highways and scenic features/areas is considered less than significant, due to the small size of each project area, location of the project site and use of the site.

Source Document: 2010 Ventura County Non-Coastal Zoning Ordinance Section 8109-4.1.5, Ventura County General Plan Policy 1.7.2.2(3) and Ojai Valley Area Plan Policy 1.6.2.2

9. PALEONTOLOGICAL RESOURCES:

Project Specific Impacts:

According to the Ventura County GIS Paleontological Resources maps, the project site is located within an "undetermined" area for paleontological resources. However, it is unlikely that the proposed project would have an adverse impact on paleontological resources, as no grading activities or brush removal is proposed. The project site has experienced previous grading and brush removal activities during the construction of the existing communications facility (LU08-0021) that is adjacent to the proposed facility. The previous ground disturbance activities did not reveal the presence of subsurface resources. Therefore, project specific impacts are deemed less than significant.

Cumulative Impacts:

In reviewing all projects within the impact area, all the projects within the cumulative impacts analysis area have been subject to ground disturbance activities associated with agricultural and open spaces uses that have not revealed the presence of subsurface resources. Approval of the projects within the cumulative impact analysis area would not alter the availability of paleontological resources within the area, as these areas have been previously disturbed and found not to have a high occurrence of paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant.

Source Document: Planning GIS data layer (Paleontology) and 2008 Ventura County Initial Study Assessment Guidelines, Item 9.

10. CULTURAL RESOURCES:

Item A – Archaeological Resources and Item B – Historical Resources

Project specific Impacts:

As discussed above (Section C.9, *Paleontological Resources*), the project site historically has been used for open space and communications facility uses and has been subject to ground disturbance activities. No archaeological resources have been discovered or are known to exist on-site. In addition, future grading and construction activities would be subject to the Planning Division's standard condition of approval regarding the discovery of previously unknown subsurface resources, thereby avoiding potential impacts to any resources that are discovered during ground-disturbance activities. Therefore, impacts to archaeological resources would be less than significant.

Cumulative Impacts:

In reviewing all projects within the impact area, all the projects within the cumulative impacts analysis area have been subject to ground disturbance activities associated with agricultural and open spaces uses that have not revealed the presence of subsurface resources. Approval of the projects within the cumulative impact analysis area would not alter the availability of paleontological resources within the area, as these areas have been previously disturbed and found not to have a high occurrence of paleontological resources. Therefore, cumulative impacts to paleontological resources would be less than significant.

Source Document: Planning GIS data layer (Paleontology) and 2008 Ventura County Initial Study Assessment Guidelines, Items 10A & B.

Item C - Social or Religious Resources

Project Specific and Cumulative Impacts:

A site inspection confirmed that no contemporary, ethnic or social establishments, cemeteries, churches, shrines, synagogues, or other religious institution or establishments are located within the project site or on the immediate adjacent parcels. Therefore, the proposed project will not result in any project-specific impacts, or contribute to cumulative impacts, related to Social or Religious resources.

Source Document: Site visit by Case Planner Kristina Roodsari, conducted on July 8, 2010.

11. ENERGY RESOURCES:

Project Specific and Cumulative Impacts:

The project alone and cumulatively will have less than a significant impact on the renewable resources of solar, wind, and hydraulic power. The project and others within the cumulative impact analysis area would be subject to the requirements of the Uniform Building Code, which regulates construction of structures with regard to energy efficiency. Therefore, no project-specific or cumulative impacts to energy resources would occur.

Source Document: 2008 Initial Study Assessment Guidelines, Item 11.

12. COASTAL BEACHES & SAND DUNES:

Project Specific and Cumulative Impacts:

This project site and projects within the cumulative impact analysis area are not located within the Coastal Zone of the County's *Local Coastal Program*. Therefore, this project will not have a project-specific impact, or contribute to cumulative impacts, on the coastal beaches and sand dunes.

Source Document: Planning GIS (2010 Aerial Map).

HAZARDS

13. SEISMIC HAZARDS:

Item A - Fault Rupture

Project Specific Impacts:

There are no known active or potentially active faults extending through the proposed lot based on State of California Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act, and Ventura County General Plan Hazards Appendix, Figure 2.2.3b. Therefore, there is expected to be no adverse impact from potential fault rupture hazard.

Cumulative Impacts:

Seismic and geologic hazards are project and location specific. As noted above, and with a review of the seismic and geologic hazards with the impact area, there are no known active or potentially active faults extending through the impact area. Therefore in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of

the Public Works Agency, dated July 16, 2010.

Item B - Ground Shaking

Project Specific Impacts:

The property will be subject to moderate to strong ground shaking from seismic events on local and regional fault systems. The County of Ventura Building code adopted from the California Building Code, dated 2007, Chapter 16, Division IV, requires the structures to be designed to withstand this ground shaking. This requirement of the building code will reduce the effects of ground shaking to a less than significant level.

Cumulative Impacts:

Seismic and geologic hazards are project and location specific. As noted above, and with a review of the seismic and geologic hazards with the impact area, there are no known active or potentially active faults extending through the impact area. Therefore in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency, dated July 16, 2010.

Items C – Tsunamis and D – Seiches

Project Specific and Cumulative Impacts:

Pursuant to the *Ventura County General Plan, Hazards Appendix, Figure 2.6*, the proposed project is not located in a Tsunami and/or Seiches Zone. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, relating to tsunamis and seiches.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency, dated July 16, 2010.

Item E - Liquefaction

Project Specific and Cumulative Impacts:

The site is not located within a potential liquefaction zone based on the Ventura County General Plan Hazards Appendix, Figure 2.4b. This map is a compilation of the State of California Seismic Hazards Maps for the County of Ventura and is used as the basis for delineating the potential liquefaction hazards within the County. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, relating to liquefaction hazards.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency dated July 16, 2010.

14. GEOLOGIC HAZARDS:

Item A – Subsidence

Project Specific and Cumulative Impacts:

The subject property is not within the probable subsidence hazard zone as delineated in the Ventura County General Plan Hazards Appendix, Figure 2.8. The project also does not relate to oil, gas or groundwater withdrawal. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, relating to subsidence hazards.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency dated July 16, 2010.

Item B - Expansive Soils

Project Specific and Cumulative Impacts:

Future development of the site will be subject to the requirements of the County of Ventura Building Code, adopted from the California Building Code (2007, Section 1802.2), which requires mitigation for potential adverse effects of expansive soils. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, relating to hazards from expansive soils.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency dated July 16, 2010.

Item C - Landslides/Mudslides

Project Specific Impacts:

Pursuant to the *Ventura County General Plan, Hazards Appendix, Figure 2.7.16*, the proposed project is not located in a mapped landslides and/or mudslide zone.

Portions of the site are located within a potential Earthquake-Induced Landslide area as shown in Figure 2.7.2 of the County General Plan Hazards Appendix. Evaluation of the potential earthquake induced landslides will be necessary prior to permit issuance for structures located in these areas. The geologic and geotechnical report will need to evaluate and demonstrate adequate stability and/or provide recommendations for the necessary corrective measures to be implemented prior to construction. Therefore, there are no adverse impacts relating to landslides/mudslides.

Cumulative Impacts:

Seismic and geologic hazards are project and location specific. As noted above, and with a review of the seismic and geologic hazards with the impact area, there are no known active or potentially active faults extending through the impact area. Therefore in this regard, there are no cumulative impacts associated with seismic and geologic hazards.

Source Document: Memo from Jim O'Tousa of the Engineering Services Department of the Public Works Agency dated July 16, 2010.

15. HYDRAULIC HAZARDS:

Item A - Erosion/Siltation

Project Specific and Cumulative Impacts:

There is no grading proposed for the project, and the proposed structures will have such a small footprint that there is no impact related to erosion/siltation. Therefore, there are **no adverse impacts** related to erosion/siltation, project-specific and cumulatively.

Source Document: Memo from Jim Myers of the Development and Inspection Services Division of the Public Works Agency dated July 27, 2010.

Item B – Flooding

Project Specific and Cumulative Impacts:

The subject property is located outside of the 1% annual chance floodplain. It is located in an 'X Unshaded Zone' (500-year floodplain) as evidenced on the latest "Effective" Digital Flood Insurance Rate Map (DFIRM) issued by the Federal Emergency management Agency (FEMA) (January 20, 2010) (Panel 586 of 1275, Map # 06111C586E).

As such, a Floodplain Development Permit will not be required for the proposed development, and the project is not expected to have a project-specific impact, or contribute to cumulative impacts, related to flooding hazards.

Source Document: Memo from Brian Trushinski of the Advanced Planning Section of the Watershed Protection District, dated July 26, 2010.

16. AVIATION HAZARDS:

Project Specific and Cumulative Impacts:

The proposed project is not located within two miles of any public airport. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to air traffic safety.

Source Document: Planning GIS data layers (Airport Sphere of Influence).

17. FIRE HAZARDS:

Project Specific and Cumulative Impacts:

The Fire Protection District reviewed the project and commented that the proposed project is located in a High Fire Severity Zone which may have an impact during wild

land fires. The impact is less than significant based upon project conditions and compliance with Fire District hazard abatement (brush clearance) requirements. as the proposed project does not include building construction, there will be no fire hazard impacts as a result of the project. Therefore, the proposed project will have less than significant project-specific and cumulative impacts, related to fire hazards.

Source Document: Memo from Marnel VandenBossche, Ventura County Fire Protection District, dated July 16, 2010 and revised memo from Larry Williams, Ventura County Fire Protection District, dated August 18, 2011.

18. HAZARDOUS MATERIALS/WASTE:

Item A - Above-ground Hazardous Materials

Project Specific and Cumulative Impacts:

As the proposed project includes the installation of telecommunication equipment, 6 cabinets, with 14 gallons of individually sealed VRLA batteries with gel and a 100 gallon generator above ground, there are expected to be less than significant impacts as a result of the project. To ensure that impacts remain less than significant, the project will be conditioned to require that hazardous material storage comply with the 2006 International Fire Code, Article 27 as adopted and amended by the VCFPD Ordinance #26.

Source Document: Memo from Marnel VandenBossche, Ventura County Fire Protection District, dated July 16, 2010.

Item B - Below-ground Hazardous Materials

Project Specific and Cumulative Impacts:

The proposed project does not include the use or storage of below ground hazardous materials. Therefore, there will be no adverse impacts to below ground hazardous materials, specifically and cumulatively.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

Item C - Hazardous Waste

Project Specific and Cumulative Impacts:

The proposed project is not considered an activity that produces hazardous materials. Therefore, the project will have no adverse impacts relative to hazardous materials, specifically and cumulatively.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

19. NOISE/VIBRATION:

Project Specific Impacts:

The *Ventura County Initial Study Assessment Guidelines* define noise as "any unwanted sound that is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying". The methodology used in determining whether or not a project will result in a significant noise impact is to determine if the proposed use is a "Noise Sensitive Use" or a "Noise Generator." Noise sensitive uses are dwellings, schools, hospitals, nursing homes, churches and libraries. This project is considered a noise generating use.

In order for a project to be a noise generator, the *Ventura County Initial Study Assessment Guidelines* state that the project must generate noise at the nearest noise sensitive use/residential district that exceeds:

- 55 dB(A) between 6:00 a.m. and 7:00 p.m.,
- 50 dB(A) between 7:00 p.m. and 10:00 p.m., or
- 45 dB(A) between 10:00 p.m. and 6:00 a.m.

The facility is expected to produce some noise with the proposed emergency generator, however; noise levels will be minimal as the generator will be located inside a cabinet south of proposed Sector A antenna array. The nearest sensitive receptor from the emergency generator is the single family dwellings located on the same lot as the project, more than 1,000 feet away from the proposed project site. As a rule of thumb, noise decreases by 5 dB for each doubling of the distance from the noise source. As the nearest noise sensitive receptor is more than 1,000 feet away from the emergency generator and cabinet, and as the generator will not produce noise levels that exceed the ambient noise levels noted above, noise at the sensitive receptor (single family dwelling) will not be exceeded. Therefore, project specific impacts to surrounding noise-sensitive uses would be less than significant.

Cumulative Impacts:

Although the proposed project would introduce a noise generating use, that impact would be less than significant. The proposed project will be located on a mountain overlooking the City of Ojai and be contained within in an area of approximately 600 sq. ft. The project site would also be located more than 1,000 feet away from the nearest noise sensitive receptor and would not produce noise levels that exceed the ambient noise levels noted in the County Initial Study Assessment Guidelines. When evaluated with the other projects within the cumulative impact analysis area, the cumulative impact to noise and vibration is also less than significant, due to the small size of each project area, location of the project site and use of the site.

Source Document: 2010 Ventura County General Plan Section 2.16 – Noise (Policy 2.16.2.1) and 2008 Ventura County Initial Study Assessment Guidelines, Item 19, Noise.

20. GLARE:

Project Specific and Cumulative Impacts:

Glare is defined as "a continuous or periodic intense light that may cause eye discomfort or be blinding to humans." There is not expected to be any impacts associated with glare from the proposed communications facility and the projects within the cumulative impact analysis area, as no exterior lighting is proposed with these projects or glare to adjacent properties created by the proposed project or the projects within the cumulative impact area. As such, the project is expected to have no adverse impacts from glare specifically and cumulatively.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 20.

21. PUBLIC HEALTH:

Project Specific and Cumulative Impacts:

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

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

PUBLIC FACILITIES/SERVICES

22. TRANSPORTATION/CIRCULATION:

Items A - Public Roads & Highways (1) Level of Service and (2) Safety / Design

Project Specific and Cumulative Impacts:

The Transportation Department comments that as the proposed project will not create additional traffic on the local public roads, project specific impacts are deemed less than significant. In addition, as the projects within the cumulative impact analysis area will and have not created additional traffic on the local public roads, cumulative impacts are deemed less than significant.

Source Document: Memo from Behnam Emami, Public Works Agency, Traffic and Transportation Planning, dated July 26, 2010.

Item A - Public Roads & Highways (3) Tactical Access and Item B - Private Roads & Driveways (1) Safety/Design and (2) Tactical Access

Project Specific and Cumulative Impacts:

As noted above in Section A, the project is locally accessible via Creek Road and regionally accessible via SR 33 and Highway 150. As access is served by public roads and driveways that meet current Fire Department Access Standards, the proposed project will not have a project-specific impact, and will not contribute to cumulative

impacts, related to tactical access.

Source Document: Memo from Marnel VandenBossche of Ventura County Fire Protection District, dated July 16, 2010.

Item C - Pedestrian/ Bicycle (1) Public Facilities and (2) Private Facilities

Project Specific and Cumulative Impacts:

The Transportation Department comments that as the proposed project will not create additional pedestrian and vehicle traffic, project specific impacts are deemed less than significant. In addition, as the projects within the cumulative impact analysis area will and have not created additional pedestrian and vehicle traffic, cumulative impacts are deemed less than significant.

Source Document: Memo from Behnam Emami, Public Works Agency, Traffic and Transportation Planning, dated July 26, 2010.

Item D - Parking

Project Specific and Cumulative Impacts:

The County's Zoning Ordinance regulates the number, location, and size of parking spaces. The site is adequate to accommodate the required parking spaces for a communications facility, as parking for one vehicle is available. Therefore, the project will have no adverse impact relating to parking. Additionally, by adequately accommodating its own parking needs, the project does not contribute to a cumulative parking impact. Therefore, there are no adverse impacts, project specific and cumulative, relating to parking.

Source Document: 2010 Ventura County General Plan Section 4.2 - Traffic/Circulation and Ventura County Non-coastal Zoning Ordinance §8108-4.

Item E - Bus Transit, Item F - Railroads, Item G - Airports, and Item H – Harbors

Project Specific and Cumulative Impacts:

The project will not have any impact upon existing bus, railway, airport, or harbor facilities. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to bus, railway, airport, or harbor facilities.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 22E-H.

Item I - Pipelines

Project Specific and Cumulative Impacts:

Planning GIS (Pipeline data layer) indicates that there are no existing pipelines within the

proposed project area. Therefore, the proposed project will have no adverse impacts to pipelines, specifically and cumulatively.

Source Document: Planning GIS data layers (Major and minor pipelines).

23. WATER SUPPLY:

Item A – Quality

Project Specific and Cumulative Impacts:

The proposed project and the projects within the cumulative impacts area will not and do not require a supply of domestic water. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to the quality of any water that is for domestic purposes.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

Item B - Quantity

Project Specific and Cumulative Impacts

Water Supply Quantity is deemed less than significant because the project does not require a permanent domestic water supply. In addition, as the projects within the cumulative impact analysis area do not require a water supply, there are expected to be no cumulative adverse impacts.

Source Document: Memo from Viergutz of the Groundwater Section of the Ventura County Watershed Protection District, dated July 27, 2010.

Item C - Fire Flow

Project Specific and Cumulative Impacts

As the proposed project does not include construction or uses that require water for fire protection, there are no adverse impacts, project specific and cumulative, to fire flow as a result of the proposed project. As such, the project is also consistent with Ojai Valley Area Plan Fire Hazards Policy 2.3.2-1, which states that discretionary development shall be conditioned to provide adequate water and access.

Source Document: Memo from Marnel VandenBossche of Ventura County Fire Protection District, dated July 16, 2010 and Ojai Valley Area Plan Fire Hazards Policy 2.3.2-1 (2005).

24. WASTE TREATMENT/DISPOSAL:

Item A - Individual Sewage Disposal System Item B - Sewage Collection/Treatment Facilities

Project Specific and Cumulative Impacts

The proposed project and projects that are included in the analysis of cumulative impacts do not require the use of an on-site sewage disposal system. Therefore, the project will not create any project-specific, or contribute to cumulative impacts, related to on-site sewage disposal.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

Item B - Sewage Collection/Treatment Facilities

Project Specific and Cumulative Impacts

The proposed project will not require the use of an on-site or off-site sewage disposal system. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to on-site or off-site sewage collection/treatment facilities.

Source Document: Ventura County Initial Study Assessment Guidelines, Item 24B Sewage Collection/Treatment Facilities and applicant's project description.

Item C - Solid Waste Management

Project Specific and Cumulative Impacts

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

Source Document: Memo from Derrick Wilson of the Public Works Agency Integrated Waste Management Division, dated August 5, 2010.

Item D - Solid Waste Facilities

Project Specific and Cumulative Impacts

The proposed project and the projects within the cumulative impact analysis area do not include a solid waste facility. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to the construction or use of solid waste facilities.

Source Document: Memo from Melinda Talent, Resource Management Agency, Environmental Health Department, dated July 21, 2010.

25. UTILITIES:

Item A - Electric Item B - Gas and Item C - Communications

Project Specific and Cumulative Impacts

Existing electrical and gas facilities are adequate to serve the surrounding areas. With the construction and operation of the proposed communications facility, communications capabilities throughout the Ojai Valley will be improved. Therefore, the proposed project and possible future development within the cumulative impact analysis area will have less than significant impacts on electric, gas, or communications facilities, project-specific and cumulatively..

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 25A - C.

26. FLOOD CONTROL/DRAINAGE:

Item A - FCD Facility

Project Specific and Cumulative Impacts

The nearest jurisdictional red line channel is San Antonio Creek, approximately 3,500 feet north of the project site. The project does not involve a connection to San Antonio Creek and no indirect impacts would occur as the project site is located on top of the ridgeline and will not interfere with the creek. Therefore, the proposed project will not have a project-specific impact, and will not contribute to cumulative impacts, related to flood control/drainage facilities.

Source Document: Memo from Tom Wolfington, Watershed Protection District Planning and Regulatory Division,, dated August 3, 2010.

Item B - Other Facilities

Project Specific and Cumulative Impacts

As there is no grading proposed for the project and the proposed structures, there is no potential impact relating to erosion/siltation. Therefore, there are no adverse impacts relating to drainage facilities. There are also no cumulative adverse impacts relating to drainage facilities, as the projects within the cumulative impact analysis area do not require grading, and include structures with small footprints.

Source Document: Memo from Jim Myers of the Public Works Agency Development & Inspection Services Division, dated July 27, 2010.

27. LAW ENFORCEMENT/EMERGENCY SERVICES:

Item A - Personnel/Equipment and Item B - Facilities

Project Specific and Cumulative Impacts

As the project does not include any employees and the facility includes the installation of few structures within approximately 600 sq. ft. of space, there will be no significant impact on the functions of the Ventura County Sheriff's Department. As such, the project will have no adverse impact on the services provided for the area, project-specific and cumulatively.

Source Document: 2008 Ventura County Initial Study Assessment Guidelines, Item 27A- B.

28. FIRE PROTECTION:

Project Specific and Cumulative Impacts

Fire District Ordinance No. 24 requires fire sprinklers within all structures that are located more than 5 miles from a fire station. The distance from full-time, paid fire station is adequate, as fire station no. 21 is within 5 miles of the project site and the sites within the cumulative impact analysis area. Therefore, the proposed project will not require the installation of fire sprinklers and will have no adverse impact on Fire Protection, specifically and cumulatively.

Source Document: Memo from Marnel VandenBossche of Ventura County Fire Protection District, dated July 16, 2010.

29. EDUCATION:

Item A - Schools

Project Specific and Cumulative Impacts

The project would be served by the Ojai Valley Unified School District (OVUSD). However, as a communications facility, the project will not generate new students that must be served by the OVUSD. In addition, as the project is located on a mountain overlooking the City of Ojai and intent of the proposed project is to provide the Ojai Valley with a wider range of coverage for T-Mobile customers, the project will not interfere with the use of any school. Therefore, there will be no adverse impact to educational resources.

There will also be no adverse cumulative impact as the projects within the cumulative impact analysis area will not affect local educational resources, as these projects consists of two communications facilities and a hay barn.

Source Document: Planning GIS Data Layers (High School & Elementary school District) and 2008 Ventura County Initial Study Assessment Guidelines, Item 29A.

Item B - Libraries

Project Specific and Cumulative Impacts

The closest library is the Ojai Library, which is approximately 5 miles from the project site. However, as a communications facility, the project will not generate impacts to library resources. In addition, as the project is located on a mountain overlooking the City of Ojai and intent of the proposed project is to provide the Ojai Valley with a wider range of coverage for T-Mobile customers, the project will not interfere with the use of any library. Therefore, there will be no adverse impact to library resources.

There will also be no adverse cumulative impact to library resources, as the projects within the cumulative impact analysis area will not affect library resources, as these projects consists of two communications facilities and a hay barn and thus would not utilize these resources.

Source Document: 2005 Ventura County General Plan Public Facilities and Services Appendix, Section 4.9.6 and 2008 Ventura County Initial Study Assessment Guidelines, Item 29B.

30. RECREATION:

Item A - Local Parks/Facilities

Project Specific and Cumulative Impacts

Although two parks (Libbey and Sarzotti) are located within 5 miles of the project site, the proposed communications facility would not generate substantial new use of or demand for park facilities. Thus, there would be no adverse impact on local parks.

There will also be no adverse cumulative impact to local parks, as the project involves the installation of a communications facility on land that is not part a designated local park or facility.

Source Document: 2005 Ventura County General Plan Public Facilities and Services Appendix, Figure 4.10.1

Item B - Regional Parks/Facilities and Item C - Regional Trails/Corridors

Project Specific and Cumulative Impacts

The project is not located within a designated regional recreation area or regional trail/corridor area.. As a communications facility, the project will not generate impacts to library resources. In addition, as the project is located on a mountain overlooking the City of Ojai and intent of the proposed project is to provide the Ojai Valley with a wider range of coverage for T-Mobile customers, the project will not interfere with the use of any library, the proposed project and the projects within the cumulative impact analysis area, there are expected to be no adverse impacts, project-specific or cumulatively, to regional parks and facilities.

Source Document: 2005 Ventura County General Plan Public Facilities and Services
Appendix, Figure 4.10.1, 4.10.1-4.10.3b.

SECTION D
MANDATORY FINDINGS OF SIGNIFICANCE

PROJECT: Conditional Use Permit No. LU09-0071

APPLICANT: T-Mobile West Corporation

LOCATION: 12540 Creek Road, in the Ventura County unincorporated area of Ojai

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

SECTION E

DETERMINATION OF ENVIRONMENTAL DOCUMENT

PROJECT: Conditional Use Permit No. LU09-0071

APPLICANT: T-Mobile West Corporation

LOCATION: 12540 Creek Road, in the Ventura County Unincorporated area of Ojai

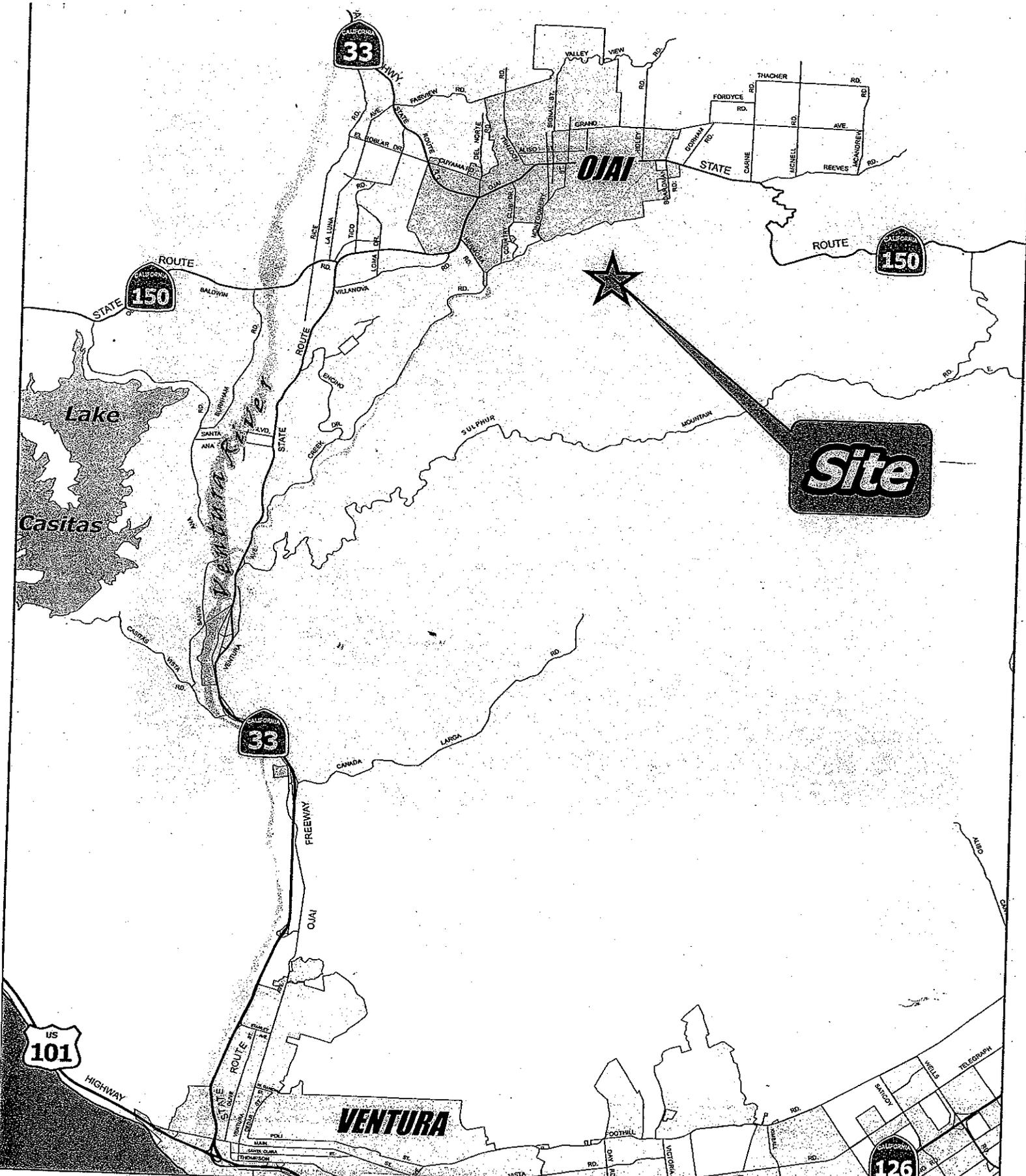
E.	DETERMINATION OF ENVIRONMENTAL DOCUMENT
	On the basis of this initial evaluation:
<input type="checkbox"/>	I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in section C of the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
<input type="checkbox"/>	I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.*
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Kristina Roodsari,
Case Planner

9-26-11

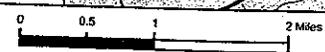
Date



Ventura County
Resource Management Agency
GIS Development & Mapping Services
Map created on 07/21/2009



**Conditional Use Permit No. LU09-0071
Mitigated Negative Declaration
Exhibit A- Aerial & Vicinity Map**

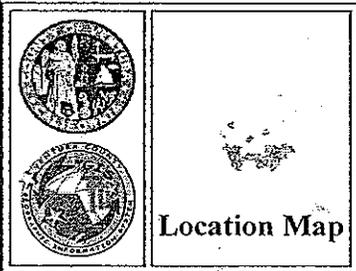


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Location Map

Hazards	Resources	Public Facilities/Services
Fire History	Greenbelts	Elementary School District
Floodplains	Proposed Greenbelts	High School District
Landslides Earthquake Induced	Visual Resources	Sanitation District
Landslides Non-Earthquake Induced	Water Resource	
Liquefaction	Scenic Area	
Tsunami Inundation Hazard	State Highway	
Groundshaking 0.25	Mining Permits	
Groundshaking 0.45	Oil Patches	
Groundshaking 0.65	Land Conservation Act Contracts	
Groundshaking 0.85		
Groundshaking 1.05		
Major Pipelines	Political/Planning Boundaries	Land Use
Minor Pipelines	Area of Interest	Area Plan
All Faults	City Urban Restriction Boundary	General Plan
	Growth/Non-growth Area	Zoning
	Sphere of Influence	
	Supervisory Districts	
	2000 Census Tracts	
		General Mapping
		Freeway
		Highway
		Lakes
		Rivers
		Cities

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PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.

T-Mobile

SITE NUMBER: SV12016A
SITE NAME: OJAI
SITE TYPE: STUB MOUNTED
CUP#:

CITY: OJAI
COUNTY: VENTURA
JURISDICTION: COUNTY OF VENTURA

PROJECT SUMMARY

PERMIT INFORMATION:
 PERMIT NO. LU09-0071
 PERMIT DATE: 05-25-09
 PERMIT TYPE: STUB MOUNTED
 PERMIT STATUS: APPROVED

APPLICABLE REGULATIONS:
 VENTURA COUNTY ZONING ORDINANCE 16.01.01
 VENTURA COUNTY ZONING ORDINANCE 16.01.02
 VENTURA COUNTY ZONING ORDINANCE 16.01.03
 VENTURA COUNTY ZONING ORDINANCE 16.01.04
 VENTURA COUNTY ZONING ORDINANCE 16.01.05
 VENTURA COUNTY ZONING ORDINANCE 16.01.06
 VENTURA COUNTY ZONING ORDINANCE 16.01.07
 VENTURA COUNTY ZONING ORDINANCE 16.01.08
 VENTURA COUNTY ZONING ORDINANCE 16.01.09
 VENTURA COUNTY ZONING ORDINANCE 16.01.10
 VENTURA COUNTY ZONING ORDINANCE 16.01.11
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 VENTURA COUNTY ZONING ORDINANCE 16.01.30

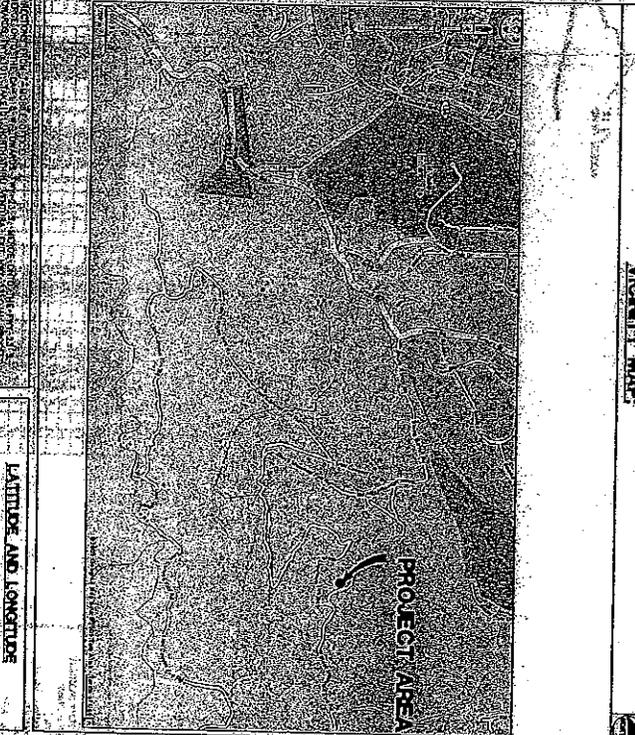
CONSULTING TEAM

PROJECT ARCHITECT/CONSULTANT:
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 OJAI, CA 93426
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PROJECT ENGINEER:
 Synergy
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3	GROUNDWATER MONITORING SYSTEM PLAN
4	STUB MOUNTED ANTENNA PLAN
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Conditional Use Permit No. LU09-0071
 Mitigated Negative Declaration
 Exhibit B - Site, Floor & Elevation
 Plans

T-Mobile
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 4000 GARDEN ST. SUITE 101
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PROJECT INFORMATION:
 OJAI
 SV12016A
 1234 GARDEN ST. SUITE 101
 OJAI, CA 93426
 VENTURA COUNTY

ISSUED FOR:
 05-25-09
ZONING

REV. DATE DESCRIPTION BY
 04-22-08 PRELIM 90% ZONING PERMITS
 05-21-08 ISSUED FOR PERMITS

PLANS PREPARED BY:
 Synergy
 1111 W. WASHINGTON STREET, SUITE 100
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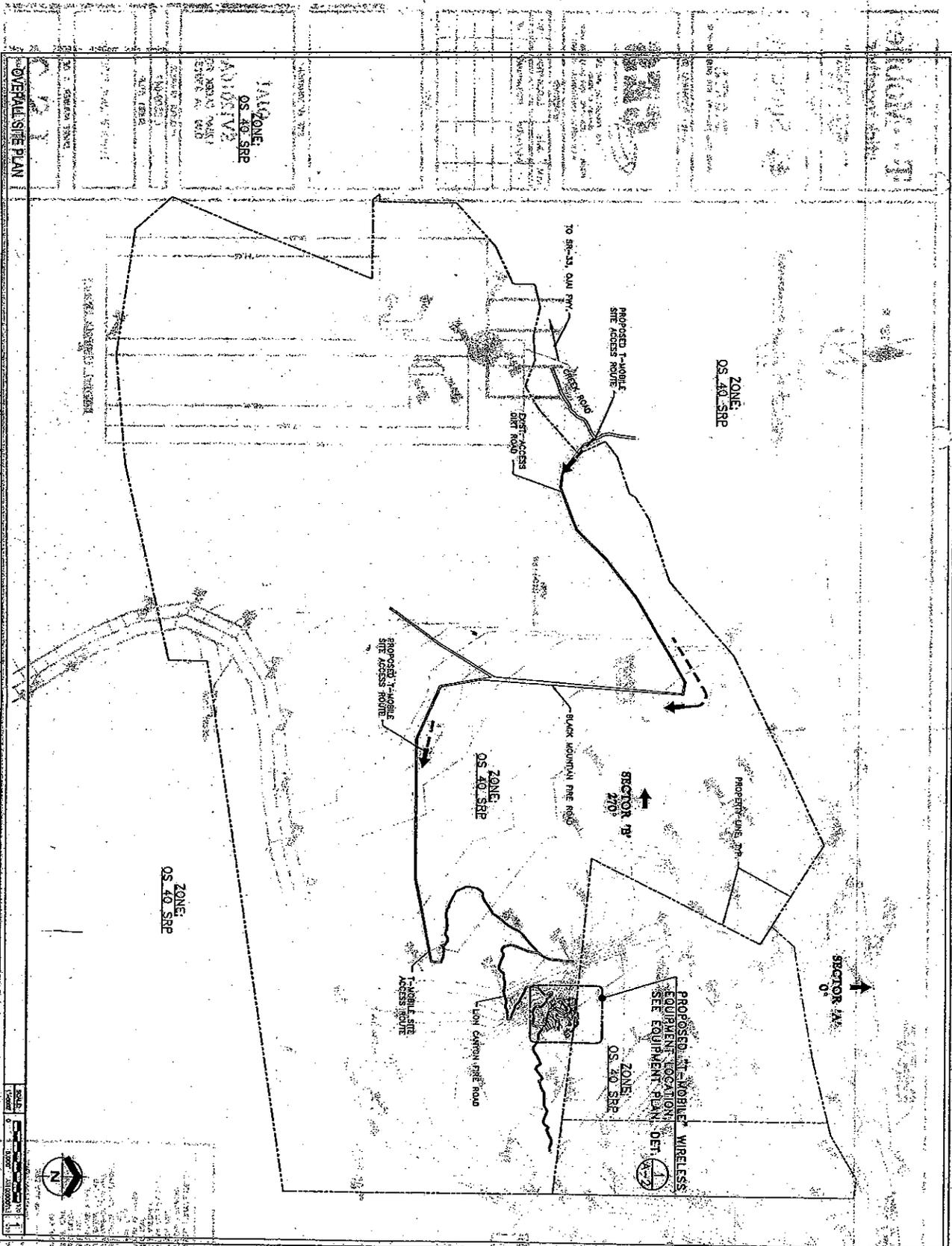
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 OJAI, CA 93426
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 FAX: (805) 837-1314

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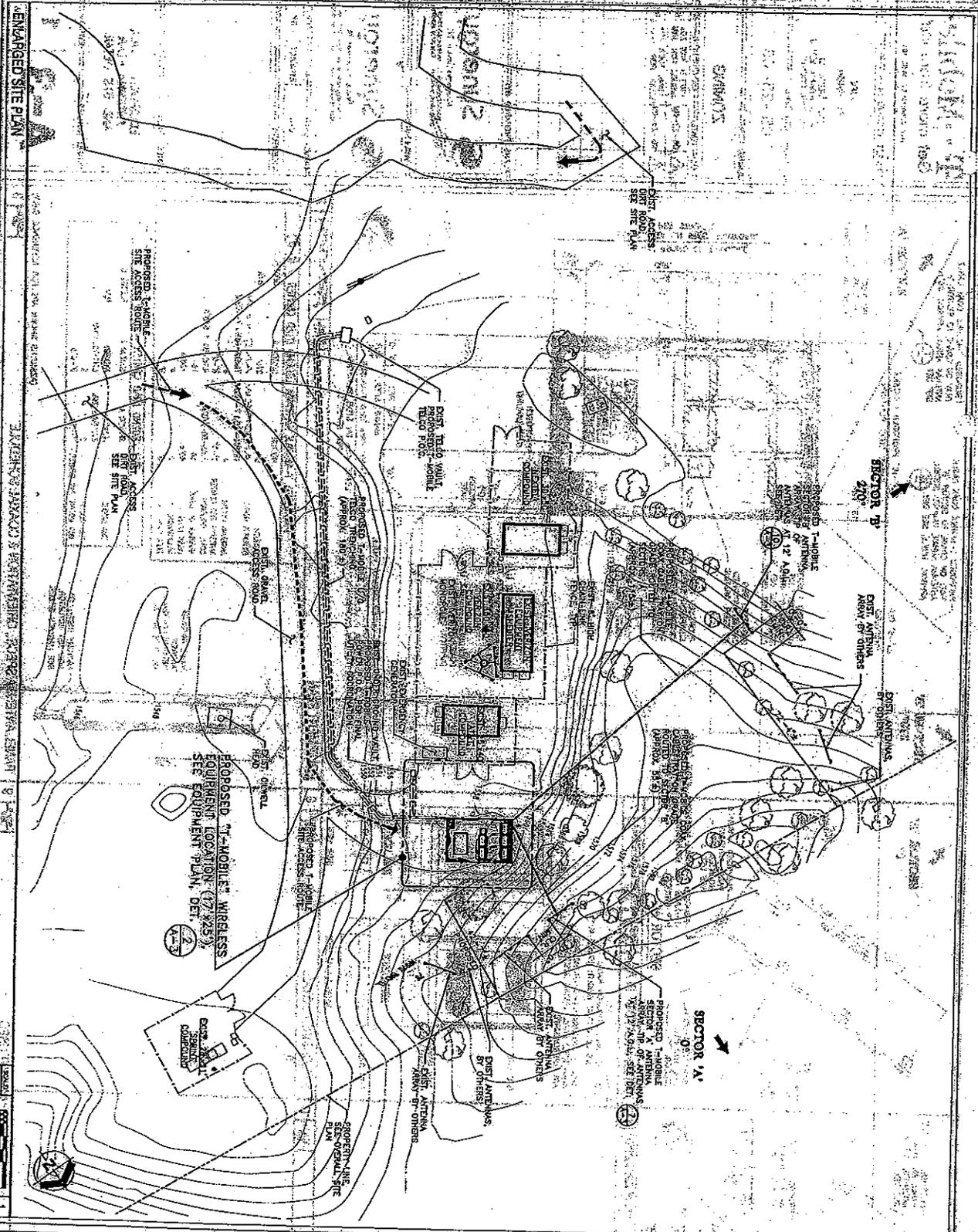
TITLE SHEET

SHEET NUMBER:
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T-1



Get more from iTe 4100 CAMDEN ST. SUITE 101 SAN WALTER, CA 90258		QAJ SV2010A 1240 CREEK RD. OLM, CALIFORNIA 92023 FRESNO COUNTY	PROJECT RESOLUTION: 05-25-09	ISSUE FOR: ZONING	REV. DATE DESCRIPTION 04-22-09 FROM 008 204 BK 04-22-09 ISSUED FOR 008 BK 04-22-09 FROM 1002 204 BK 04-22-09 ISSUED FOR ZONING BK	CONSULTANT: Synergy Development Services, Inc. 4814 Thompsons Ln., Valencia, CA 91380 (650) 799-8999 Fax: (650) 799-8998	OWNER: QAJ SV2010A	PROJECT NUMBER: SV2010A SHEET NUMBER: 1 TITLE: OVERALL SITE PLAN
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ISSUED FOR:
05-25-09
ZONING
05-25-09

NO.	DATE	DESCRIPTION
01	05-25-09	ISSUED FOR ZONING
02	05-25-09	ISSUED FOR ZONING
03	05-25-09	ISSUED FOR ZONING
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1000 MMS
1000 VIDEO
1000 MUSIC
1000 APPS
1000 GAMES
1000 BOOKS
1000 MOVIES
1000 TV SHOWS
1000 MUSIC VIDEOS
1000 MUSIC ALBUMS
1000 MUSIC SINGLES
1000 MUSIC EPs
1000 MUSIC LPs
1000 MUSIC SPs

DESIGNER:
Synergy
1000 GIGABYTE
1000 MINUTES
1000 TEXTS
1000 RINGS
1000 CALLS
1000 SMS
1000 MMS
1000 VIDEO
1000 MUSIC
1000 APPS
1000 GAMES
1000 BOOKS
1000 MOVIES
1000 TV SHOWS
1000 MUSIC VIDEOS
1000 MUSIC ALBUMS
1000 MUSIC SINGLES
1000 MUSIC EPs
1000 MUSIC LPs
1000 MUSIC SPs

ENLARGED SITE PLAN
SHEET NUMBER: 1
1

A-2
1

Cumulative Impact Analysis Area

The Ventura County Initial Study Assessment Guidelines requires an initial study to analyze potential cumulative impacts that could result from the proposed development. A "cumulative impact" is defined as:

...the adverse change to the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable projects. 'Related' means that other projects will have an adverse impact on one or more of the same specific environmental issue(s) as the proposed project. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Surrounding discretionary project information is listed in Table 1 (below) and is shown in Attachment "C," Cumulative Impact Analysis Area. As the proposed project includes the installation of a new communications facility just below the top of the ridgeline that will be surrounded by chaparral and native vegetation (Attachment B, antenna array Sector A facing SR 150 and Sector B on top of the ridgeline facing west), it is assumed that other potential projects within the cumulative impact analysis area may have the potential to adversely affect other resources, facilities, and hazards that the proposed project will affect. There are 4 other discretionary projects which have the potential to contribute to cumulative impacts; the 4 projects are listed in Table 1 and included in the analysis of cumulative impacts throughout this Initial Study.

Table 1 - Cumulative Impact Analysis Area

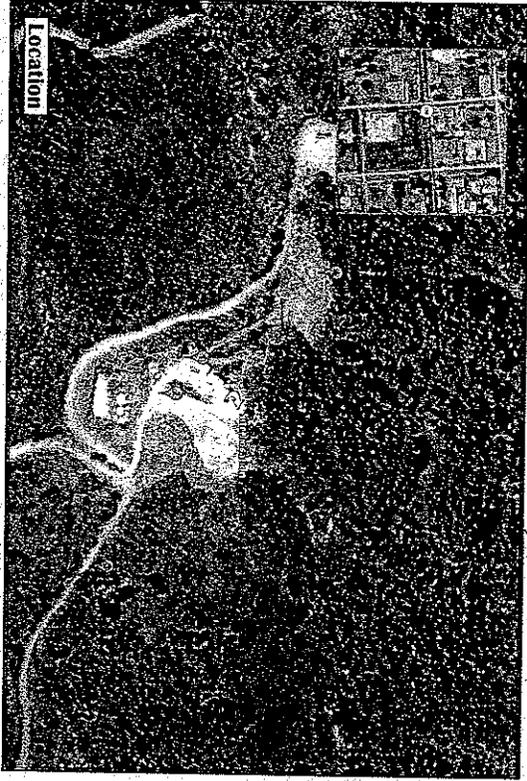
Assessor's Parcel Number (APN) and Project Number	Location	Zoning Designation	Lot Size	Physical Characteristics	Project
035-0-010-165 (subject lot)	12540 Creek Road, south of SR 150	Open Space 40 acres minimum lot size	404.15 acres	Open Space, mountainous ridgeline	Proposed communications facility with tallest structure 15 feet high
035-0-010-165 LU08-0021	12540 Creek Road, south of SR 150	Open Space 40 acres minimum lot size	404.15 acres	Open Space, mountainous ridgeline	Existing communications facility with tallest structure 50 feet high
030-0-130-065 LU09-0113	7250 Ojai Santa Paula Road, east of project site	Open Space 40 acres minimum lot size	33.86 acres	Open Space	Existing communications facility with tallest structure 60 feet high
035-0-030-315 LU08-0107	8434 Ojai Santa Paula Road, east of project site	Open Space 40 acres minimum lot size	288.54 acres	Agricultural Land	Ranch with 7,200 sq.ft. hay barn

**Conditional Use Permit No. LU09-0071
Mitigated Negative Declaration
Exhibit C- Cumulative Impact
Analysis Area**

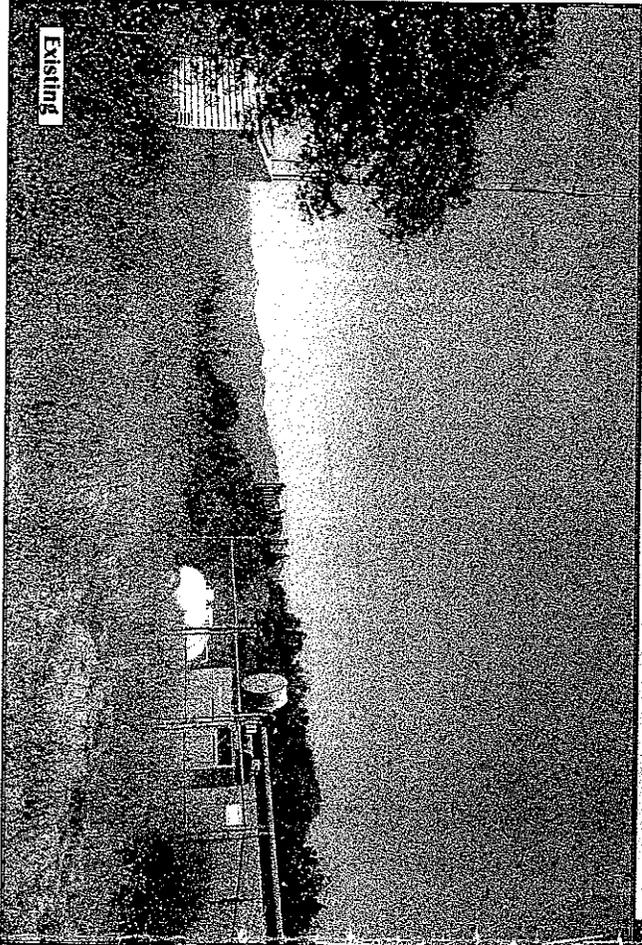
SV12016A

12540 Creek Rd. Ojai, CA 93023

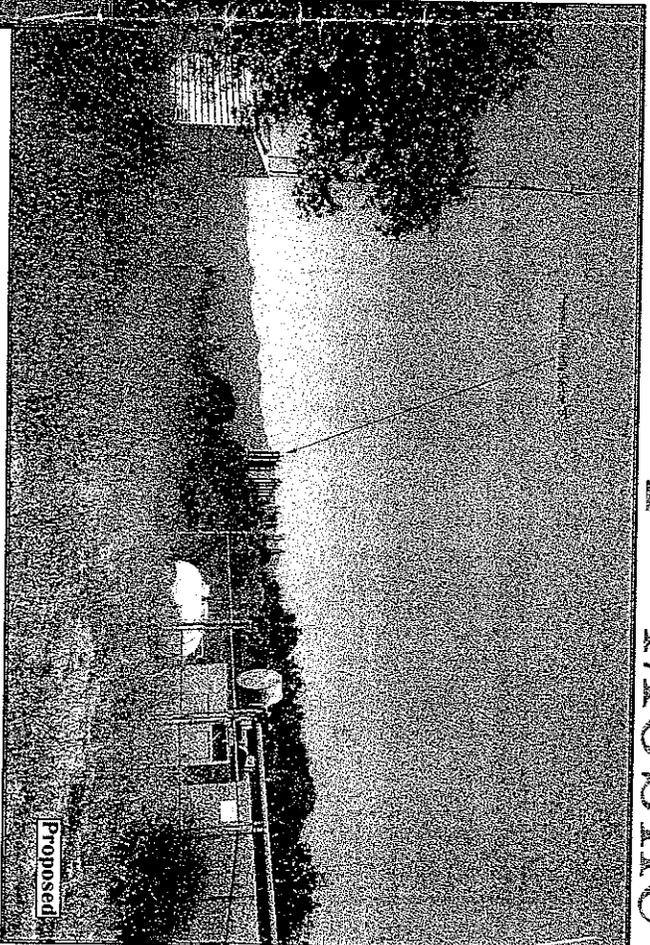
T-Mobile



Location



Existing



Proposed

View 1

View Notes:
Looking north east a proposed sector "B"

T-Mobile USA
 3 Imperial Promenade
 Santa Ana, CA 92707
 (714) 850-2400

Applicant

Synergy Development Svc
 16147 Wyondotte St.
 Van Nuys, CA 91406
 (818)840-0808

Contact

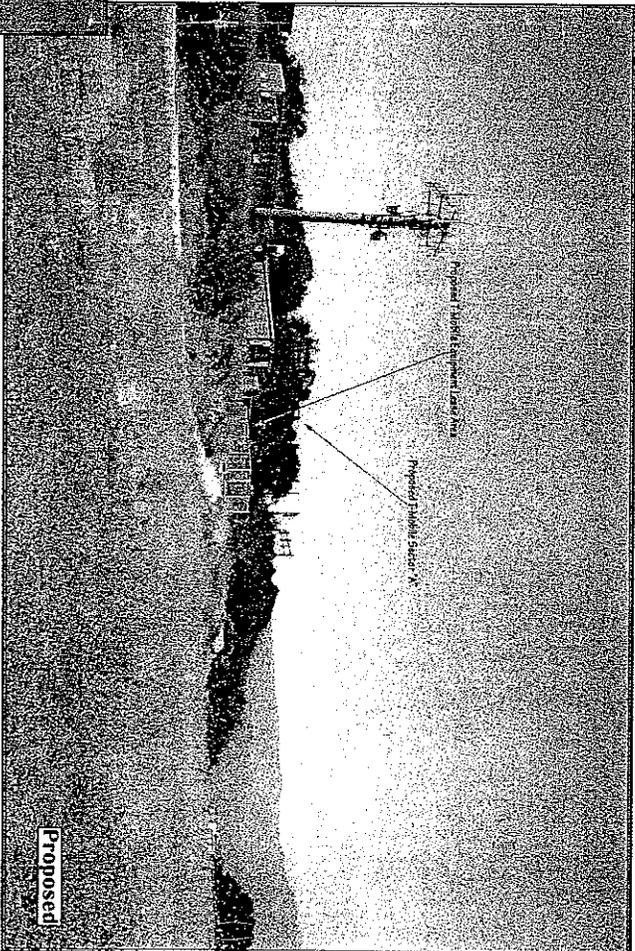
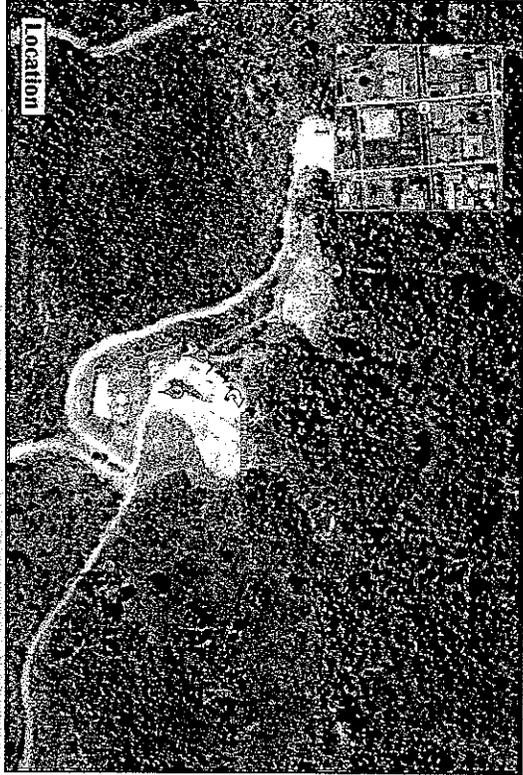
Conditional Use Permit No. LU09-0071
 Mitigated Negative Declaration
 Exhibit D- Proposed & Existing
 Photos of Site

Prepared By:
 MRS. J. L. ...
 110 0016 CA
 772 4611
 110 0016 CA
 772 4611
 110 0016 CA
 772 4611

SV12016A

12540 Creek Rd. Ojai, CA 93023

T-Mobile



View 2

View Notes:
Looking north east at proposed lease area

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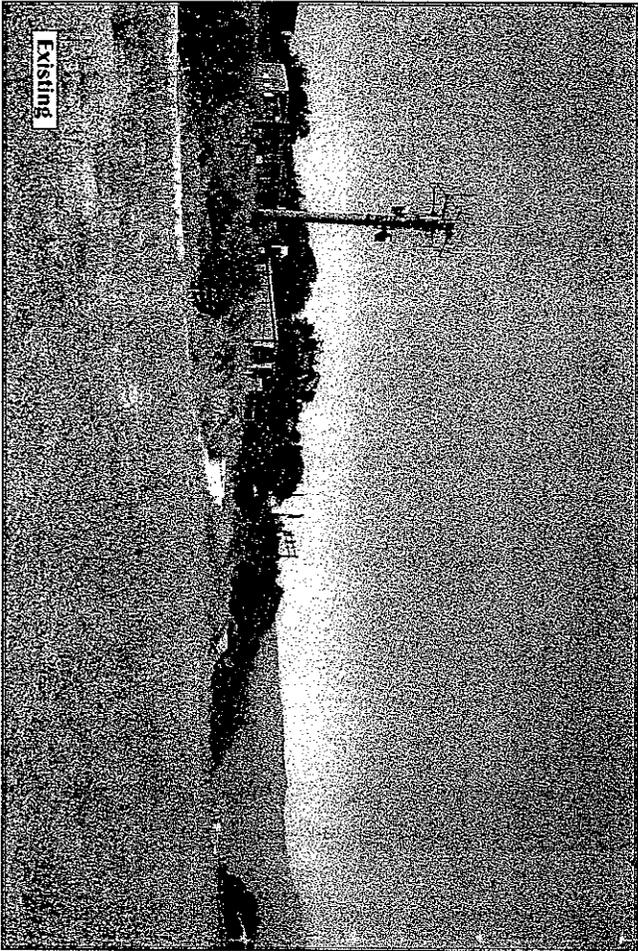
Contact

Photographic Simulations Provided By:

DREAMZ

10000 Wilshire Blvd., Suite 100
Los Angeles, CA 90024
(310) 357-8811
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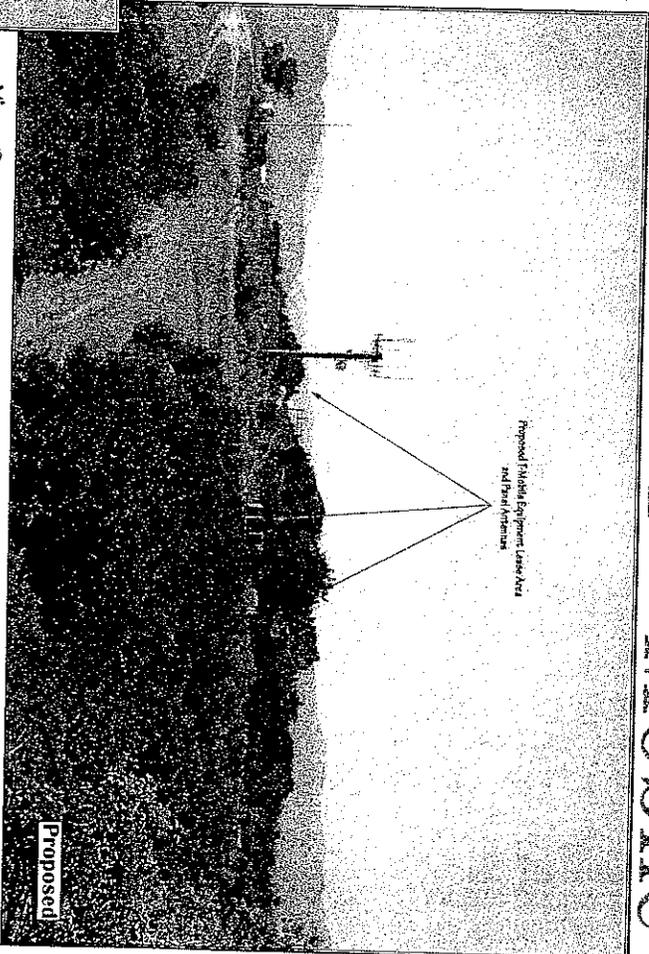
This photo simulation is being provided as only a conceptual representation of the proposed T-Mobile wireless facility. For exact dimensions and siting, please refer to the submitted plans. Digital Dreamz is not responsible for their simulation production or any changes.



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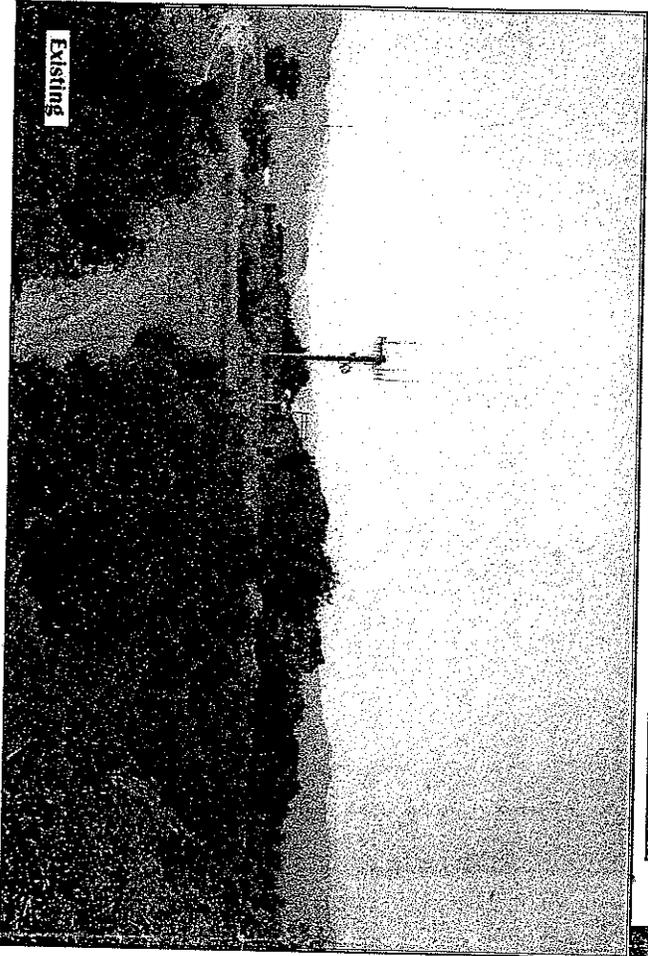
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T-Mobile



View 3

View Notes:
Looking north west at proposed site



T-Mobile USA
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Applicant

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Contact

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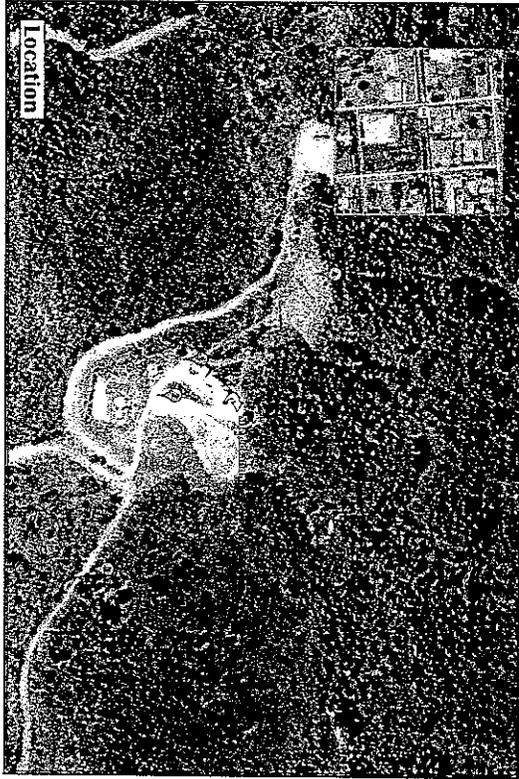
DREAMZ
Digital Reality
16147 Wyondotte St.
Van Nuys, CA 91406
(818) 840-0808
www.dreamzsimulations.com
ebs@dreamzsimulations.com

This photo simulation is being provided as only a conceptual representation of the proposed T-Mobile wireless facility. Digital Dreamz is not responsible for any Simulation Production Design Changes.

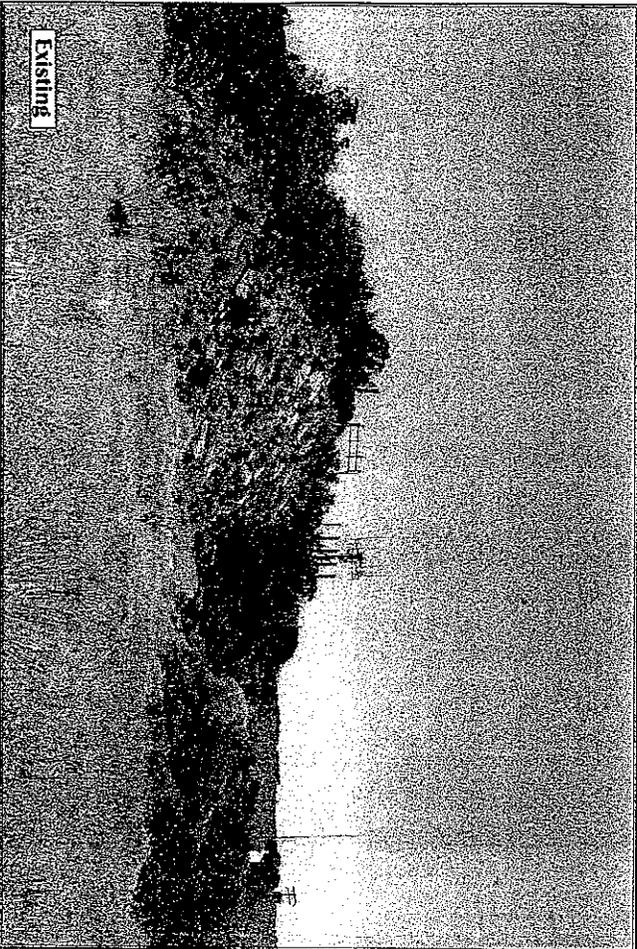
SV12016A

12540 Creek Rd. Ojai, CA 93023

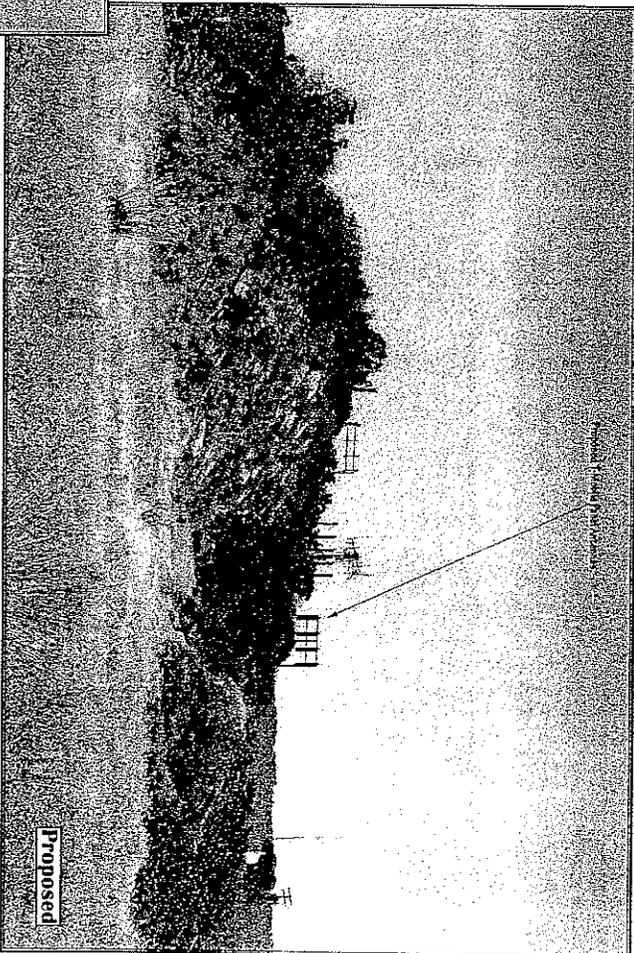
T-Mobile



Location



Existing



Proposed

View 4

View Notes:
Looking south east at proposed sector "g"

T-Mobile USA
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 Santa Ana, CA 92707
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Contact

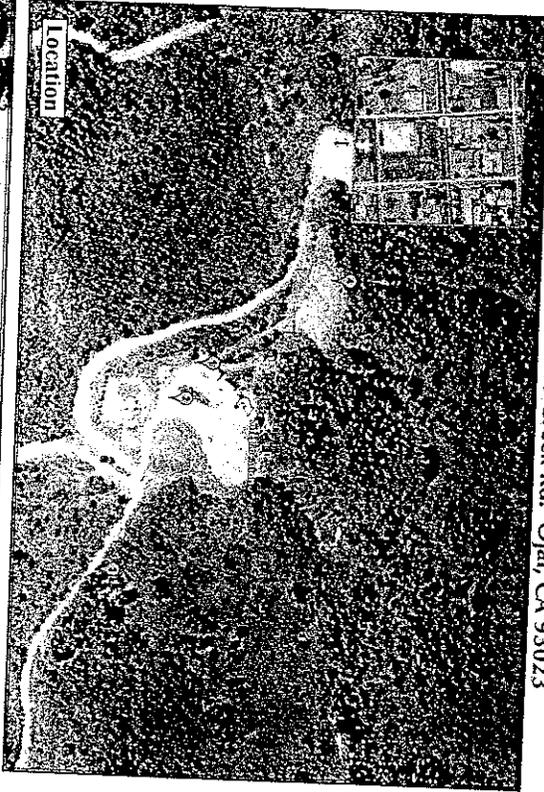
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 (619) 417-2611
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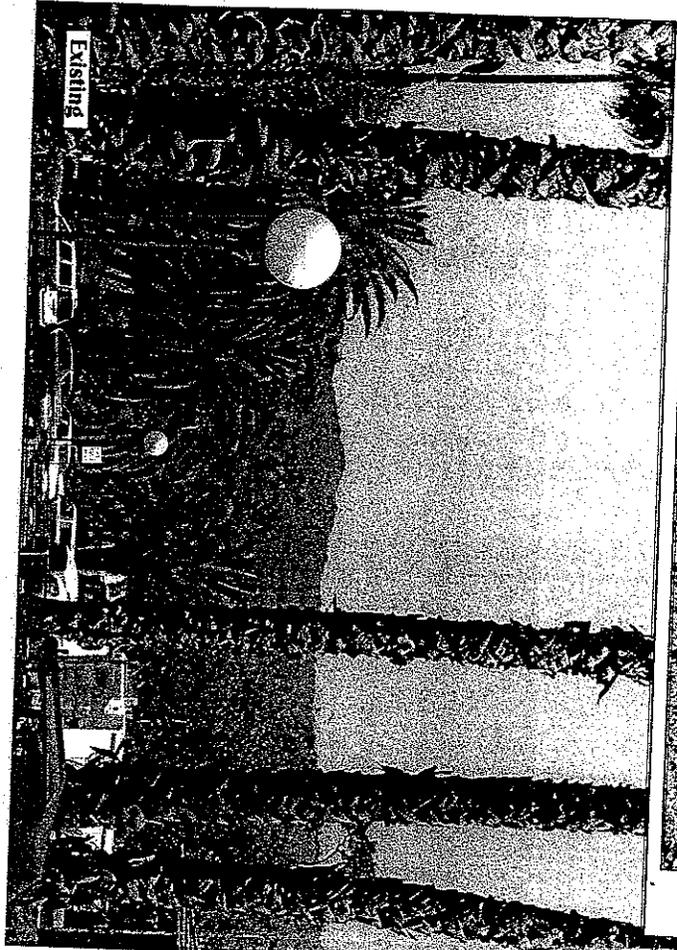
The photo simulation is being provided as only a conceptual representation of the proposed T-Mobile antenna facility.
 Digital Diverse is not responsible for final Simulation Production Design Changes

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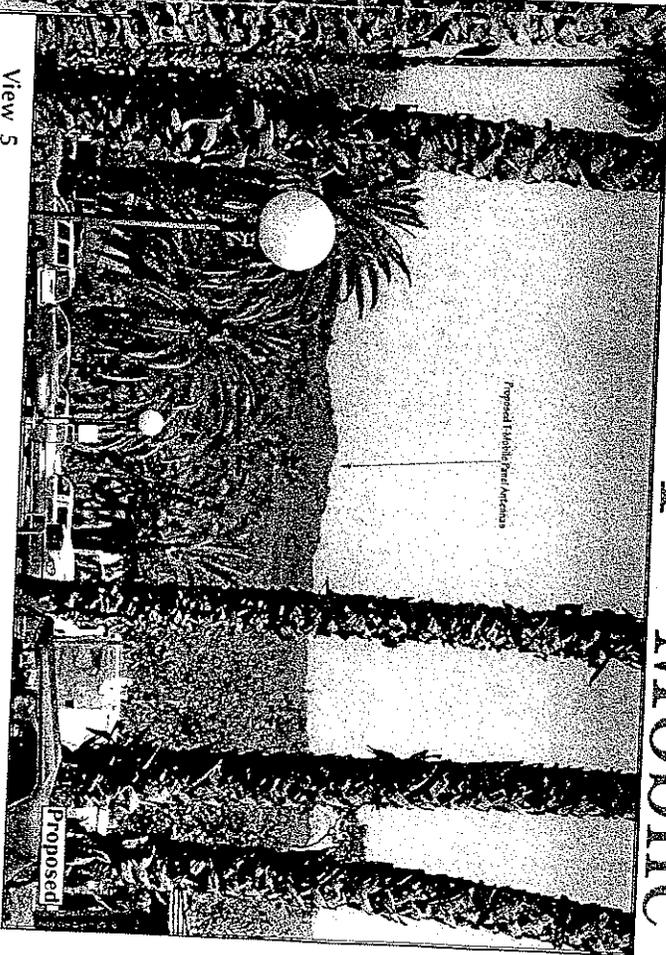
12540 Creek Rd. Ojai, CA 93023



Location



Existing



Proposed

T-Mobile

View 5

View Notes:
Looking at project as seen from "Star Market" (See map inset)

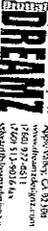
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Contact

Photographic Simulations Provided By:



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