



Planning Director Staff Report Hearing on January 11, 2024

County of Ventura • Resource Management Agency

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

WIRELESS COMMUNICATION FACILITY (WCF) - AT&T LAKE PIRU 10138296 CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0114

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a CUP to authorize the continued operation and maintenance of an existing WCF for a 10-year period (Case No. PL23-0114).
2. **Applicant:** AT&T Wireless, C/O Sylvia Tello, 5855 Copley Dr., San Diego, CA 92111
3. **Property Owner:** United Water Conservation District, C/O Clayton Strahan, 3561 N Rose Ave., Oxnard, CA 93036.
4. **Applicant's Representative:** MD7 LLC, C/O Tara Carmichael, 10590 West Ocean Air Drive, Suite 250, San Diego, CA 92130.
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 588.68-acre project site is located at 4902 Piru Canyon Road, near Piru, CA, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 016-0-200-165 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Piru Area Plan Land Use Map Designation: Open Space 80 Ac Minimum
 - c. Zoning Designation: OS-160 ac/SR/HCWC (Open Space, 160-acre minimum lot size, Scenic Resource Overlay, Habitat Connectivity and Wildlife Corridor Overlay)
8. **Table 1 – Adjacent Zoning and Land Uses/Development**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac/SR/HCWC (Open Space, 160-acre minimum lot size, Scenic Resource Overlay, Habitat Connectivity and Wildlife Corridor Overlay)	Open Space – Lake Piru Reservoir
East	OS-160 ac/SR/HCWC	Open Space – Lake Piru Reservoir
South	OS-160 ac/SR/HCWC	Open Space – Lake Piru Reservoir
West	OS-160 ac/SR/HCWC	Open Space – Lake Piru Reservoir

9. History: On January 20, 2011, the Planning Director approved CUP LU10-0011 which authorized the construction and use of a 60-foot monopole WCF and equipment cabinets for AT&T. The Planning Director approved a Permit Adjustment (PL13-0145) to add technology and staff issued Zoning Clearances for a backup generator (ZC20-1014 and ZC21-0187). The existing CUP expired in May 2021.

10. Project Description: The applicant requests approval of a CUP for continued use, operation, and maintenance of the WCF. The facility consists of a 60-foot-tall monopole (70-feet to top of equipment); a nine, 4-foot-tall Panel Antennas; a six Remote Radio Units (RRU's); a Microwave Antenna; a Backup Emergency Generator; approximately 400 square feet of lease area; and a Concrete Masonry Unit (CMU) wall surrounding the equipment area.

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. The site is accessed by an unpaved private dirt road connected to Piru Canyon Road. No changes are proposed to the existing facilities (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The project includes the continued operation of an existing WCF with no proposed operational or physical changes. Therefore, the proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Further, the project will not trigger any of the exceptions to the

exemptions listed under CEQA Guidelines Section 15300.2 and, therefore, no further environmental review is required.

C. CONSISTENCY WITH THE GENERAL PLAN AND PIRU AREA PLAN

The proposed project is consistent with the General Plan and Lake Piru Area Plan policies. A consistency analysis which evaluates the project’s consistency with the applicable policies of the General Plan and Piru Area Plan is included as Exhibit 5 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the OS zone district with the granting of a CUP. Upon the granting of the 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). Table 2 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

Table 2 – Special Use Standards Consistency Analysis

Type of Requirement	Complies?
<p>Section 8107-45.4 (a & b), 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 WCF is located near a cluster of utility poles and designed to be similar in physical characteristics (e.g., color and facilities attached flush to the WCF pole to reduce its width) to the existing utility poles, and thereby meeting the requirements of a stealth facility.</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> <ul style="list-style-type: none"> (1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and (2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting. 	<p>Yes, the WCF is located among other utility poles and is painted to blend into the surrounding setting and terrain.</p>

Type of Requirement	Complies?
<p>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ol style="list-style-type: none"> (1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6). (2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones. (3) Where the wireless communication facility is not prominently visible from a public viewpoint. (4) Within an area zoned Industrial. (5) Near existing public or private access roads. (6) On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan. <p>Section 8107-45.4 (e), Non-Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall 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. Where the wireless communication facility is not prominently visible from a public viewpoint. (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 WCF is an existing structure, located near Piru Canyon Road, which provides public access. While the site does fall within Scenic Resource Protection Overlay and Habitat Connectivity and Wildlife Corridor, concealment measures and an alternative site analysis justifies the current location as optimal for service coverage.</p>
<p>Section 8107-45.4 (f) Height for Stealth Facilities:</p> <p>Stealth facilities shall meet the definition in Sec. 8102-0 and the applicable height limits prescribed in Section 8107-45.4.</p> <ol style="list-style-type: none"> (2) Minimizing Visual Impacts: The height of a wireless communication facility shall be limited to what is necessary to provide adequate service or coverage. 	<p>Yes, the WCF was originally sized to provide adequate coverage to the Lake Piru area, meeting service demands for both commercial and public safety. No height changes are proposed.</p>

Type of Requirement	Complies?
<p>(4) a. The maximum allowable height of a faux structure shall be the height limits in Table 1 below, or the average height of representative structures commonly found in the local setting, whichever is less.</p>	
<p>Section 8107-45.4 (g)(1)(2), Setbacks:</p> <p>(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. 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>	<p>Yes, the WCF meets the front, side, and rear yard setbacks for the OS zone. There are no offsite dwelling units within 70-feet of the WCF.</p>
<p>Section 8107-45.4 (h), Retention of Concealment Elements:</p> <p>No modification to an existing wireless communication facility shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</p> <p>(1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or</p> <p>(2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or</p> <p>(3) Equipment and antennas are no longer concealed by the permitted stealth design features; or</p> <p>(4) Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design</p>	<p>Yes, this is an existing WCF. There are no proposed changes to the structure or site which would impact the concealment elements.</p>
<p>Section 8107-45.4 (j). Historical Landmarks/Sites of Merit:</p> <p>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	<p>Yes, the WCF is not constructed or installed on a structure, site, or district designated by a federal, state, or county agency as a historical landmark or site of merit.</p>
<p>Section 8107-45.4 (k)(1), 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, although the WCF is located within the HCWC overlay zone, the structure is designed for minimum impact to sensitive species. No changes are proposed.</p>

Type of Requirement	Complies?
<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 WCF is located within the SRP overlay; however, the facility uses stealth elements and concealment for minimal impact to scenic resources. No changes are proposed.</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. The accessory equipment is located within a walled and fenced enclosure that is partially screened by existing vegetation. This equipment is not prominently visible from a public viewpoint.</p>
<p>Section 8107-45.4 (o), Colors and Materials:</p> <p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes. All colors and materials used for the WCF blend in with the natural surroundings and existing utility poles that are located within the vicinity of the WCF. There are no reflective materials.</p>
<p>Section 8107-45.4 (p), Noise:</p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes. The WCF must be 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. No new landscaping is proposed. The WCF is effectively screened by existing vegetation.</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 	<p>Yes. The WCF equipment is located within a CMU wall and chain-link fence enclosure and the site contains signage To deter access. The monopole is not located within an area designated as Urban and Existing Community in the General Plan and contains warning signs to deter trespass.</p>

Type of Requirement	Complies?
that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.	
<p>Section 8107-45.4 (s), Lighting:</p> <p>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</p> <p>(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 WCF has no lighting.
<p>Section 8107-45.4 (t), Signage:</p> <p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator’s address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</p>	Yes, the site includes signage indicating all necessary information related to the equipment for the operation of the facility.
<p>Section 8107-45.4 (u), Access Roads:</p> <p>(1) Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</p> <p>(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, the site is accessed by an existing, unpaved and private dirt road connected to Piru Canyon Road.

The proposed project is located within a Scenic Resource Protection (SRP) Overlay Zone and subject to the standards analyzed in Table 3.

Table 3 – Scenic Resource Protection Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Section 8109-4.1.5 (a.) - Siting Standards:</p> <p>All <i>discretionary</i> development shall be sited and designed to:</p> <p>(1) Prevent significant degradation of a scenic view or vista;</p>	Yes, the WCF does not exist in a prominent vista and is sited for optimal service coverage. Materials and colors blend with the surrounding landscape and existing utility poles located within proximity to the WCF, and are not reflective. No upward lighting exists on the WCF.

Table 3 – Scenic Resource Protection Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
(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.	
<p>Section 8109-4.1.5 (b.) - Sign Standards</p> <p>All on-site freestanding advertising, identification and non-commercial message signs in excess of five feet in height and all off-site advertising signs are prohibited in the SRP Overlay Zone.</p>	<p>Yes, all signs required for the WCF meet these height requirements.</p>

The proposed project is located within a Habitat Connectivity and Wildlife Corridor Overlay Zone (HCWC) Overlay Zone and subject to the standards analyzed in Table 4.

Table 4 – Habitat Connectivity and Wildlife Corridor Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Section 8109-4.8.2.2 (c.) – Outdoor Lighting Requirement Exemptions</p> <p>Lighting for <i>wireless communication facilities</i> to the extent required by the Federal Aviation Administration, except for the requirements set forth in Sec. 8109-4.8.2.4.b(9).</p>	<p>Yes, the WCF will not be lit.</p>

Table 4 – Habitat Connectivity and Wildlife Corridor Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Section 8109-4.8.3.3 – Prohibitions</p> <p>Unless otherwise exempt pursuant to Sec. 8109-4.8.3.2, the following are prohibited in the Habitat Connectivity and Wildlife Corridors overlay zone:</p> <ul style="list-style-type: none"> a. The intentional planting of <i>invasive plants</i>, unless planted as a commercial agricultural crop or grown as commercial nursery stock. b. The installation of new <i>wildlife impermeable fencing</i> that forms an enclosed area on a <i>lot</i> that has no existing, lawfully established principal use. c. The installation of new <i>wildlife impermeable fencing</i> around the perimeter of a <i>lot</i> that forms an enclosed area, unless exempt pursuant to Sec. 8109-4.8.3.7. d. Any new <i>fence</i> post, corner post, or gate upright with open, vertical pipes on <i>lots</i> zoned as Open Space (OS) or Agricultural Exclusive (AE) that could trap small birds or other animals. All such <i>fence</i> posts and gate uprights shall be entirely filled with concrete, sand, gravel, or other material, or covered with commercial caps. 	<p>Yes, the applicant is not proposing any landscaping and the fencing is located solely around the 395 square feet (SF) of equipment area. Therefore, no invasive plants or fencing upgrades will be installed.</p>
<p>Section 8109-4.8.3.8 (b.) Development Guidelines</p> <p>Development, including any resulting <i>fuel modification</i> required by the Ventura County Fire Protection District (VCFPD) pursuant to VCFPD Ordinance 30, as may be amended, should comply with the following applicable development guidelines to the extent feasible:</p> <ul style="list-style-type: none"> (1) Development should be sited and conducted outside the applicable 	<p>Yes, the existing structures associated with the WCF occupy 495 SF. The proposed project does not include any additions to, or enlargement of, the permit area or existing facilities.</p>

Table 4 – Habitat Connectivity and Wildlife Corridor Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
setback areas set forth in Sec. 8109-4.8.3.4 and 8109-4.8.3.5 to the extent feasible; (2) Development should be sited and conducted to minimize the removal and disturbance of biological resources, landscape features and undeveloped areas that have the potential to support <i>functional connectivity</i> and wildlife movement; (3) Development should be sited and conducted to provide the largest possible contiguous undeveloped portion of land; and (4) <i>Wildlife impermeable fencing</i> should be sited and designed to minimize potential impacts to wildlife movement.	

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to approve a CUP Permit application pursuant to Section 8111-1.2.1.1.a 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 5 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 8111-1.2.1.1a.b].

The project involves the continued operation of an existing, unmanned WCF located on a tract of Open Space land adjacent to Lake Piru. The facility is designed to architecturally match nearby utility poles and painted to be the same color as the utility poles and to blend with surrounding vegetation and terrain. Vegetation and topography mask accessory equipment structures from public view. No new effects on the surrounding land uses have been identified.

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 8111-1.2.1.1a.c].

The WCF does not generate substantial noise or pose a health threat. No adverse effect on neighboring property or uses has been identified. Additionally, the project is conditioned (Exhibit 7, Conditions 14, 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 8111-1.2.1.1a.d].

The project does not include any expansion or changes to the existing facility. No adverse effect on the use of the surrounding properties has been identified. In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 7, Condition 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 7, Condition No. 21).

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 8111-1.2.1.1a.e].

The existing WCF is compatible with the surrounding open space land use. Designed for semi-concealment, the WCF blends in with utility poles near the site on Piru Canyon Road and is painted to be the same color as the existing utility poles and to blend with the landscape. No new effects on existing or potential land uses would occur with the issuance of this CUP.

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

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

According to a Preliminary Legal Lot Determination dated October 29, 1999, APNs 016-0-200-125, -155, -165, 016-0-210-035 and the portion of 016-0-200-065 southerly of the Rancho Temescal line, combined, comprise one legal lot. The lot was created by the separation of title at the Ranch line and as a remainder of a conveyance (deed recorded September 10, 1954, in Book 1227, Page 112 after a conveyance recorded June 29, 1960, in Book 1883, Page 209 per deed recorded

in Book 5460, Page 840, both of Official Records of Ventura County). The lot was created prior to regulation by the Subdivision Map Act and Ventura County Subdivision Ordinance; therefore the lot 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 [Section 8111-1.2.1.1a.g].

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].

As discussed in Section D (above), the project complies with the policies of the SRP Overlay Zone and the Habitat Connectivity and Wildlife Corridor Overlay Zones of the Ventura County Non-Coastal Zoning Ordinance.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On December 22, 2023, the Planning Division mailed notice to owners of property within 900 feet of the property on which the project site is located. On December 29, 2023, the Planning Division placed a legal ad in the *Ventura County Star*. Comments received are included in Exhibit 6.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process.
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA Guidelines.
3. **MAKE** the required findings to approve CUP Permit application Case No. PL23-0114 pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO and based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **APPROVE** CUP application Case No. PL23-0114, subject to the conditions of approval (Exhibit 7).
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 Benjamin Reinert at (805) 654-2466 or benjamin.reinert@ventura.org.

Prepared by:

Benjamin Reinert

Benjamin Reinert, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

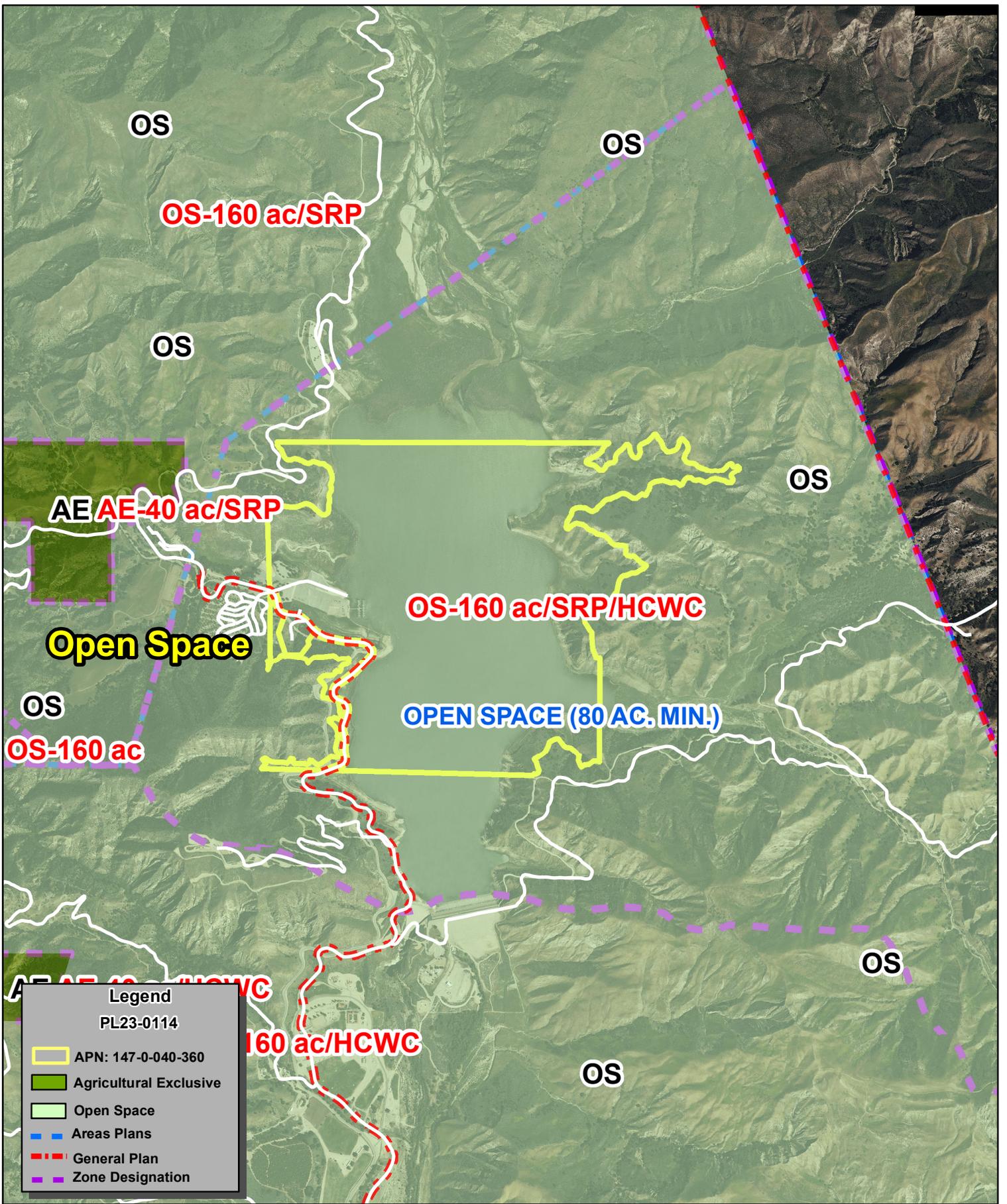
Reviewed by:

Susan Curtis

Susan Curtis, Assistant Director
Ventura County Planning Division

EXHIBITS

- | | |
|-----------|-----------------------------------|
| Exhibit 2 | Maps |
| Exhibit 3 | Site Plans |
| Exhibit 4 | Photo Simulations |
| Exhibit 5 | General Plan Consistency Analysis |
| Exhibit 6 | Public Comment |
| Exhibit 7 | Conditions of Approval |



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 10-31-2023
 This aerial imagery is under the
 Source: Vexcel 2022



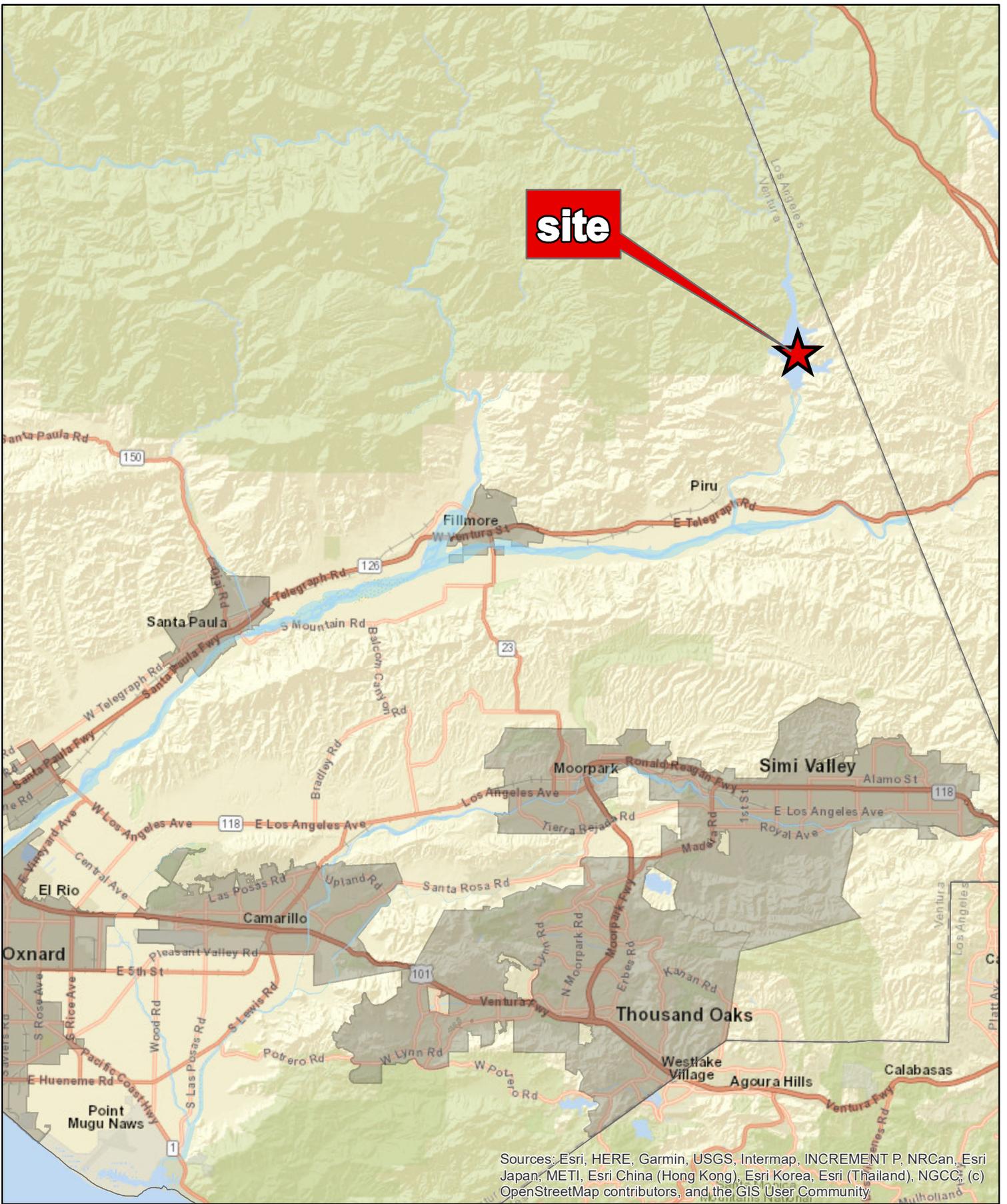
County of Ventura
 Planning Director Hearing
 Case No. 23-0114
 Exhibit 2 - Maps



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



RH



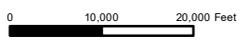
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC; (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 10-31-2023

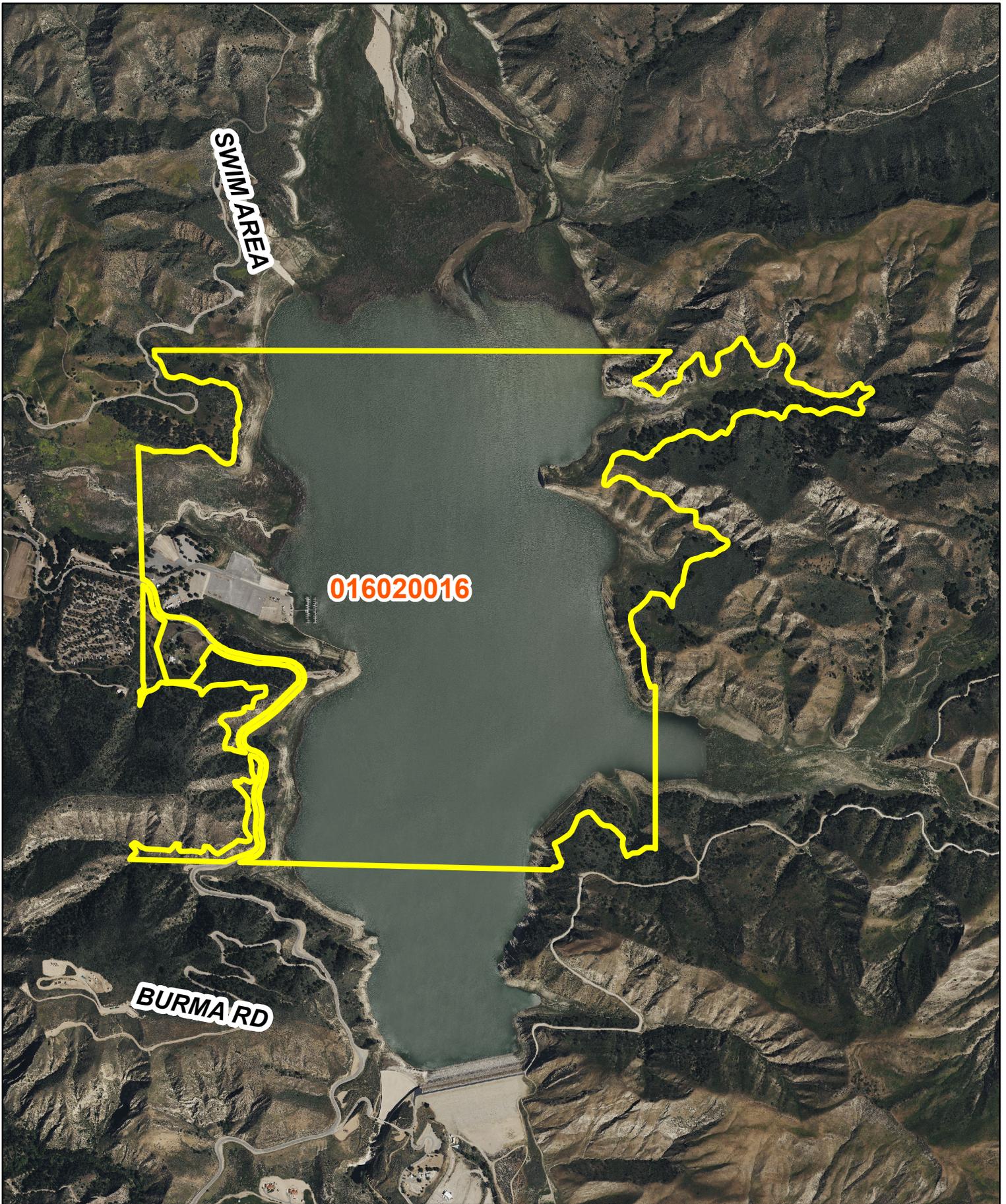


**County of Ventura
 Planning Director Hearing
 APN: 016-0-200-165
 PL23-0114
 Location Map**



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 nor does it involve a risk of economic loss or physical injury should be made in reliance thereon.

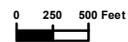




Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 10-31-2023
This aerial imagery is under the
copyrights of Vexcel 2022



County of Ventura
Planning Director Hearing
PL23-0114
Aerial Photography



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



County of Ventura
 Planning Director Hearing
 Case No. PL23-0114
 Exhibit 3 - Site Plans



LAKE PIRU

ENTITLEMENT RENEWAL
 FA: 10138296
 4902 PIRU CANYON RD
 PIRU, CA 93040



MD7, LLC
 10590 West Ocean Air Dr., Suite 250
 San Diego, CA 92130
 858-964-7439

AHJ APPROVAL

REVISIONS

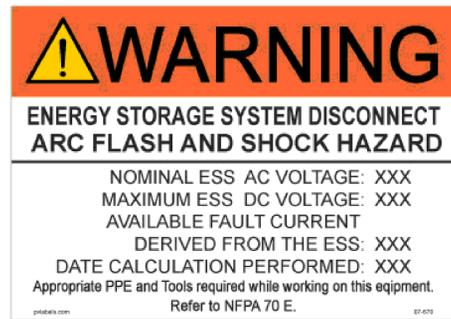
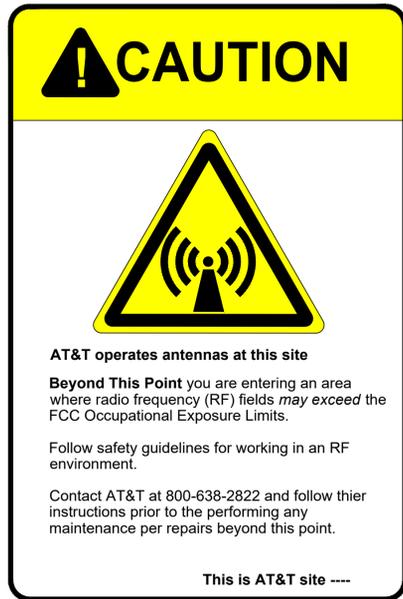
REV.	DATE	DESCRIPTION	INITIALS
0	05/10/2023	100% ZDs	VB
1	08/30/2023	REVISED 100% ZDs	RA

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

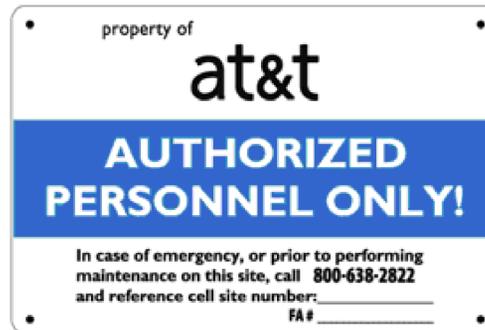
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

PROJECT TEAM	VICINITY MAP	PROJECT SUMMARY	DRAWING INDEX
<p>APPLICANT AGENT: AT&T WIRELESS 5855 COPLEY DR. SAN DIEGO, CA 92111 CONTACT: ROBERTO POLITO PHONE: (858) 291-1115 EMAIL: rpolito@md7.com</p> <p>SITE ACQUISITION AGENT: MD7, LLC. 10590 WEST OCEAN AIR DRIVE SUITE 250 SAN DIEGO, CA 92130 CONTACT: ROBERTO POLITO PHONE: (858) 291-1915 EMAIL: rpolito@md7.com</p> <p>RF ENGINEER: AT&T WIRELESS 1200 PARK PLAZA DRIVE CERRITOS, CA 90703 CONTACT: FAISAL MALIK PHONE: (562) 468-6226 EMAIL: fm831t@att.com</p>		<p>NO PROPOSED WORK, ZONING DRAWINGS MEANT FOR OBTAINING ENTITLEMENTS</p> <p>EQUIPMENT AREA:</p> <ul style="list-style-type: none"> 4 (E) CABINETS 1 (E) FIBER CABINET 1 (E) PPC CABINET 1 (E) FIBER LOOP BOX 1 (E) PURCELL 1 (E) PBC-02S 1 (E) COAX BOX 3 (E) RRU'S 1 (E) GENERATOR 1 (E) ATS WITH CAMLOCK <p>ANTENNA LOCATIONS:</p> <ul style="list-style-type: none"> 9 (E) ANTENNAS 6 (E) TMA'S 1 (E) RAYDOME 6 (E) RRUS 	<p>T-1.0 TITLE SHEET T-2.0 SIGNAGE A-1.0 OVERALL SITE PLAN A-1.1 ENLARGED SITE PLAN A-2.0 EQUIPMENT PLAN A-3.0 EXISTING ANTENNA PLAN AND SCHEDULE A-4.0 NORTH & SOUTH ELEVATIONS A-5.0 WEST ELEVATIONS D-1 DETAILS</p>
<p>GENERAL NOTES</p> <ol style="list-style-type: none"> THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED. "I, AT&T WIRELESS, DO HEREBY CERTIFY THAT THE STRUCTURE(S) OR MODIFICATIONS TO EXISTING STRUCTURE(S) SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE PER SECTION 77.15 (a) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED. 	<p>CODE COMPLIANCE</p> <p>2022 CALIFORNIA BUILDING CODE 2022 CALIFORNIA RESIDENTIAL CODE 2022 CALIFORNIA TITLE 24 2022 CALIFORNIA FIRE CODE 2022 CALIFORNIA ENERGY CODE 2022 CALIFORNIA PLUMBING CODE</p> <p>2022 CALIFORNIA MECHANICAL CODE 2022 CALIFORNIA ELECTRICAL CODE TIA-222 CODE</p> <p>IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL</p> <p>811 Know what's below. Call before you dig.</p> <p>TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN NEVADA, CALL USA NORTH 811</p> <p>TOLL FREE: 1-800-227-2600 OR www.usanorth811.org</p> <p>NEVADA STATUTE REQUIRES MIN OF 2 WORKING DAYS NOTICE BEFORE YOU EXCAVATE</p>	<p>DRAWING SYMBOLS</p> <p> ELEVATION NUMBER SHEET NUMBER FOR ELEVATION</p> <p> DETAIL NUMBER SHEET NUMBER FOR DETAIL</p> <p> REVISION</p> <p> REFER: ELECTRICAL FOR ADDITIONAL SYMBOLS</p>	<p>SITE INFORMATION</p> <p>PROPERTY OWNER: CIO MISSION CITY, LLC 2355 NORTHSIDE DRIVE, SUITE 150 SAN DIEGO, CA 92108</p> <p>STRUCTURE HEIGHT: 60'-0"</p> <p>PARCEL NUMBER: 016-0-200-165</p> <p>LATITUDE (NAD 83): 34° 28' 22.89" N</p> <p>LONGITUDE (NAD 83): 118° 45' 25.53" W</p> <p>ZONING JURISDICTION: VENTURA COUNTY</p> <p>ZONING DISTRICT: A-AGRICULTURE</p> <p>OTHER WIRELESS FACILITIES: NONE</p>
<p>CONFIDENTIAL AND PROPRIETARY</p> <p>NOT FOR DISCLOSURE OUTSIDE TELECOMMUNICATION CLIENT WITHOUT WRITTEN PERMISSION.</p>			<p>SHEET TITLE</p> <p>TITLE SHEET</p>
			<p>SHEET NUMBER</p> <p>T-1.0</p>

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



5" X 3 1/2"



BATTERY_NFPA_704_SIGNAGE_NOTES
 1. SIGN SHALL BE 15"x15" WITH 6" NUMBERS
 2. AN NFPA 704 DIAMOND PLACARD SHALL BE INSTALLED ON BATTERY CABINET AND THE MAIN ACCESS GATE.
 3. THE EXTERIOR ACCESS PANEL OF BATTERY CABINET SHALL SHOW THE FOLLOWING INFORMATION:
 A) MANUFACTURER AND MODEL NUMBER OF THE SYSTEM
 B) VOLTAGE AND CURRENT
 4. PLACARD SHALL BE PLACED AT EYE-LEVEL



AHJ APPROVAL

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

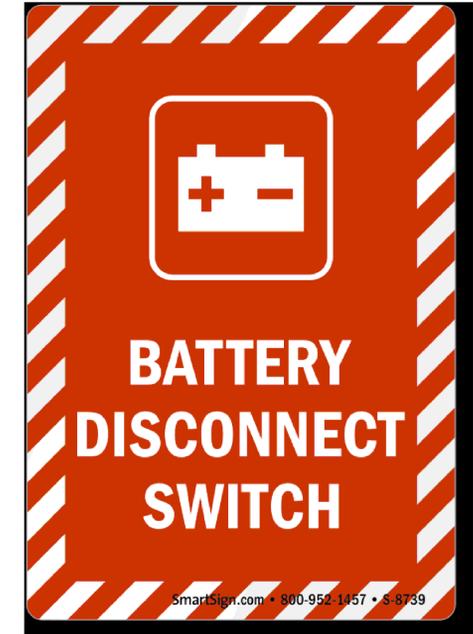
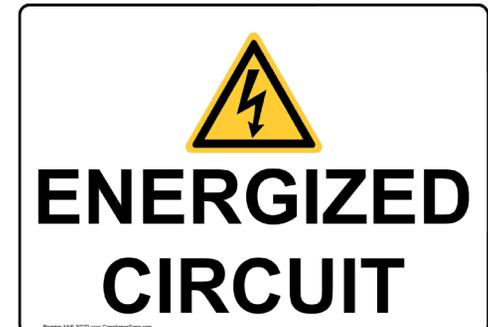
SITE INFORMATION
 LAKE PIRU

 10138296
 4902 PIRU CANYON RD
 PIRU, CA 93040

SHEET TITLE
 SIGNAGE

SHEET NUMBER
 T-2.0

CAUTION SIGN 2 7 ENERGY STORAGE SYSTEM SIGNAGE 5 CONTACT INFORMATION SIGNAGE 3 BATTERY SIGNAGE 1



SIGNAGE 8 LEAD-ACID BATTERIES SIGNAGE 6 ENERGIZED ELECTRICAL SIGNAGE 4 BATTERY DISCONNECT SWITCH SIGNAGE 2

SCALE
 AS SHOWN

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



MD7, LLC
10590 West Ocean Air Dr., Suite 250
San Diego, CA 92130
858-964-7439

AHJ APPROVAL

REVISIONS

REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA

SITE INFORMATION

LAKE PIRU

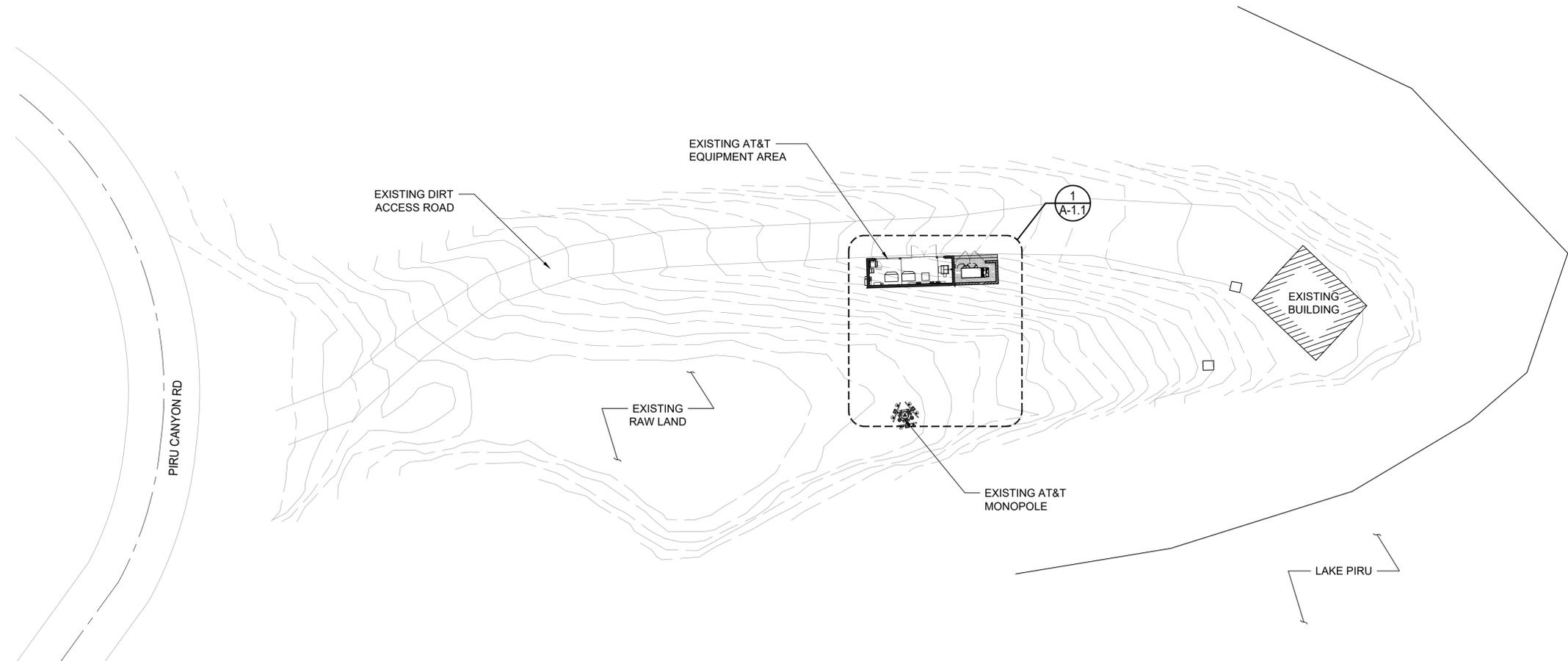
10138296
4902 PIRU CANYON RD
PIRU, CA 93040

SHEET TITLE

OVERALL SITE PLAN

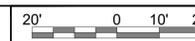
SHEET NUMBER

A-1.0



NOTE:
LOCATION & DIMENSIONS ON RIGHTS-OF-WAY AND PROPERTY LINES ARE ASSUMED TO BE ACCURATE BUT ARE PREPARED WITHOUT BENEFIT OF RECORD-OF-SURVEY OR CURRENT SURVEY.

OVERALL SITE PLAN



SCALE: 1"=20'-0" (22x34)
(OR) 1"=40'-0" (11x17)



1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

NOTE:
THE FRP SHOULD BE TEXTURED AND PAINTED TO MATCH ADJACENT BUILDING FACES AT ALL TIMES. THESE SURFACES SHOULD BE REPAINTED/RETEXTURED TO RETAIN CONSISTENCY.

SEE DETAIL 1/A-2.0 FOR EQUIPMENT PLAN

EXISTING EXISTING AT&T EQUIPMENT LEASE AREA

EXISTING DIRT ACCESS ROAD

1
A-3.0

1
A-4.0

EXISTING AT&T ANTENNAS & MONOPOLE

SEE DETAIL 1/A-2.0 FOR ANTENNA PLAN

2
A-3.0



ENLARGED SITE PLAN

0 1' 2' 4'

SCALE: 1/4"=1'-0" (22x34)
(OR) 1/8"=1'-0" (11x17)

1



MD7

MD7, LLC
10590 West Ocean Air Dr., Suite 250
San Diego, CA 92130
858-964-7439

AHJ APPROVAL

REVISIONS

REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

SITE INFORMATION

LAKE PIRU

10138296
4902 PIRU CANYON RD
PIRU, CA 93040

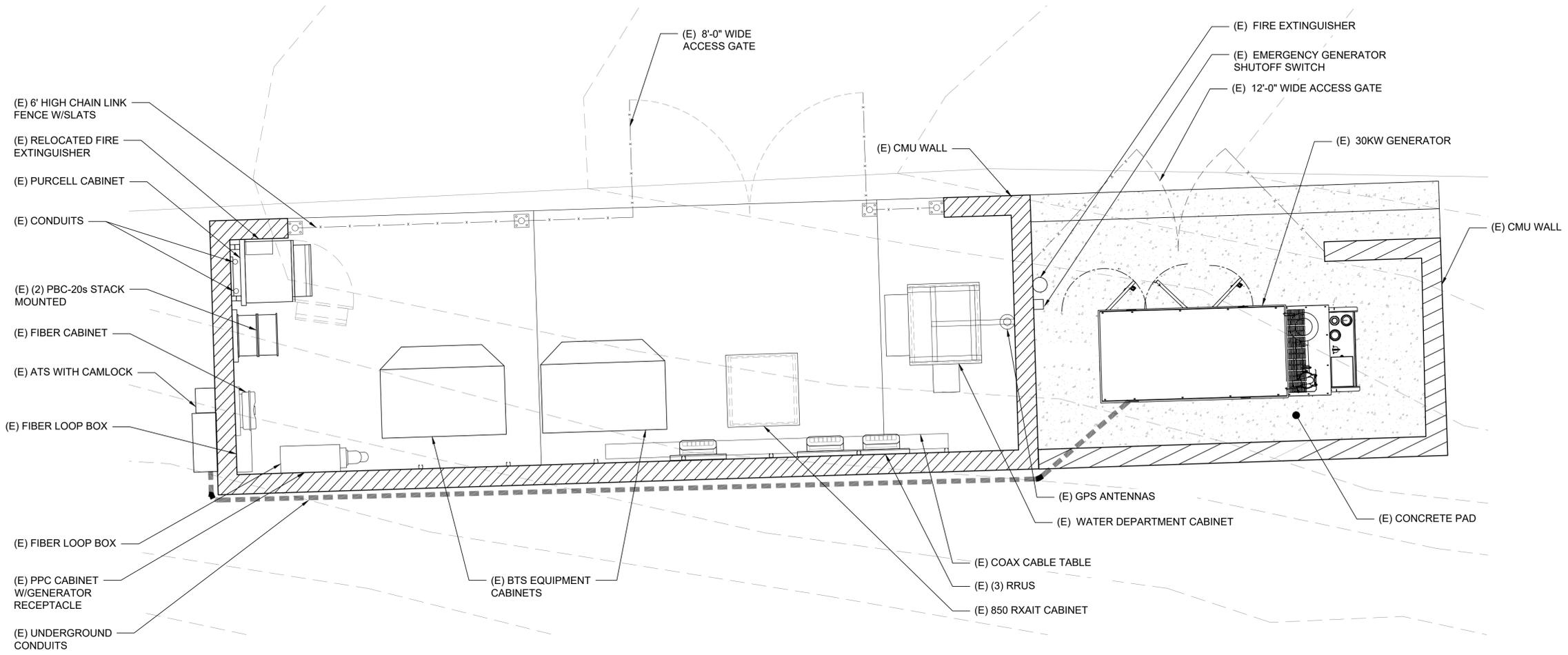
SHEET TITLE

ENLARGED SITE PLAN

SHEET NUMBER

A-1.1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



EQUIPMENT PLAN



AHJ APPROVAL

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

SITE INFORMATION
 LAKE PIRU

 10138296
 4902 PIRU CANYON RD
 PIRU, CA 93040

SHEET TITLE
 EQUIPMENT &
 ANTENNA PLAN

SHEET NUMBER
 A-2.0

EQUIPMENT PLAN

0 3' 6" 1' SCALE: 3/4"=1'-0" (22x34)
 (OR) 3/8"=1'-0" (11x17)



1

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

NOTE:
 THE FRP SHOULD BE TEXTURED AND PAINTED TO MATCH ADJACENT BUILDING FACES AT ALL TIMES. THESE SURFACES SHOULD BE REPAINTED/RETEXTURED TO RETAIN CONSISTENCY.



AHJ APPROVAL

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

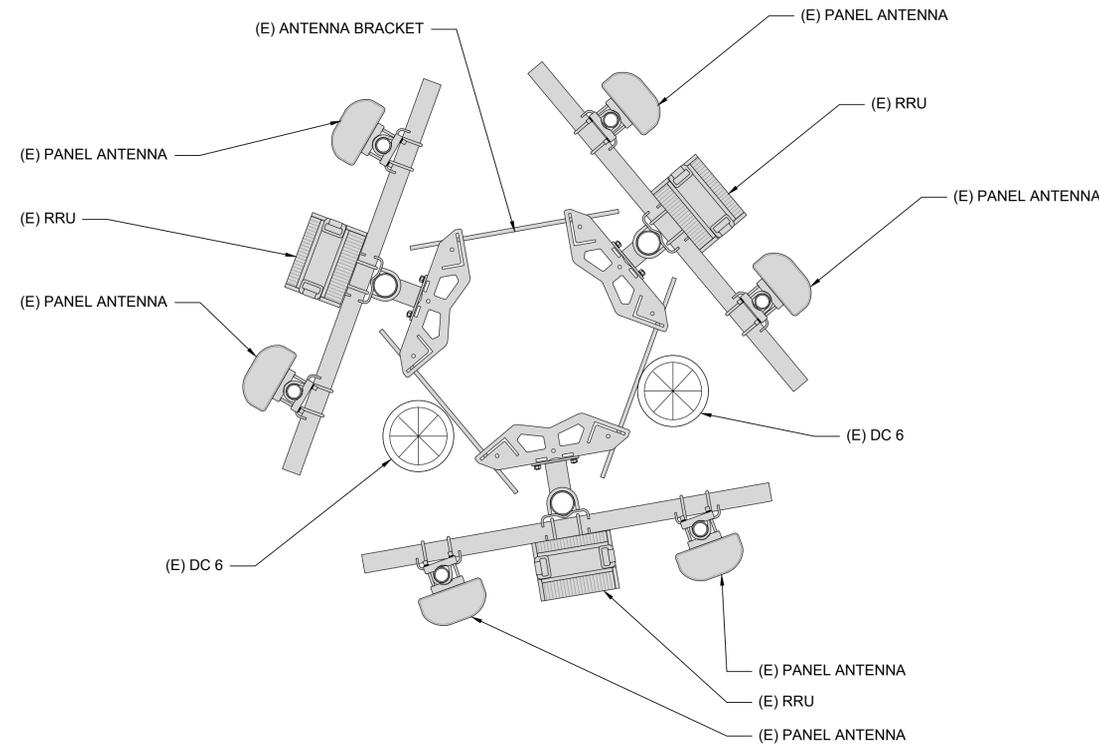
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA

SITE INFORMATION
 LAKE PIRU

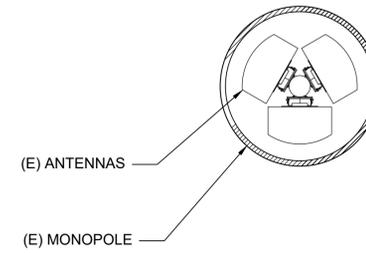
 10138296
 4902 PIRU CANYON RD
 PIRU, CA 93040

SHEET TITLE
 EXISTING ANTENNA
 PLAN & SCHEDULE

SHEET NUMBER
A-3.0



ANTENNA PLAN



ANTENNA PLAN

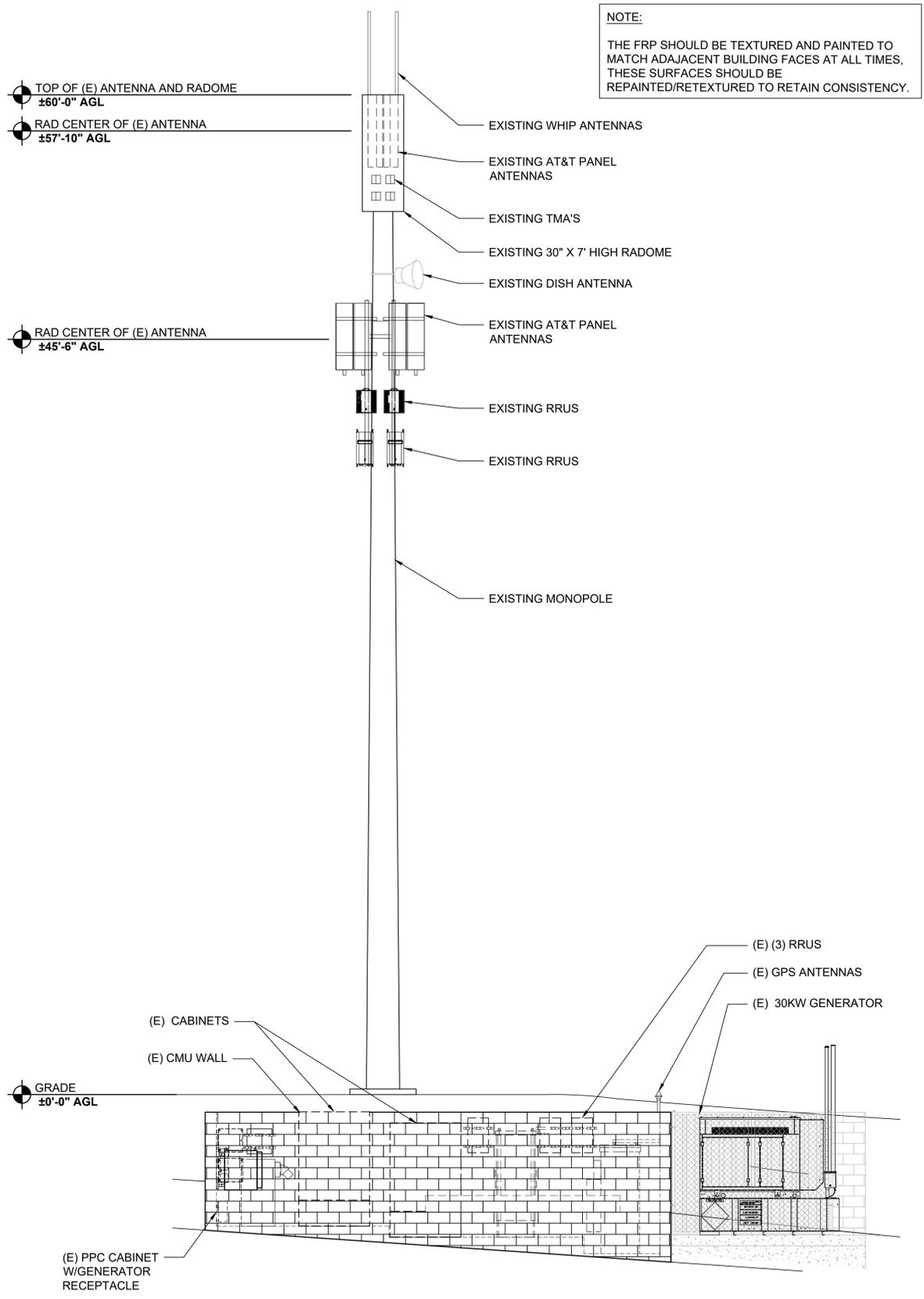
OPTIMUM ANTENNA AND TRANSMISSION CABLE REQUIREMENTS (VERIFY WITH CURRENT RFDS)										
SECTOR	TECHNOLOGY		ANTENNA MODEL		ANTENNA AZIMUTH		RAD CENTER		TRANSMISSION CABLE	
	EXISTING	NEW	EXISTING	NEW	EXISTING	NEW	EXIST.	NEW	LENGTH	PART NUMBER
ALPHA SECTOR	A1	GSM/UMTS	GSM/UMTS	4' ANTENNA	60°	50°	58°-0°	---	±150'	COAX
	A2	LTE 1C	LTE 1C	4' ANTENNA	50°	50°	45°-6°	---	±150'	FIBER
	A3	---	WLL	---	4' HEXPORT SBNHH-1D65A	---	50°	---	45°-6°	±150'
BETA SECTOR	B1	GSM/UMTS	GSM/UMTS	4' ANTENNA	300°	300°	58°-0°	---	±150'	COAX
	B2	LTE 1C	LTE 1C	4' ANTENNA	300°	300°	45°-6°	---	±150'	FIBER
	B3	---	WLL	---	4' HEXPORT SBNHH-1D65A	---	300°	---	45°-6°	±150'
GAMMA SECTOR	C1	GSM/UMTS	GSM/UMTS	4' ANTENNA	180°	180°	58°-0°	---	±150'	COAX
	C2	LTE 1C	LTE 1C	4' ANTENNA	180°	180°	45°-6°	---	±150'	FIBER
	C3	---	WLL	---	4' HEXPORT SBNHH-1D65A	---	180°	---	45°-6°	±150'

REMOTE RADIO UNITS (RRU'S)											
SECTOR	RRU TYPE	QTY		RRU LOCATION (DISTANCE FROM ANTENNA)	MINIMUM CLEARANCES			DC CABLE			
		(E)	(N)		ABOVE	BELOW	SIDES	QTY	LENGTH	AWG	
ALPHA SECTOR	A1	---	---	---	---	---	---	---	---	---	
	A2	LTE 1C RRU-11	1	0	<15'	16"	8"	0"	2	±150'	8
	A3	WLL RRU-32	0	1	<15'	16"	8"	0"	2	±150'	8
BETA SECTOR	B1	---	---	---	---	---	---	---	---	---	
	B2	LTE 1C RRU-11	1	0	<15'	16"	8"	0"	2	±150'	8
	B3	WLL RRU-32	0	1	<15'	16"	8"	0"	2	±150'	8
GAMMA SECTOR	C1	---	---	---	---	---	---	---	---	---	
	C2	LTE 1C RRU-11	1	0	<15'	16"	8"	0"	2	±150'	8
	C3	WLL RRU-32	0	1	<15'	16"	8"	0"	2	±150'	8

EXISTING ANTENNA PLAN & SCHEDULE

0 3" 6" 1' SCALE: 3/4"=1'-0" (22x34)
 (OR) 3/8"=1'-0" (11x17)

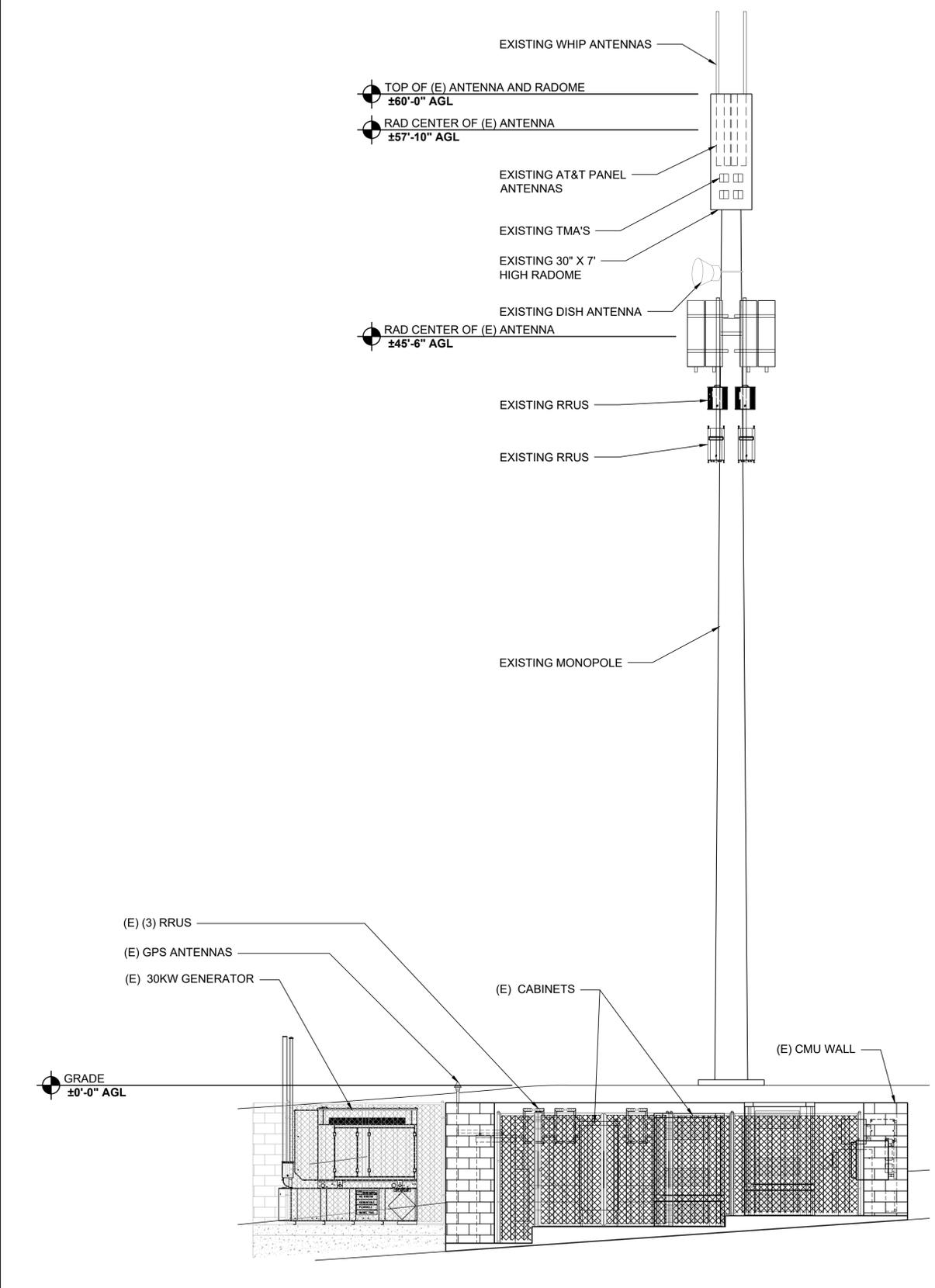
THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



NORTH ELEVATION

0 4' 8' 16' SCALE: 1/16"=1'-0" (22x34)
(OR) 1/32"=1'-0" (11x17)

2



SOUTH ELEVATION

0 4' 8' 16' SCALE: 1/16"=1'-0" (22x34)
(OR) 1/32"=1'-0" (11x17)

1



AHJ APPROVAL

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

"I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA"

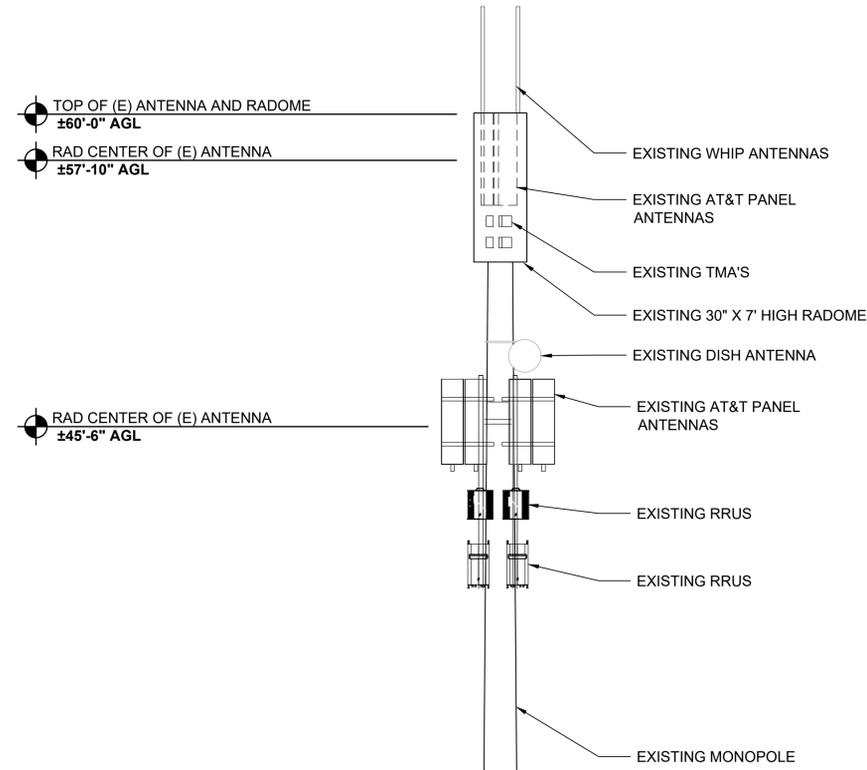
SITE INFORMATION
LAKE PIRU

10138296
4902 PIRU CANYON RD
PIRU, CA 93040

SHEET TITLE
NORTH & SOUTH ELEVATIONS

SHEET NUMBER
A-4.0

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



NOTE:
 THE FRP SHOULD BE TEXTURED AND PAINTED TO MATCH ADJACENT BUILDING FACES AT ALL TIMES. THESE SURFACES SHOULD BE REPAINTED/RETEXTURED TO RETAIN CONSISTENCY.



AHJ APPROVAL

REVISIONS			
REV.	DATE	DESCRIPTION	INITIALS
0	09/21/2023	100% ZDs	RA

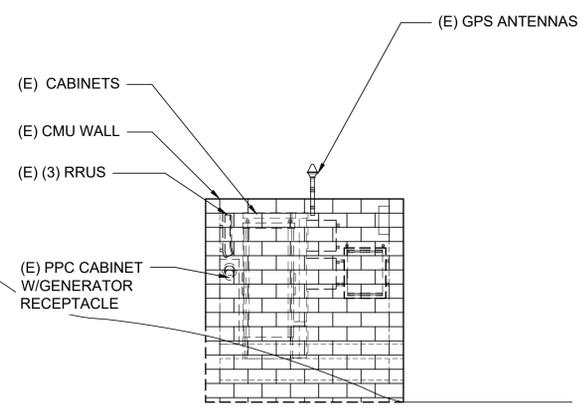
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA

SITE INFORMATION
 LAKE PIRU

 10138296
 4902 PIRU CANYON RD
 PIRU, CA 93040

SHEET TITLE
 WEST & ---- ELEVATIONS

SHEET NUMBER
 A-5.0



WEST ELEVATION

0 4' 8' 16' SCALE: 1/16"=1'-0" (22x34)
 (OR) 1/32"=1'-0" (11x17)

1

10138296 | Lake Piru



4902 Piru Canyon Road, Piru, CA 93040

VIEW 1



EXISTING



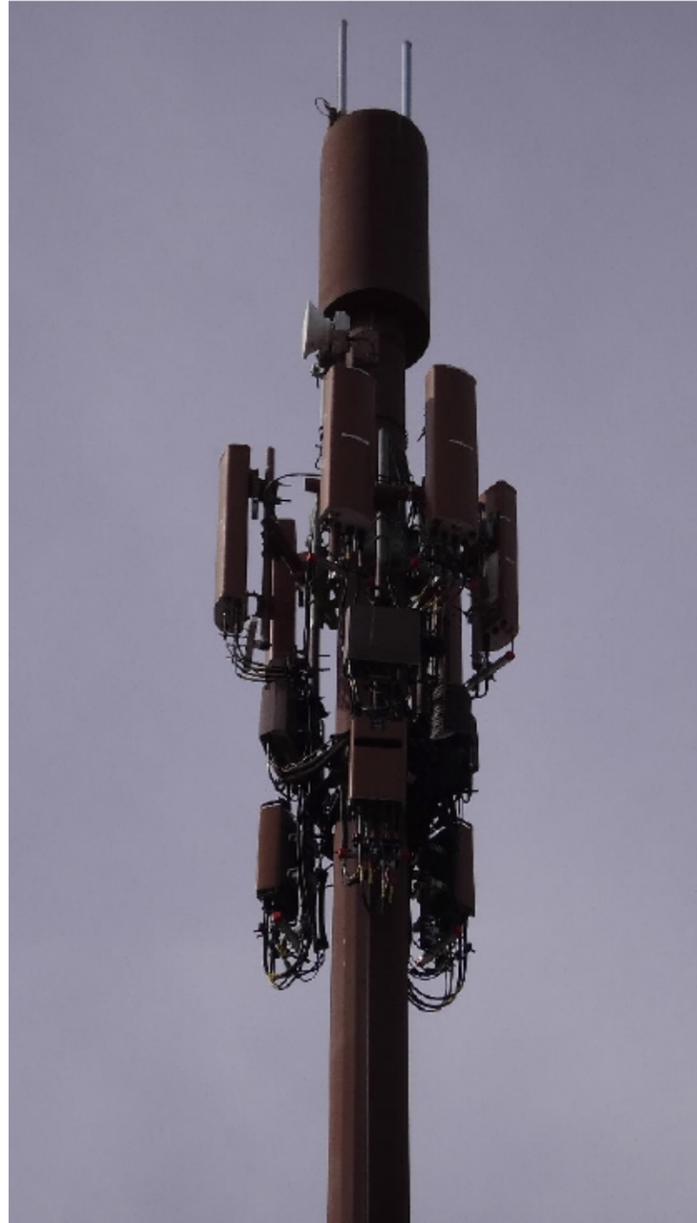
PROPOSED **No changes**

10138296 | Lake Piru

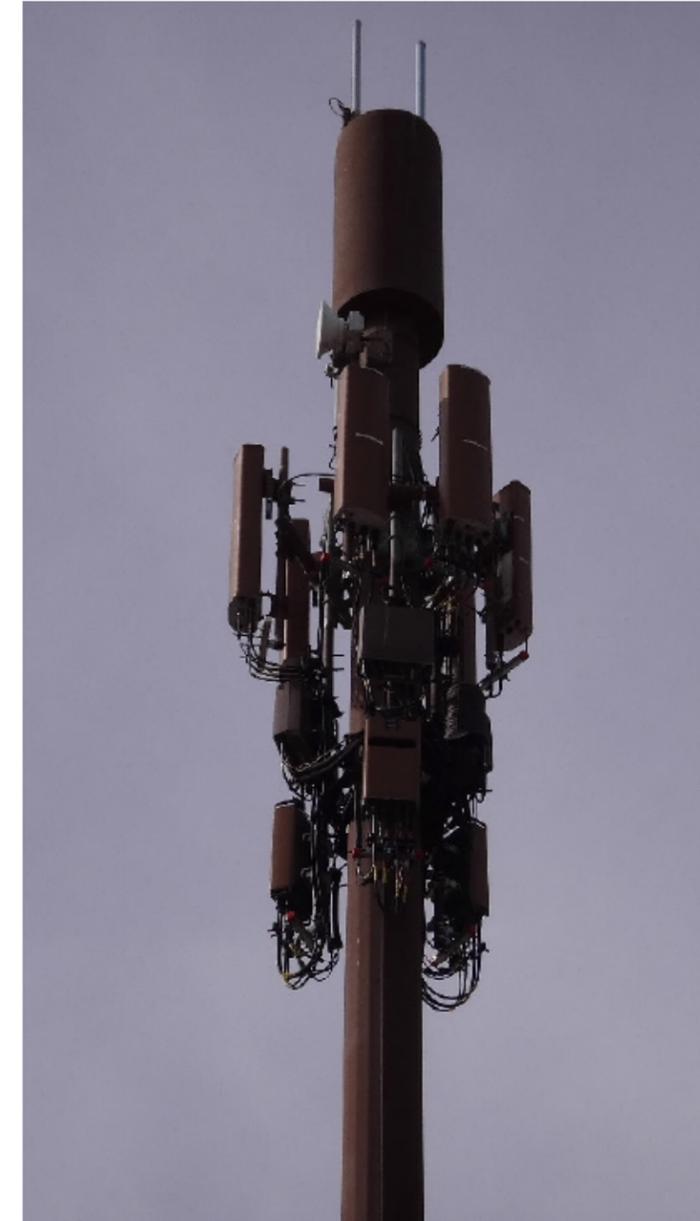


4902 Piru Canyon Road, Piru, CA 93040

VIEW 2



EXISTING



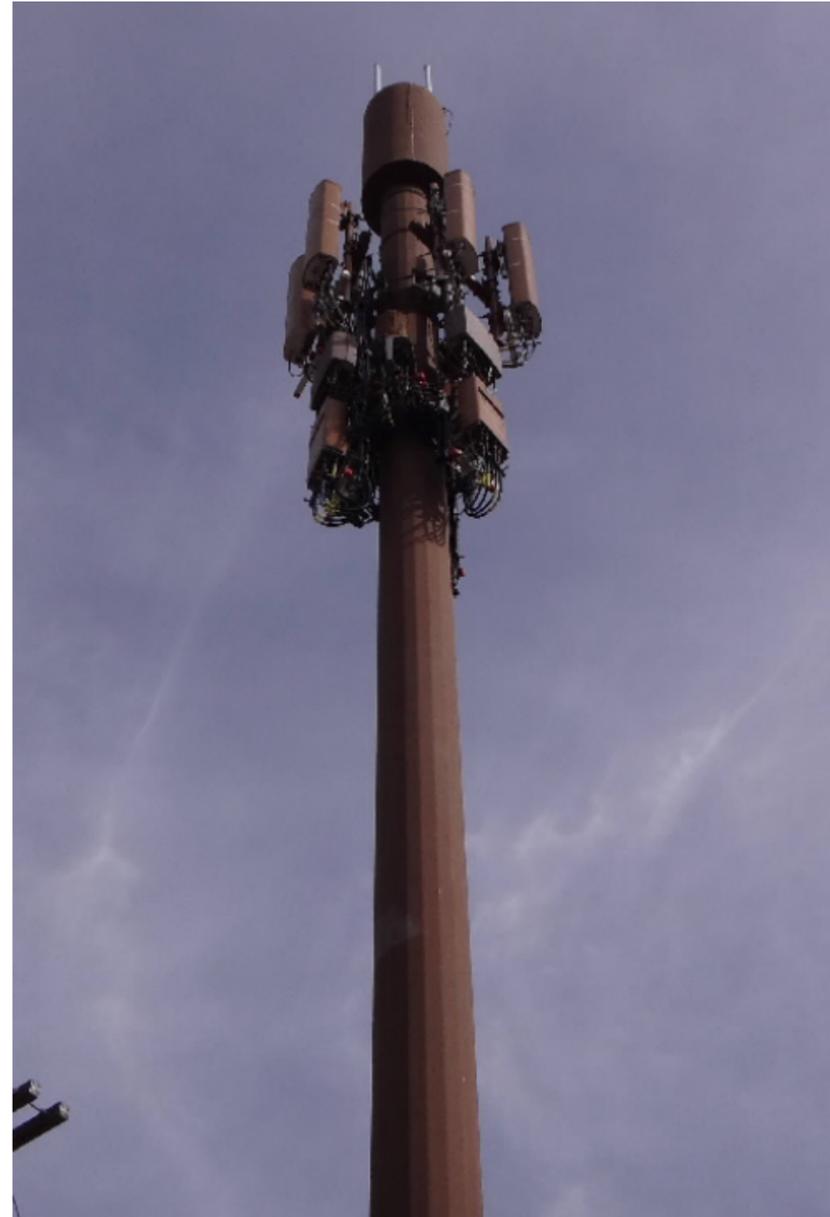
PROPOSED **No changes**

10138296 | Lake Piru

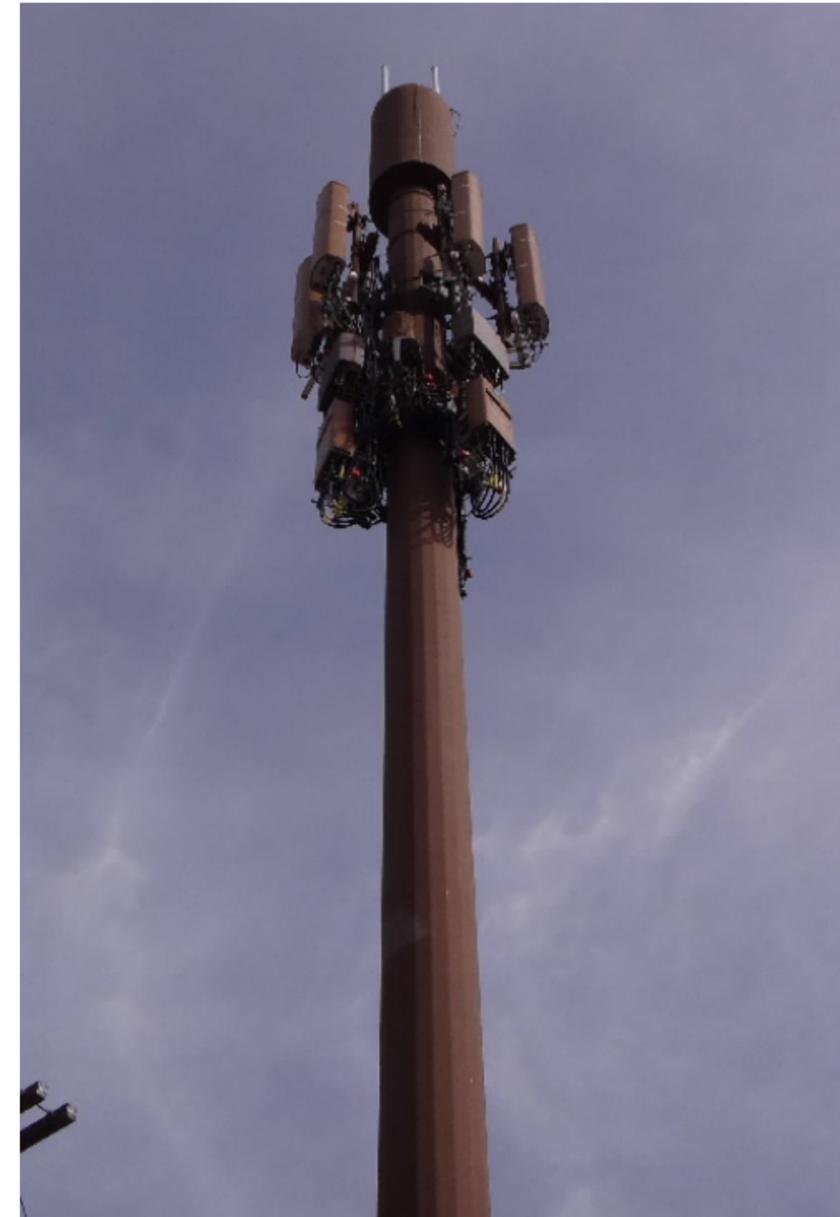


4902 Piru Canyon Road, Piru, CA 93040

VIEW 3



EXISTING



PROPOSED **No changes**

10138296 | Lake Piru



4902 Piru Canyon Road, Piru, CA 93040

VIEW 3



EXISTING



PROPOSED **No changes**



County of Ventura
Planning Director Hearing
Case No. PL23-0114
Exhibit 4 - Photo Simulations



Exhibit 5 – General 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 PIRU AREA PLAN FOR AT&T LAKE PIRU 10138296 WIRELESS COMMUNICATION FACILITY (CASE NO. PL23-0114)

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

California law requires that every county and city adopt a general plan “for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” (Gov. Code, § 65300.) A general plan serves as the jurisdiction’s “constitution” or “blueprint” for future decisions concerning a variety of issues including land use, health and safety, and resource conservation. 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 a WCF for a 10-year period (PL23-0114).

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

General Plan

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

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

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

The WCF is adjacent to Piru Canyon Road, a designated local scenic road per the Piru Area Plan. The WCF is designed to mimic nearby utility poles and blend into the surrounding area. The accessory equipment structures are also screened by topography and vegetation. The facility is located on a small outcropping along Lake Piru on land zoned Open Space (OS). The site was selected for optimal provision of services to the surrounding area and is not located on a ridgeline or hilltop.

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

- 2. 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 Resource Management Agency, Environmental Health Division (EHD) reviewed the proposed project. Based on EHD's recommendations, the CUP for the WCF would be subject to a condition of approval to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 6, Condition No. 22).

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

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

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

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

The WCF will continue to provide service throughout the unincorporated Ventura area, including access to high quality cellular mobile communications. The

continued use of the facility ensures that residents and businesses in the coverage area receive a high quality of service. Furthermore, the services provided are utilized by emergency operators in the area, adding a public safety function to the WCF.

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

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

The WCF site is on land zoned OS and uses stealth characteristics to limit visual interference with the surrounding area. The facility provides essential wireless telecommunication coverage to the area, and includes technologies utilized by emergency services. No new conflicts or impacts are introduced with the continued use of this WCF. There are no operational or physical changes proposed. The site is accessed by a private, dirt road connected to Piru Canyon Road. No water is required.

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

5. **LU-18.2 Input on Proposed Planning Activities:** *Within designated disadvantaged communities, the County shall facilitate opportunities for community members and stakeholders to provide meaningful and effective input on proposed planning activities early on and continuously throughout the public review process.*

LU-18.4 Variety of Public Communication Methods: *Within designated disadvantaged communities, the County shall continue to share public information across a variety of media, technological, and traditional platforms, and languages based on the demographics of the community.*

The WCF site is located within the designated disadvantaged community of Piru. Site plans and notification of this permit application were forwarded to the Piru Neighborhood Council through the Municipal Advisory Committee contact for comment. Public noticing regarding the project hearing was translated into Spanish and includes contact information for Spanish-speaking staff who can guide parties through the website and provide direct instruction on how to participate. Translated instructions for participating in Planning Director hearings, including how to request interpretive services, are also present on the Planning Division website.

Based on the discussion above, the project is consistent with General Plan Policies LU-18.2 and LU-18.4.

Piru Area Plan

- 1. P-20.1 Piru Neighborhood Council:** *The Board of Supervisors shall continue to recognize the Piru Neighborhood Council as the public review group for the Piru Area of Interest. The County shall require all applications for discretionary permits and all environmental documents for projects located within the Piru Area of interest be distributed to the Piru Neighborhood Council.*

P-20.2 Notifications to the Piru Neighborhood Council: *All County departments shall make an effort to notify the Piru Neighborhood Council concerning issues and programs of importance to the Piru area prior to decisions being made regarding these matters.*

Site plans and notification of this WCF permit application were forwarded to the Piru Neighborhood Council for comment.

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policies P-20.1 and P-20.2.

- 2. P-39.1 Discretionary Permits in Open Space Designations:** *The County shall require all discretionary permits in Open Space designated areas to be consistent with the preservation and development of an environment suitable to wildlife and flora indigenous to the area.*

The WCF is located on a land outcropping along Lake Piru and has an OS zoning designation. The site was selected for optimal provision of services to the surrounding area, and does not inhabit a ridgeline or hilltop. The facility is designed to mimic nearby utility poles and blend into the surrounding area. No changes are proposed to the existing facilities.

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policies P-39.1.

- 3. P-42.1 Public Views of Natural Ridgelines:** *The County shall prohibit discretionary permits involving excessive and unsightly terracing, grading of hillsides, and development which will obscure or alter public views of the natural ridgelines.*

P-43.2 Local Scenic Roads: *The County shall require discretionary permits located within view of a Local Scenic Road to be reviewed for compliance with the following criteria:*

- (a) *The County shall require a sign program to be submitted concurrently with a discretionary permit for all commercial and industrial development. Freestanding off-site advertising signs shall be prohibited. All on-site freestanding signs shall be limited to five feet in height.*
- (b) *The County shall require outside storage to be landscaped and/or screened from public view.*
- (c) *The County shall require existing healthy, mature trees to be retained, where feasible.*
- (d) *The County shall require discretionary development to be designed consistent with the Piru Community Design Guidelines (see Appendix).*

The WCF is adjacent to Piru Canyon Road, a designated local scenic road per the Piru Area Plan. The WCF is designed to mimic nearby utility poles and blend into the surrounding area. The accessory equipment structures are also screened by topography and vegetation. The facility is located on a small outcropping along Lake Piru on land zoned OS. The site was selected for optimal provision of services to the surrounding area and is not located on a ridgeline or hilltop. Existing accessory structures are screened by topography and vegetation, and no changes are proposed (e.g., removal of trees).

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policies P-42.1 and P-43.2.

- 4. P-61.1 Noise Compatibility:** *The County shall require all discretionary permits be reviewed for noise compatibility with surrounding uses to protect residences and other noise sensitive uses from undesirable noise levels. If the Planning Division determines that a proposal involves potentially significant noise exposure to noise sensitive uses, the County shall require a noise report to be prepared by a qualified acoustical engineer as part of the project's environmental evaluation. The County shall require the report to include recommendations designed to eliminate or reduce the projected impacts.*

The WCF is located on OS land adjacent to Lake Piru and distant from noise sensitive uses such as residences, hospitals, and schools. The facility contains a back-up generator which has noise potential. However, the facility is not anticipated to regularly generate noise.

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policy P-61.1.

- 5. P-64.1 Adverse Air Quality Impacts:** *The County shall condition discretionary projects which could have significant adverse air quality impacts to avoid,*

minimize, or compensate for the air quality impact. The County shall prohibit projects which are inconsistent with the Air Quality Management Plan (AQMP).

P-64.2 Air Pollution Control District Compliance: *The County shall require projects subject to Air Pollution Control District (APCD) permit authority to comply with all applicable APCD rules and permit requirements, including using the best available control technology (BACT) as determined by the APCD. The County shall encourage developers to employ innovative technology, in order to minimize area pollution impacts.*

The Air Pollution Control District (APCD) reviewed the project application. Based on APCD's recommendations, the CUP for the WCF would be subject to a condition of approval to prohibit the discharge of air contaminants which would be a nuisance or cause damage to the public. (Exhibit 6, Condition No. 22).

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policies P-64.1 and P-64.2.

- 6. P-69.1 Water Quality Management Plan Compliance:** *The County shall require all discretionary permits be reviewed for consistency with the goals, objectives and policies of the County's Water Quality Management Plan.*

The Public Works Agency reviewed the project application and found that the proposed project would comply with the current WQMP.

Based on the discussion above, the proposed project is consistent with Piru Area Plan Policy P-69.1.



Exhibit 6 – Public Comment

County of Ventura • Resource Management Agency • Planning Division

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

PUBLIC COMMENTS RECEIVED FOR AT&T LAKE PIRU 10138296 WIRELESS COMMUNICATION FACILITY (CASE NO. PL23-0114)

From: [Mark K](#)
To: [Reinert, Benjamin](#)
Subject: PL23-0104
Date: Tuesday, January 2, 2024 7:27:37 PM

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hi Benjamin,
I have a quick comment on PL23-0104:

I own property near Lake Piru and if we did not have the AT&T tower, we would have no way to communicate! None of the other networks work, so any type of communication in the vicinity of Lake Piru is 100% dependent on that AT&T tower. I strongly support approving the project for another 10 years.

Best,
Mark Kroenke

County of Ventura
Planning Director Hearing
Case No. PL23-0114
Exhibit 6 - Public Comment

EXHIBIT 7

DRAFT CONDITIONS OF APPROVAL

Conditional Use Permit No. PL23-0114

WIRELESS COMMUNICATION FACILITY AT&T LAKE PIRU 10138296

RESOURCE MANAGEMENT AGENCY CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on, and limited to, compliance with the project description stated in this condition, Exhibits 1-6 of the Planning Director hearing on January 11, 2024, and the remaining conditions of approval set forth below. Together, these conditions and documents describe the “Project.”

Prior to implementing any deviations from the Project, the County must review the deviations to determine if they conform to the conditions of approval of CUP PL23-0114. Project deviations may require a modification of this permit and further environmental review pursuant to the California Environmental Quality Act (CEQA). Any deviation from the Project that is implemented without the required County approval constitutes a violation of this permit and applicable law.

The Project description is as follows:

The applicant requests approval of a CUP for continued use, operation, and maintenance of the WCF. The facility consists of a 60-foot-tall monopole (70-feet to top of equipment); nine, four-foot-tall Panel Antennas; six Remote Radio Units (RRU’s); one Microwave Antenna; a Backup Emergency Generator; approximately 400 square feet of lease area; and a Concrete Masonry Unit (CMU) wall surrounding the equipment area.

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. The site is accessed by an unpaved private dirt road connected to Piru Canyon Road. No changes are proposed to the existing facilities (Exhibit 3).

The use and maintenance of the property, as well as the size, shape, arrangement, and location of structures, shall conform to the project description above, Exhibits 1-6 of the Planning Director hearing on January 11, 2024, and remaining conditions of approval below.

2. CUP Modification Review

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity 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.
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

3. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

4. Time Limits

- a. Use Inauguration:

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

This CUP will expire on XX/XX/2034.

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

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

5. Documentation of Compliance with Other Agencies’ Requirements

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

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

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

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

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

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

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

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

Documentation: The Permittee shall maintain a copy of these conditions of approval and prepare the notices.

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

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

7. Recordation of Notice of Land Use Entitlement

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

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division, for the tax assessor’s parcel that is subject to this CUP. The notice shall describe the responsibilities of the Property Owner and Permittee for compliance with all applicable permit conditions and regulations.

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

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

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

8. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. **Establishment of Revolving Compliance Accounts:** Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee’s successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in Condition 8.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
 - (2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.
- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

9. Defense and Indemnity

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

from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.

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

10. Invalidation of Condition(s)

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

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

11. Consultant Review and Contracting

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

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee

regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In such cases, the hiring of the consultant will be at the Permittee's expense.

12. Relationship of CUP Conditions, Laws and Other Permits

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

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

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

13. Site Maintenance

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

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

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

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

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

14. Contact Person

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

Requirement: In order to facilitate the resolution of complaints, a contact person that represents the Permittee shall be designated. The designated contact person shall be available, via telecommunication, 24 hours a day.

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's agent(s) for the project file.

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

15. Resolution of Complaints

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

- a. If County staff receives a written complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- b. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County may initiate enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance.

16. Reporting of Major Incidents

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

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property within the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

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

17. Change of Permittee and/or Property Owner

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

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the name(s), address(es), telephone number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). 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 Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer, and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) acknowledging and agreeing to comply with all conditions of this CUP.

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

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

18. Removal of Facility for Abandonment of Use and/or Expiration of Permit

Purpose: In compliance with § 8111-2.8 and § 8111-6.2 of the Ventura County Non-Coastal Zoning Ordinance and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned. The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Requirement: Upon the expiration of this permit, or abandonment of the use, the Property Owner shall:

- a. Notify the County that the Permittee has discontinued the use of the facility.
- b. Remove the facility and all appurtenant structures.
- c. Restore the premises to the conditions existing prior to the issuance of the permit, to the extent feasible, as determined by the Planning Director.

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

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

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

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

Purpose: To minimize the potential environmental impacts associated with the development of wireless communication facilities through co-location of facilities and

equipment, in compliance with § 8107-45.4 of the Ventura County Non-Coastal Zoning Ordinance.

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

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

20. Lighting Restrictions

Any new exterior lighting shall be hooded, and no unobstructed beam of exterior light of lighting glare shall be directed over or beyond property lines or directed toward any area along any adjoining roadway. Permanent lighting shall not blink, flash, rotate, or intermittently fade. Each fixture shall not exceed 850 lumens and shall not be set higher than 20 feet from ground elevation. Lighting required by the FAA is exempt from these conditions.

Environmental Health Division Conditions

21. 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>

Ventura County Air Pollution Control District

22. Complaints Regarding Air Pollutant Discharges (odors, dust, etc.)

Purpose: To ensure that discharge of air contaminants (odor, dust, etc.) that may result from site operations are minimized to the greatest extent feasible.

Requirement: The Permittee shall operate the facility in accordance with the Rules and Regulations of the Ventura County Air Pollution Control District, with emphasis on Rule 51, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Documentation: No documentation is required for the purposes of this condition.

Timing: Throughout the life of the permit.

Reporting and Monitoring: Monitoring and enforcement of nuisance provision is enforceable by APCD on a complaint-driven basis.

Ventura County Fire Protection District

23. 10' Brush Clearance along Road

Maintain a minimum 10-foot brush clearance along each side of the required Fire District access roads / driveways / turnarounds serving structure(s).

24. 100' Brush Clearance

Maintain 100-foot defensible space/brush clearance zone, but not beyond the property line, from all structures.

25. High Fire Hazard

The project site is located in a Hazardous Fire Area. Building construction shall comply with the Ventura County Building Code. Contact the Resource Management Agency, Building Division for requirements for construction within a hazardous fire area.

26. Obtain IFC Permits

Obtain applicable Ventura County Fire Code Permits.