



Planning Director Staff Report – Hearing on November 29, 2012

County of Ventura • Resource Management Agency • Planning Division

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

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) 5206 for continued use of a wireless communication facility (Case No. LU12-0041).
2. **Applicant:** Crown Castle, 510 Castillo Street, Suite 302, Santa Barbara, CA 93101
3. **Property Owner:** The Zwinkels Trust, 3185 Calle de Debasa, Camarillo, CA 93010
4. **Applicant's Representative:** Sean Scully, Planning & Permits Technologies, Inc., 800 S. Pacific Coast Hwy, #448, Redondo Beach, CA 90277
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Location and Parcel Number:** The project site is located at 2400 E. Channel Islands Blvd., near the city of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 225-0-011-100 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agricultural
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Agricultural Production
East	AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size)	Agricultural Production
South	City of Oxnard	Residential Development

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	City of Oxnard	Residential Development

- 9. History:** The project property is currently developed with the existing wireless communications facility (WCF). Historical discretionary development on the property includes the following:
- In 2002, the Planning Director approved a Conditional Use Permit (CUP 5206) for the installation and maintenance of a wireless communications facility (WCF) operated by Sprint PCS with an expiration date in 2012.
 - In 2002, a Permit Adjustment to Conditional Use Permit (CUP 5206) was approved for the height adjustment of the live Mexican fan palm tree from 50 feet to 40 feet above the ground.
 - In 2009, a Permit Adjustment (LU09-0075) to Conditional Use Permit (CUP 5206) was approved for the installation of additional equipment on the existing monopalm.
 - In 2012, the applicant submitted the LU12-0041 application for a Conditional Use Permit to authorize the continued use of the WCF owned by Crown Castle and operated by Sprint Communication.
- 10. Project Description:** The applicant requests that a modified Conditional Use Permit be granted to authorize the continued use of the existing wireless communication facility (WCF). Crown Castle is the owner of the WCF. The site number is 881039. The Sprint equipment on the WCF consists of one 400-square foot lease area enclosed with a gated chain link fence topped by three strands of barbed wire. The lease area includes one 62-foot tall monopalm, three equipment cabinets, two Telcos, one GPS unit, and one cable tray. The monopalm contains three antenna sectors with six panel antennas mounted at a height of 55 feet, 2 inches. The WCF will continue to be unmanned and operate 24 hours a day for 365 days per year (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, § 15000 et seq.), the subject application is a “project” that 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 the potential to cause a significant effect on the environment. These projects are declared to be Categorical Exempt from environmental review. The proposed project involves the continued use and equipment upgrades on an existing

WCF. This WCF is eligible for a Categorical Exemption from environmental review pursuant to the California Environmental Quality Act under Section 15301 ("Existing Facility") of the CEQA Guidelines. Staff recommends that the decision-maker find the project exempt under this section of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2011, page 4) states:

...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.

Furthermore, the Ventura County NCZO § 8111-1.2.1.1.a states that in order to be approved, a CUP must be found consistent with all applicable policies of the Ventura County General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan and the Ojai Valley Area Plan.

- 1. Resources Policy 1.3.2-4:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

The proposed project will not involve the use of water. No additional impervious areas will be created as part of this project. Thus, the project would not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.

Based on the above discussion, the proposed project will be consistent with Policy 1.3.2-4.

- 2. Resources Policy 1.5.2-1:** *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

Biological Resources Policy 1.5.2-4: *Discretionary development shall be sited a minimum of 100 feet from significant wetland habitats to mitigate the potential impacts on said habitats. Buffer areas may be increased or decreased upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Factors to be used in determining adjustment of the 100 foot buffer include soil type, slope stability, drainage patterns, presence or absence of endangered, threatened or rare plants or animals, and compatibility of the proposed development with the wildlife use of the wetland habitat area.*

The requirement of a buffer (setback) shall not preclude the use of replacement as a mitigation when there is no other feasible alternative to allowing a permitted use, and if the replacement results in no net loss of wetland habitat. Such replacement shall be "in kind" (i.e. same type and acreage), and provide wetland habitat of comparable biological value. On-site replacement shall be preferred wherever possible. The replacement plan shall be developed in consultation with California Department of Fish and Game.

Implementation of the proposed project will not require any construction activities or include the introduction of new uses that could adversely impact the surrounding area. The site has been previously cleared of vegetation to accommodate the existing wireless communication facility.

Based on the above discussion, the proposed project will be consistent with Policy 1.5.2-1 and Policy 1.5.2-4.

- 3. Resources Policy 1.6.2-1:** *Discretionary development located on land designated as Agricultural (see Land Use Chapter) and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory, shall be planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

The proposed project is located on Agricultural designated lands. The proposed project involves the continued use of an existing communications facility and does not include any new development or uses that could have the potential to impact agricultural uses.

Based on the above discussion, the proposed project will be consistent with Policy 1.6.2-6.

- 4. Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The proposed project site is located within one half mile of Pacific Coast Highway (Highway 1) which is an Eligible County Scenic Highway. The existing tower is designed as a faux monopalm to blend in with the existing background within the area. Furthermore, a live fan palm tree will be planted adjacent to the faux monopalm as recommended by a qualified landscaper/arborist. Addition screening will be provided by the landscape vines installed along the exterior of the existing chain link fence enclosure of the WCF. In any case, no new construction is proposed that would substantially alter the existing public views of the project site.

Based on the above discussion, the proposed project will be consistent with Policy 1.7.2-1.

- 5. Paleontological and Cultural Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.*

The proposed project does not include any grading or other types of ground disturbance activities (e.g., trenching) that could have an impact on subsurface resources that might exist on-site. Paleontological or cultural resources were not encountered during the construction of this existing communications facility.

Based on the above discussion, the proposed project will be consistent with Policy 1.8.2-1.

- 6. Hazards Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

The existing communications facility does not require the provision of any water service for fire protection. Access to the site is provided by an existing private dirt access road. The Ventura County Fire Protection District ("VCFPD") reviewed the proposed project and determined that this road provides adequate access. The project will be subject to a condition of approval (Exhibit 4, Condition No. 24-25) that requires adequate access to be maintained.

Based on the above discussion, the proposed project will be consistent with Policy 2.13.2-1.

- 7. Noise Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts...*

(4) *Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*

- a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.*

- b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*
- c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations, aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations...

Under normal operation, the proposed facility will not generate any noise that would be perceptible from offsite locations. Some noise will be temporarily generated from the infrequent operation of the emergency generator. This temporary noise would not exceed the above standards.

Based on the above discussion, the proposed project will be consistent with Policy 2.16.2-1.

- 8. Public Facilities and Services Policy 4.1.2-2:** *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

The proposed project involves an existing communications facility that already has adequate public services.

Based on the above discussion, the proposed project will be consistent with Policy 4.1.2-2.

- 9. Public Facilities and Services Policy 4.8.2-1:** *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

The proposed project has been reviewed by the Ventura County Fire Protection District ("VCFPD"). The existing communications facility does not require the provision of any water service. The existing access road is adequate for fire protection purposes. Response time to the site is within applicable standards. The project will be subject to a condition of approval (Exhibit 4, Condition No. 24-25) to ensure that an adequate water supply and access for fire protection are maintained.

Based on the above discussion, the proposed project will be consistent with Policy 2.13.2-1.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO § 8105-4, the proposed use is allowed in the AE-40 zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the use of buildings and structures that are subject to the development standards of the Ventura County NCZO § 8106-1.1. Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	40 acres	Yes
Maximum Percentage of Building Coverage	5 percent	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	As specified by permit	Yes

E. CUP FINDINGS AND SUPPORTING EVIDENCE

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

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

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

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

The proposed project involves the continued use of an existing wireless communications facility. No new effect on the surrounding residential development and agricultural land has been identified. The facility is located within one half mile of Pacific Coast Highway (Highway 1) which is an Eligible County Scenic Highway. The existing tower is designed as a faux monopalme and a live palm tree will be planted to blend in with the existing background within the area. Thus, the facility is compatible with surrounding development.

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

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

The continued use of the existing wireless communications facility would not cause any new adverse effects on the surrounding properties or uses. Additionally, the proposed project will be conditioned to include 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 4, Conditions Nos. 15-17).

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

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

The proposed project involves the continued use of an existing wireless communication facility. The proposed communications facility will be unmanned, will not generate significant noise, and will not create any unusual risks or hazards. No grading is required to prepare the site. No adverse effect on the public interest, health, safety or welfare has been identified.

Based on the above discussion, 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 [§ 8111-1.2.1.1.e].

The proposed project involves the continued use of an existing communications facility. Thus, there will be no substantial change in land use in the area. The Urban and Agricultural designations of the surrounding land are not anticipated to change in the foreseeable future. The existing tower is designed as a faux monopalm. A live palm tree will be planted to visually blend the facility into the existing background. In summary, the project would involve an aesthetic improvement over the existing setting. Thus, the project will be compatible with the existing and potential land uses in the vicinity.

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

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

The subject APN is comprised of a legal lot shown as Parcel 1 on a Parcel Map recorded in Book 61, Page 55 of Parcel Maps in the Office of the County Recorder of Ventura County. The map was approved and recorded in compliance with the Subdivision Map Act and Ventura County Subdivision Ordinance.

Therefore, this finding can be made.

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

The proposed project involves the continued use of an existing facility. The continued use of a small communication facility would not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area.

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

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

The proposed project involves the continued use of an existing facility. The continued use of a small communication facility would not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area.

Therefore, this finding can be made.

- 9. That the use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [§ 8111-1.2.1.2.c].**

The proposed project involves the continued use of an existing facility. No new loss of agricultural soil will occur as a result of the proposed project.

Therefore, 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 § 65091, VCSO § 8205-5.1, and Ventura County NCZO § 8111-3.1. The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and placed a legal ad in the Ventura County Star. As of the date of this document, staff has not received any comments regarding this project.

The project site is located within the City of Oxnard's Area of Interest. Therefore, on November 7, 2012, the Planning Division notified the City of Oxnard of the proposed project and requested the City of Ventura to submit any comments that the City might have on the proposed project.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, including the proposed, and has considered all comments received during the public comment process;
2. **FIND** that this project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings for the granting of a Minor Modification of a conditional use permit pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** a Minor Modification of CUP 5206 (Case No. LU12-0041), subject to the conditions of approval (Exhibit 4).
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 Hai Nguyen at (805) 654-2406 or via e-mail at Hai.Nguyen@ventura.org,

Prepared by:

Reviewed by:



Hai Nguyen, Case Planner



Brian R. Baca, Manager
Commercial and Industrial Permits Section

EXHIBITS

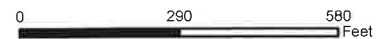
- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Map
- Exhibit 3 - Plans
- Exhibit 4 - Conditions of Approval



Ventura County
Resource Management Agency
Information Systems
Date Printed: 10/30/2012

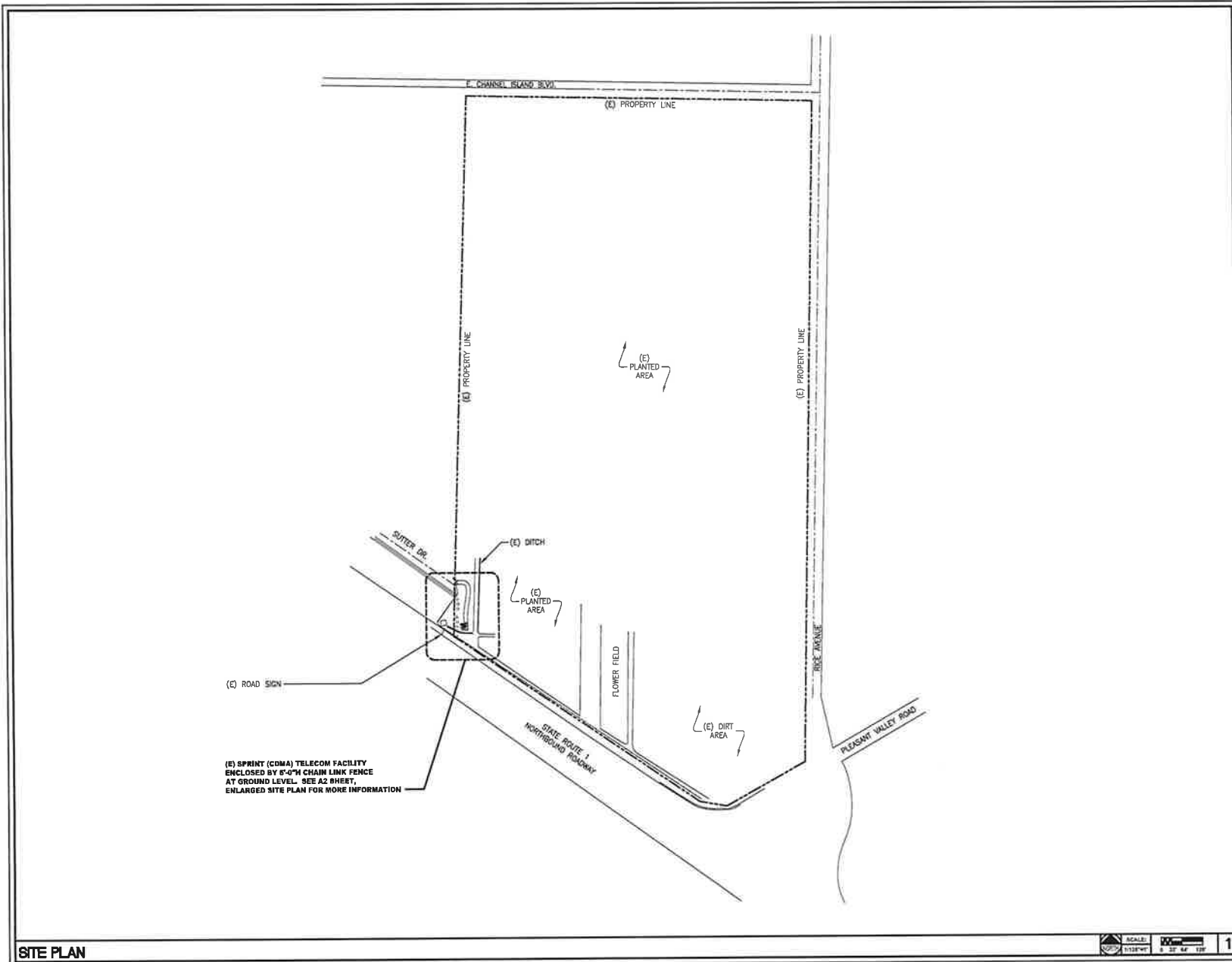
County of Ventura
Planning Director Hearing
LU12-0041

**Exhibit 2 - Aerial Zoning & General Plan
Location Map**



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





SITE PLAN

SCALE: 1"=112.5' 0 31' 64" 128'

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PASS | SUITE 110 | IRVINE | CA 92614
T 949 475.1000 | 949 475.1001 F



PROJECT IDENTIFICATION:
881039
P.V. FLOWERS
2400 EAST CHANNEL ISLAND BLVD,
DUNWOOD, CA 92033

CURRENT ISSUE DATE:
02/01/12

ISSUED FOR:
ZONING RENEWAL

APPROVALS:

APPROVED BY:	INITIALS:	DATE:
LANDLORD		
LEASING		
ZONING		
RF		
CM		

DRAWN BY:	CHECK:	APPV:
HR	BOK	DKD

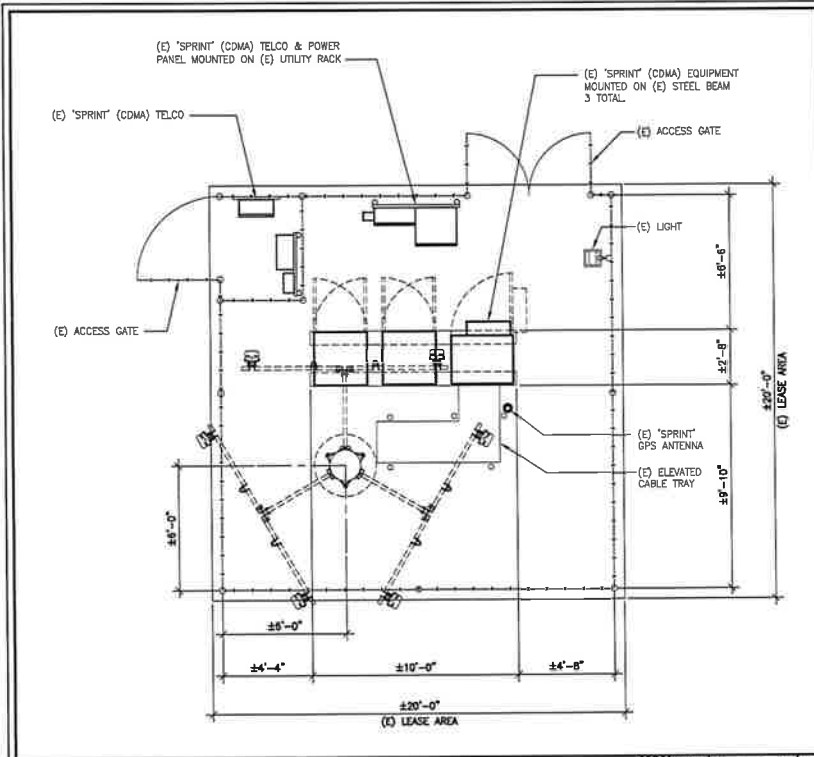
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Δ	DATE:	DESCRIPTION:	BY:
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SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A1

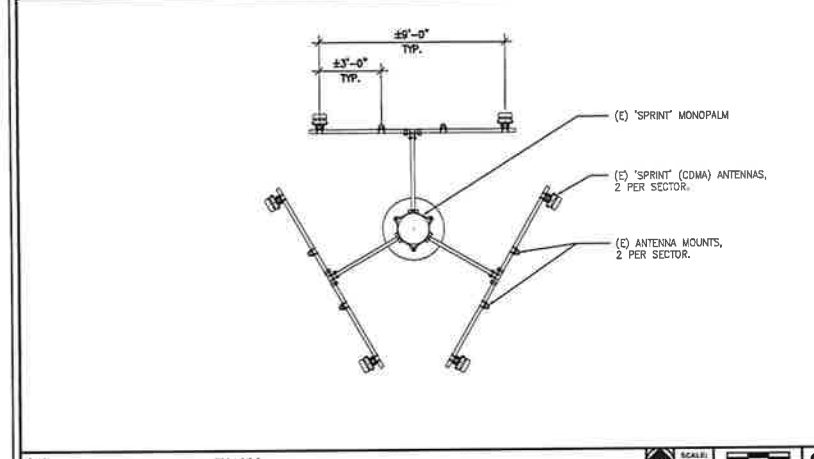
ISSUE LEVEL:
P.V. FLOWERS
881039



(E) EQUIPMENT LAYOUT PLAN

SCALE: 1"=10'-0"

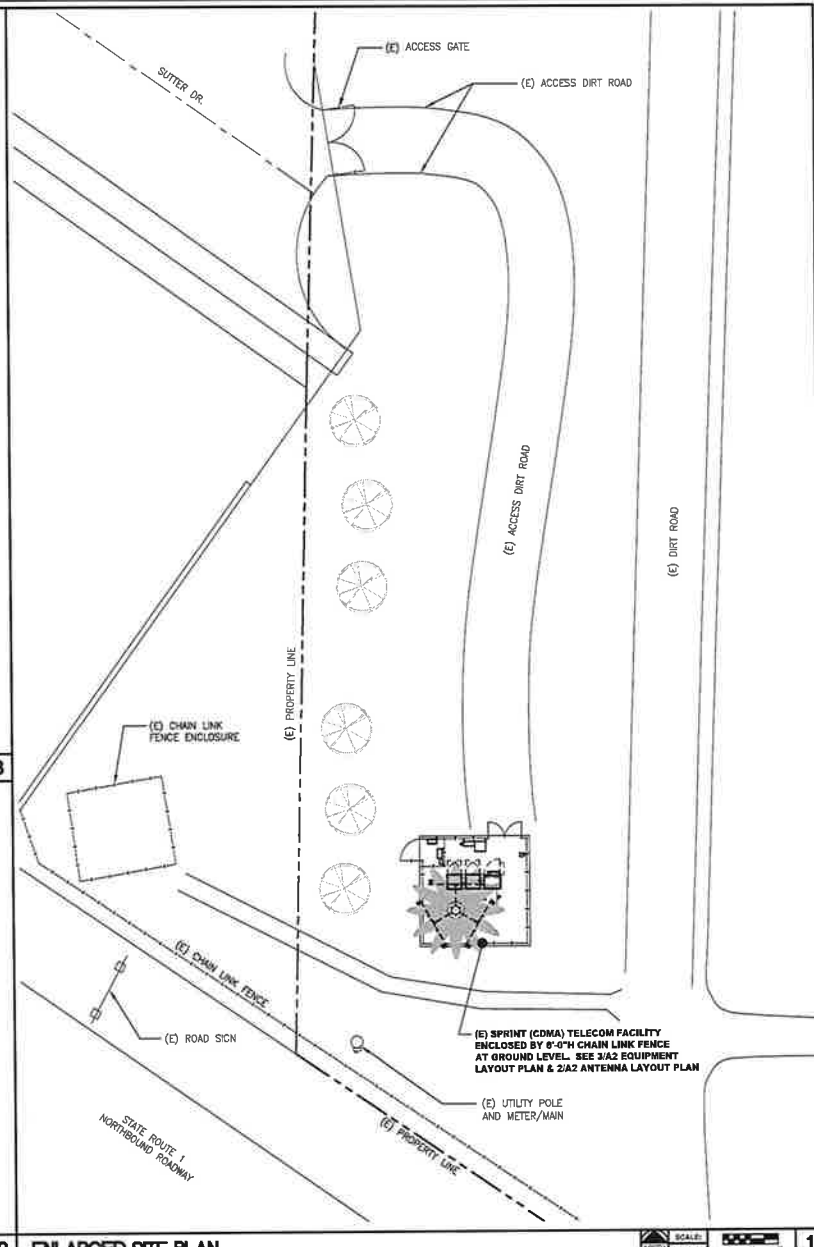
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(E) ANTENNA LAYOUT PLAN

SCALE: 1"=10'-0"

2



ENLARGED SITE PLAN

SCALE: 1"=10'-0"

1

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A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK | SUITE 110 | IRVINE | CA 92614
T. 949.475.1001 | F. 949.475.1001

CROWN CASTLE
INTERNATIONAL

PROJECT IDENTIFICATION:
881039
P.V. FLOWERS
2400 EAST CHANNEL ISLAND BLVD.
CROWD, CA 93033

CURRENT ISSUE DATE:
02/01/12

ISSUED FOR:
ZONING RENEWAL

APPROVALS:

APPROVED BY:	INITIALS:	DATE:
LANDLORD		
LEASING		
ZONING		
RF		
CM		

DESIGN BY:	CHK:	APP:
HH	BOK	DKO

ISSUE STATUS:

DATE:	DESCRIPTION:	BY:
02/01/12	BOOK ZD	HH
02/12/12	BOOK ZD	IP

SHEET TITLE:
**ENLARGED SITE PLAN,
EQUIPMENT LAYOUT PLAN,
ANTENNA LAYOUT PLAN**

SHEET NUMBER	ISSUE LEVEL
A2	

P.V. FLOWERS
881039

DCI PACIFIC
A|E|C WORKS

ARCHITECTURE | ENGINEERING | CONSULTING
32 EXECUTIVE PARK SUITE 110 | IRVINE | CA 92614
P 949.475.1000 | F 949.475.1001 | F



PROJECT IDENTIFICATION:
881036
BLACK MOUNTAIN
12940 C-1 CREEK ROAD
DALLAS, TX 75243

CURRENT ISSUE DATE:
01/30/12

ISSUED FOR:
ZONING RENEWAL

APPROVALS:

APPROVED BY:	INITIALS:	DATE:
LANDLORD		
LEASING		
ZONING		
RF		
CM		

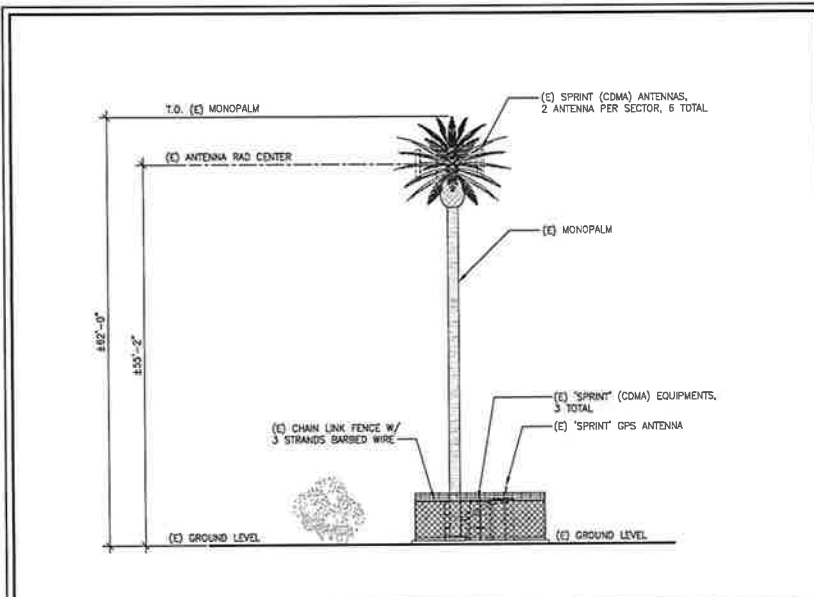
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HH	BDK	DKD

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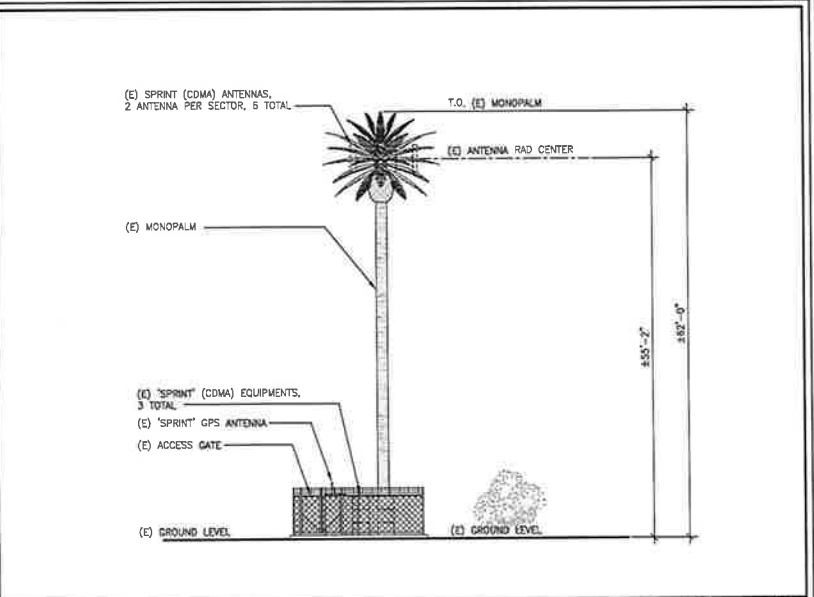
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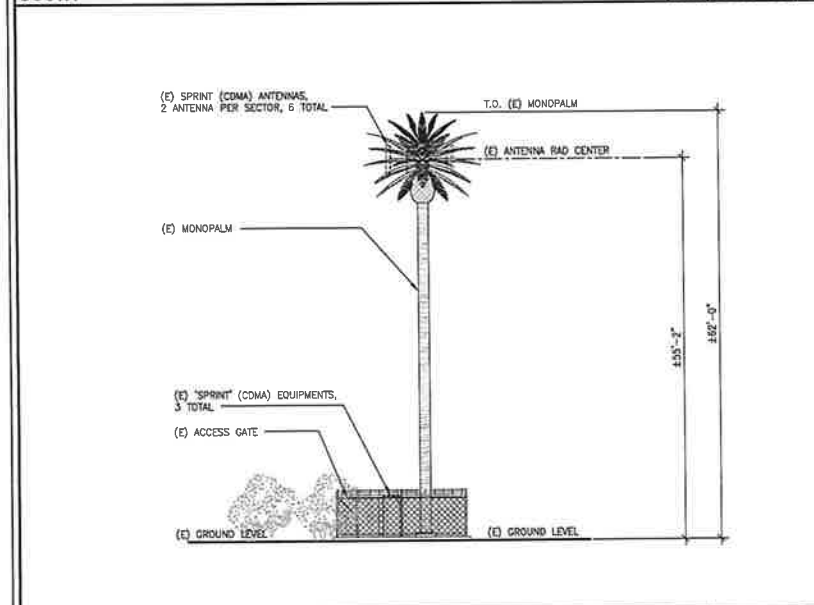
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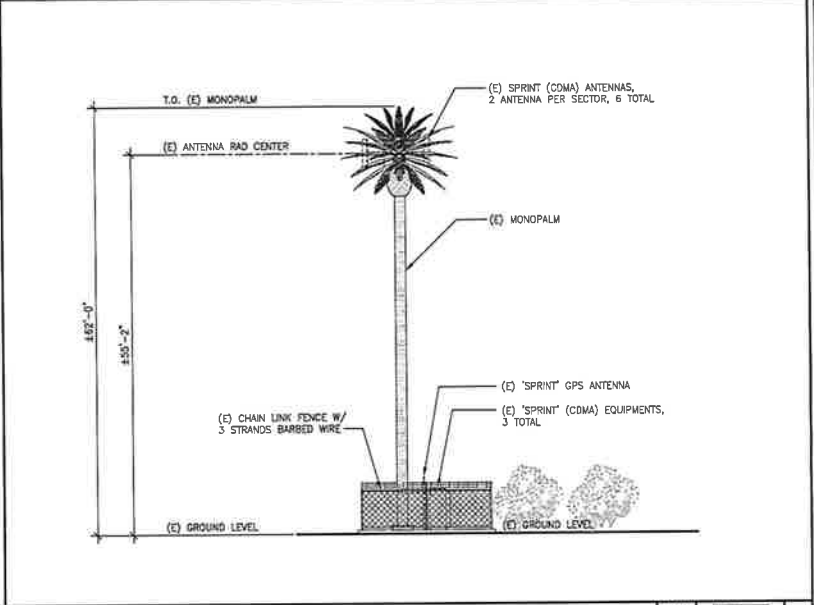
SOUTH ELEVATION SCALE: 1/8"=1'-0" **4**



NORTH ELEVATION SCALE: 1/8"=1'-0" **2**



WEST ELEVATION SCALE: 1/8"=1'-0" **3**



EAST ELEVATION SCALE: 1/8"=1'-0" **1**

EXHIBIT 4 – CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) CASE NO. LU12-0041

Resource Management Agency Conditions

Planning Division

1. Project Description

The applicant requests that a modified Conditional Use Permit be granted to authorize the continued use of the existing wireless communication facility (WCF). Crown Castle is the owner of the WCF. The site number is 881039. The Sprint equipment on the WCF consists of one 400-square foot lease area enclosed with a gated chain link fence topped by three strands of barbed wire. The lease area includes one 62-foot tall monopalm, three equipment cabinets, two Telcos, one GPS unit, and one cable tray. The monopalm contains three antenna sectors with six panel antennas mounted at a height of 55 feet, 2 inches. The WCF will continue to be unmanned and operate 24 hours a day for 365 days per year (Exhibit 3).

2. CUP Modification

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

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

3. Site Maintenance

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

Requirement: The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any

subsequent amendments to this CUP, shall be stored on the property during the life of this CUP. All equipment, materials, and structures must be stored within existing graded pads within the project site. This includes any necessary repairs, repainting, or replacement of the antennas, support facilities and equipment cabinets. If, in the opinion of the Planning Director, the Permittee fails to adequately maintain the facility, the Planning Director shall provide written notice to the Permittee outlining the deficiencies of the facility and the Permittee shall make all necessary repairs within 45 days of the written notice.

Documentation: Pursuant to Condition No. 1 (Permitted Land Uses), the CUP and any amendments thereto.

Timing:

- a. Prior to the issuance of a Zoning Clearance, graffiti must be removed from the site. The applicant and his successors, heirs, and assigns shall remove any graffiti within five (5) days from either discovery or written notification by the County. All such graffiti removal shall be accomplished to the satisfaction of the Planning Director.
- b. Prior to the issuance of a Zoning Clearance, the Permittee shall demonstrate to the satisfaction of the Planning Director that all landscaping and screening requirements have been installed (Condition No. 19).

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

4. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading except as it relates to ground clearance requirements, the Permittee shall obtain a Grading Permit from the Public Works Agency.

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall 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* (2010, 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 No. 1);

- Modification of the CUP conditions listed herein;
- Recordation of a "Notice of Noncompliance" on the deed to the subject property;
- The imposition of civil administrative penalties; and/or,
- Revocation of this CUP.

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

6. Time Limits

a. Use Inauguration:

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

b. Permit Life or Operations Period:

The authorization granted by this CUP to conduct the proposed use will expire on November 29, 2022. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of this authorization after the CUP expiration date. Operations may be extended beyond this date based upon the timely (i.e. prior to November 29, 2022) submittal of a permit modification application filed pursuant to Section 8111-6 of the Ventura County Non-

Coastal Zoning Ordinance, as may be amended or replaced, and the subsequent granting of a modified permit by the County decision-makers.

7. Consolidation of All Approved Exhibits and Permits

Purpose: To ensure compliance with, and notification of, the requirements of other federal, state or local government regulatory agencies.

Requirement: The Permittee shall verify to the Planning Division that the Permittee has obtained or satisfied all applicable federal, state and local entitlements and conditions.

Documentation: The Permittee shall provide to the County Planning Division a copy of any entitlement or clearance issued by another agency.

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

Monitoring and Reporting: The Planning Division shall maintain the documentation provided by the Permittee in the project file. In the event that the permit is modified or changes are made by any other agency, the Permittee shall submit any revised documentation within 30 days of the modification.

8. Notice of CUP Requirements and Retention of CUP Conditions On-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 provide a copy of all correspondence or signage that involves notification of permit conditions to parties of interest to the Planning Division.

Timing: The documentation of notification shall be provided prior to issuance of a Zoning Clearance. Evidence of ongoing notification shall be maintained as a public record by the Permittee.

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

9. Recorded Notice of Land Use Entitlement

Purpose: In order to comply with § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance*, a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

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 tax assessor's parcel that is subject to this CUP.

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

Timing: The Notice of Land Use Entitlement shall be recorded prior to the issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The Planning Division shall review the Notice for accuracy and maintain a copy in the project file.

10. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 9b. Specifically, the Permittee shall bear the full costs of the following:
 - (1) Condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - (2) Monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2010, § 8114-3.4)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance (§ 8114-3.4)*.
- b. **Establishment of Revolving Compliance Accounts:** The condition compliance account (CC06-0117) previously established for the life of this project shall remain in full force and effect.
- c. **Monitoring and Enforcement Costs:** The condition compliance account deposit and reimbursement agreement are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed

and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.

- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

11. Defense and Indemnity

As a condition of CUP issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Section 13(a) above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.

Neither the issuance of this CUP, nor compliance with the conditions thereof, 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 County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any

other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for this land use have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower 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 costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by County staff 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, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

14. Relationship of CUP Conditions, Laws and Other Permits

The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and

County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where 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, as determined by the Planning Director.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful rules or regulations or orders of an authorized governmental agency. Neither the issuance 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.

A business tax certificate [and regulatory licenses] shall be obtained for operation of a communications facility.

15. Contact Person

Purpose: In order to facilitate the resolution of complaints, a contact person that represents the Permittee shall be designated.

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

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the 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 field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

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

16. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
- b. If a written complaint about this project is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance* may be initiated.

17. 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 inside or outside 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.

18. Change of Owner and/or Permittee

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

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). 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 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) of the permitted uses. In this letter, the new Owner, Lessee or Operator must agree to comply with all conditions of this CUP.

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

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

19. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements.

Requirement: Landscaping and screening that serves the following functions must be provided and maintained:

- a. Screens undesirable views, incompatible land uses or uses in natural settings. Faux landscape ivy or vines shall be installed along the exterior of the existing chain link fence enclosure of the WCF. The faux landscape ivy shall be installed on the three sides viewable from the public road: the west, south, and east side of the fence. The slats installed on the chain link fence shall be painted a dark green color to completely screen the WCF lease area. The faux landscape ivy and painted dark green slats shall be installed such that the WCF and equipment is not visible from public view. The faux landscape ivy shall be maintained for the life of the permit.
- b. Provides visual integration. Landscaping must be provided that blends the lease area with its surroundings. The landscape plan, approved on July 18, 2002, for the Permit Adjustment (PAJ) of CUP 5206, includes a live Mexican fan palm tree to match the simulated monopalm. The live Mexican fan palm tree is to be planted adjacent to the simulated monopalm at a height of 40 feet from the ground pursuant to Permit Adjustment Case No. CUP 5206 PAJ1. The Permittee will provide temporary irrigation for the live Mexican fan palm tree until the tree is self-sustaining. The live Mexican fan palm tree shall be maintained for the life of the permit.

All landscaping must be designed to require minimal amounts of water and to use required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria, and must achieve the following design objectives:

- c. Use Available Non-potable Sources of Water. The landscaping must integrate the harvesting and/or use of alternative, non-potable sources of

water, including stormwater, reclaimed water, and gray water, where feasible.

- d. Create Viable Growing Environment. Landscape design must address the needs of the plants to ensure their health, long-term viability and protection.

Documentation: The Permittee shall plant the live palm tree in accordance with the landscape plan approved on July 18, 2012 for the Permit Adjustment of CUP 5206. Any changes to approved landscape plans that affect the character or quantity of the plant material must be approved by the Planning Director prior to installation.

Timing: The Permittee shall install all required landscaping and screening prior to issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The Planning Division maintains the landscape plan provided by the Permittee in the project file and has the authority to periodically confirm that the landscaping is maintained by the Permittee in accordance with the approved plan consistent with the requirements of § 8114-3 of the *Non-Coastal Zoning Ordinance*.

20. Color/Material/Manufacture Specifications

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

Requirement: The Permittee shall:

- a. construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans; and,
- b. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- c. provide photos to the Planning Division to verify that the facility is constructed as approved.

Documentation: The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division. Prior to final inspection of the communication facility the Permittee shall provide photographs demonstrating that the facility was treated as approved.

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

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the project file. The Permittee shall provide photos of the constructed facility to the Planning Division to verify that the facility is constructed as approved prior to final inspection. The Planning Division maintains the photo documentation provided by the Permittee in the project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

21. 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.

Requirement: Upon the expiration of this permit, or abandonment of the use¹, the Permittee shall:

- a. notify the County that the Permittee has discontinued the use of the facility;
- b. remove the facility and all appurtenant structures;
- c. restore the premises to the conditions existing prior to the issuance of the permit, as nearly as practicable, as determined by the Planning Director;
- d. provide an estimate for the removal cost of the facility, prepared by a licensed contractor; and,
- e. file a financial security in an amount equal to the removal of the facility with the Resource Management Agency's Operations Division.

Documentation: The estimate for the removal cost of the facility and the financial security to remove the facility shall be provided to the County Planning Division.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall post a financial security with the County in an amount commensurate with the cost of facility removal. The financial security may be released by the County once the facility is removed. The Permittee shall complete the notification, removal, and restoration activities within 30 days of the expiration of this permit, or abandonment of the use, unless the Permittee requests, and the Planning Director grants (in writing), additional time to do so.

Monitoring and Reporting: The Planning Division shall review the adequacy of the proposed financial security and maintain the final security in the project file. 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

¹ The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Ventura County Non-Coastal Zoning Ordinance. The Planning Division will release the financial security upon receipt of evidence acceptable to the Planning Director that the facility has been removed.

22. Future Collocation of Wireless Telecommunication Facilities and Equipment

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

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

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

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

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

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

Environmental Health Division

23. The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations.

Ventura County Fire Protection District (VCFPD) Conditions

24. Fire Department Clearance

Purpose: To inform the Permittee of all fire department requirements applicable to the proposed project.

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

Documentation: The Permittee shall submit to the VCFPD a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

Timing: Prior to the issuance of building permits, the submitted VCFPD Form #126 Application must be approved by the Fire Prevention Bureau.

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

25. Fire Code Permits

Purpose: In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

Requirement: The Permittee and/or tenant shall obtain all applicable Fire Code permits.

Documentation: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

Timing: Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

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