



Planning Director Staff Report – Hearing on July 16, 2015

County of Ventura • Resource Management Agency • Planning Division

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

Verizon Wireless Communication Facility Installation on a Southern California Edison Tower Case No. PL15-0020

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the installation of an additional wireless communication equipment operated by Verizon Wireless on an existing Southern California Edison (SCE) tower (Case No. PL15-0020).
2. **Applicant:** Verizon Wireless, 15505 Sand Canyon Avenue, Building D, 1st Floor, Irvine, CA 92618
3. **Property Owner:** Southern California Edison (SCE) / Mr. Phil Hickerson, 4900 Rivergate Road, Building 2B, 1st Floor, Irwindale, CA 91706 (SCE owns the 408 square foot easement where the existing tower and proposed equipment will be installed).
4. **Applicant's Representative:** Reliant Land Services, Inc. / Marilyn Warren, 1745 W. Orangewood Avenue Suite 103, Orange, CA 92868
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 Size, Location, and Parcel Number:** The 408-square foot lease area is part of a 24-acre property located at 1672 Grand Avenue, near the intersection of San Cayetano Road and Grand Avenue, in the community of Fillmore, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 043-0-040-410 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agricultural (Exhibit 2)

- b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size) (Exhibit 2)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE 40ac	Agricultural and Residential
East	OS 160 ac	Open Space and Residential
South	AE 40ac	Agricultural and Residential
West	AE 40ac	Agricultural and Residential

- 9. History:** The project site is developed with a single family dwelling. A majority of the project site is currently is agricultural production. SCE own a 408 square foot easement on the existing project site, adjacent to Grand Avenue. The Southern California Edison existing tower is located within this lease area. No discretionary permits have been issued on the project site.

- 10. Project Description:** The applicant requests that a CUP be granted to authorize the installation of a wireless communication facility, operated by Verizon Wireless, on an existing 125-foot Southern California Edison (SCE) tower. The proposed project would include the installation and operation of the following equipment within the 408 square foot lease area:

- nine antennas and six RRU's at the 41-foot level of the existing SCE tower. Specifically, three 6' panel antennas and two RRU's would be located at (3) three sectors on the existing SCE tower.
- two 11 square foot equipment shelters.
- one, 55-gallon fuel tank, and one 15KW DC Generator.
- three Hybrid fiber cables with Raycap surge protectors, power and telco cables.

The 17-foot by 24-foot lease area would be surrounded by an 8-foot tall CMU wall with a 4-foot wide wrought iron gate.

The unmanned facility does not require water to operate and will not generate waste. Access to the site is provided by Grand Ave. The site is presently developed with an existing single family residence and orange groves. (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 would 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 applicant proposes to install a wireless communication facility on an existing SCE tower and construct two, 11-square foot shelters under the tower. The proposed project is eligible for a Categorical Exemption pursuant to § 15301 (Existing Facilities) of the CEQA Guidelines based on the limited nature of the proposed project. The site will continue to be developed with the existing tower. Therefore, staff recommends that the decision maker find the project to be Categorical Exempt from environmental review pursuant to CEQA Section 15301 of the CEQA Guidelines.

Based on the above discussion, staff recommends that the decision-maker find that the project is exempt from environmental review pursuant to Section 15301 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 *Goals, Policies and Programs*.

- 1. Ventura County General Plan Goals, Policies and Programs Resources Policy 1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative impacts on resources in compliance with the California Environmental Quality Act.*

As discussed in Section B (above), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

Based on the above discussion, the proposed project is consistent with Policy 1.1.2-1.

2. **Ventura County General Plan Goals, Policies and Programs Water Resources Policy 1.3.2-2:** *Discretionary development shall comply with all applicable County and State water regulations.*

Ventura County General Plan Goals, Policies and Programs Water 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 facility installation would not involve the use of water or involve construction activities that would alter the area of impervious surfaces. Therefore, the project does not have the potential to adversely impact water resources.

Based on the above discussion, the proposed project will be consistent with the above Policies.

3. **Ventura County General Plan Goals, Policies and Programs Biological 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.*

Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-2: *Discretionary development shall be sited and designed to incorporate all feasible measures to mitigate any significant impacts to biological resources. If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.*

Ventura County General Plan Goals, Policies and Programs Biological Resources Policy 1.5.2-3: *Discretionary development that is proposed to be located within 300 feet of a marsh, small wash, intermittent lake, intermittent stream, spring, or perennial stream (as identified on the latest USGS 7½ minute quad map), shall be evaluated by a County approved biologist for potential impacts on wetland habitats. Discretionary development that would have a significant impact on significant wetland habitats shall be prohibited, unless mitigation measures are adopted that would reduce the impact to a less than significant level; or for lands designated "Urban" or "Existing Community", a statement of overriding considerations is adopted by the decision-making body.*

Ventura County General Plan Goals, Policies and Programs 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.

The project area is about 408 square feet in area and surrounded by agricultural and residential uses. The project site is located more than 1600 feet west of Sespe Creek, a Flood Control District jurisdictional channel. An identified wetland is also located about 260-feet north of the project site. This wetland is a "red line" stream under the jurisdiction of the Flood Control District. Keefe Wash is located adjacent to the project area. Keefe Wash conveys stormwater that flows through the property during a storm event in an east-west direction. The proposed development would not be located on or near Sespe Creek or the identified wetland north of the project area. Although the proposed wireless facility installation would be located about 82-feet south of Keefe Wash, the facility and accessory equipment would be entirely contained on or under the SCE tower and within the SCE easement area. Therefore, the proposed development would not result in impacts on any resources along these watercourses.

The project site is located about 1,510 feet west of Santa Monica Mountain-Sierra Madre Mountain migration corridor. Although both critical habitat species (southern steelhead) and endangered species (Santa Ana sucker) have been identified within the corridor area, the proposed development will not be located within or near this corridor area. Therefore, the proposed development would not impact the migration corridor.

Based on the above discussion, the proposed project will be consistent with the above Policies.

4. **Ventura County General Plan Goals, Policies and Programs Farmland Resources Policy 1.5.2-1:** *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 project area is located on land with an Important Farmland Inventory designation of Prime soil. The components of the proposed communication facility will be located on and under the existing SCE tower. No additional agricultural soil disturbance will be required as a result of the proposed development.

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

5. **Ventura County General Plan Goals, Policies and Programs 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.*

Ventura County General Plan Goals, Policies and Programs Paleontological and Cultural Resources Policy 1.8.2-5: *During environmental review of discretionary development the reviewing agency shall be responsible for identifying sites having potential archaeological, architectural or historical significance and this information shall be provided to the County Cultural Heritage Board for evaluation.*

The project site was analyzed as part of the Phase IV County of Ventura Historical Site Survey for the Santa Clara Valley 1987 to 1988. This site (existing single family residence) is designated as a site of merit. No impacts on this historical resource are anticipated. The proposed facility will not be located on or near the existing residence.

Based on the above discussion, the proposed project will be consistent with Policy 1.8.2-5.

6. **Ventura County General Plan Goals, Policies and Programs Energy Resources Policy 1.9.2-1:** *Discretionary development shall be evaluated for impact to energy resources and utilization of energy conservation techniques.*

The proposed project would not involve a substantial increase in onsite energy demand. All new construction would be required to meet the Building Code standards for energy efficiency. In any case, the amount of energy consumed by the existing facility, as augmented by the proposed additional equipment, would have a negligible effect on regional energy resources or generating stations.

Based on the above discussion, the proposed project will be consistent with Policy 1.9.2-1.

7. **Ventura County General Plan Goals, Policies and Programs Ground Shaking Policy 2.3.2-1:** *All structures designed for human occupancy shall incorporate engineering measures to mitigate against risk of collapse from ground shaking.*

The proposed project involves the installation of a wireless communication facility on an existing SCE tower. This tower has been built in accordance with the California Building Code requirements that structures be designed to withstand anticipated ground shaking. The proposed shelters will require a building permit and be constructed in accordance with County of Ventura Building Code standards. Therefore, the proposed wireless communications facility would not be subject to a significant risk of collapse from ground shaking.

Based on the above discussion, the proposed project will be consistent with Policy 2.3.2-1.

8. **Ventura County General Plan Goals, Policies and Programs Flood Hazards Policy 2.10.3-2:** *Development proposed within the floodplain shall be designed and built to standards intended to mitigate to the extent possible the impacts from the one percent annual chance storm.*

The 100-year and 500-year floodplains, as identified on the County Planning GIS Maps extend onto the subject property. The project site, however, is located more than 500-feet west of the 500-year floodplain and more than 1,650-feet west of the 100-year floodplain. Due to the distance from these floodplains, the proposed project will not cause or be affected by flooding hazards. .

Based on the above discussion, the proposed project will be consistent with Policy 2.10.3-2.

9. **Ventura County General Plan Goals, Policies and Programs Fire 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.*

Ventura County General Plan Goals, Policies and Programs Fire Hazards Policy 2.13.2-2: *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

Ventura County General Plan Goals, Policies and Programs Fire Protection 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.

Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 4.8.2-2: *Fire stations shall be sited in locations central to the area served and on or near arterial highways so as to minimize call response time.*

The proposed facility would not require the use of water or involve construction activities that would alter existing fire flow. The VCFPD has also determined that access and response time to the facility is adequate because Fire Station No. 27 is located within five miles of the project site.

The southeastern portion of the parcel is located in a high fire hazard area. The project area is located about 748-feet west of the fire hazard area. Per VCFPD Ordinance 28, Section W105.1, the applicant will be required to annually remove brush and vegetation within 30-feet of any structures associated with a wireless communications facility. The proposed wireless communication facility shelters would be located under the existing SCE tower and more than 30-feet from existing brush and vegetation. Thus, the proposed project will not create addition impacts due to fire fuel modification.

Based on the above discussion, the proposed project will be consistent with the Fire Hazard policies.

10. **Ventura County General Plan Goals, Policies and Programs Hazardous Material and Waste Policy 2.15.2-2:** *Site plans for discretionary development that will generate hazardous wastes or utilize hazardous materials shall include details on hazardous waste reduction, recycling and storage.*

The Ventura County Environmental Health Division reviewed the proposed project in regards to the storage of hazardous material within the project site. The Environmental Health Division determined that the proposed project is not a use that generates hazardous waste.

Based on the above discussion, the proposed project will be consistent with Policy 2.15.2-2.

11. **Ventura County General Plan Goals, Policies and Programs 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.

(1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:

- a. Indoor noise levels in habitable rooms do not exceed CNEL 45.*
- b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*

(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.

During the construction phase of the proposed project, noise is expected to be produced. However, the construction phase will be temporary in nature, lasting approximately 60 days. Noise -generating activities will be restricted to the days and times during which residential uses are not "noise-sensitive." The applicant will be required (Exhibit 5, Condition No. 3) to limit noise-generating construction activities to the daytime (i.e., 7:00 AM to 7:00 PM, Monday through Friday, and 9:00 AM to 7:00 PM, Saturday, Sunday, and local holidays).

The proposed project will not result in a substantial change in the level of noise generated by the existing wireless communications facility. The nearest sensitive receptor is an existing single family dwelling adjacent to the proposed facility lease area. The facility is expected to continue to produce minimal electronic noise with the operation of the electrical equipment housed in equipment cabinets. The shelters with the cabinets will be located under the existing SCE tower.

Based on the above discussion, the proposed project will be consistent with the above Policies.

- 12. Ventura County General Plan Goals, Policies and Programs Land Use Policy 3.1.2-7:** *Nonconforming Parcel Size: The use or development of a parcel which is a legal lot for the purposes of the County Subdivision Ordinance, but which fails to meet the minimum parcel size requirements of the applicable land use category, shall not be prohibited solely by reason of such failure. However, this policy shall not be construed to permit the subdivision of any parcel into two or more lots if any of the new lots fails to meet the minimum parcel size requirements.*

The 24.37-acre legal lot does not conform to the minimum lot size standard for the AE-40 acre zone district. However, no subdivision is proposed and the granting of a CUP for a communication facility is not prohibited.

Based on the discussion above, the proposed project will be consistent with Policy 3.1.2-7.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the AE 40 ac zone district with the granting of a CUP. Upon the granting of the CUP, the Permittee will be in compliance with this requirement.

The proposed project includes the construction and 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	No. However, the subject parcel is a legal lot and is nonconforming as to minimum required size. As discussed in Section C of this staff report (above), nonconforming legal lots are eligible for development in compliance with the standards set forth in the Ventura NCZO.
Maximum Percentage of Building Coverage	5%	
Front Setback	20	
Side Setback	10	

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Rear Setback	15	
Maximum Building Height	124-foot Southern California Edison tower. The proposed panel antennas would be located at the 44-foot level (41-foot RAD center) of the tower. The two equipment shelters would be located underneath the base of the tower.	Yes. Per §8106-7.4 of the VCNCZO, provided that an accessory structure is set back 20 feet from all property lines, it may exceed 15 feet in height, but it shall not exceed the maximum allowed height of the principal structure unless a discretionary permit is issued pursuant to Article 5.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to § 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 existing 124-foot tall SCE tower will not be substantially altered in appearance with the installation of the proposed communication facility. The antennas, remote radio units and raycaps shall be constructed of an anodized steel material to match the existing SCE tower (Exhibit 4, Condition No. 18). The two proposed equipment shelters would be largely screened from view by a CMU wall and painted in an earth tone color that would visually blend with the surrounding terrain. Given these factors, the proposed installation of additional communication facilities will be compatible with the adjacent residential and commercial uses.

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 [§ 8111-1.2.1.1.c].**

The proposed wireless facility installation will not result in a substantial change in the level of noise generated by the existing wireless communications facility. The facility is expected to continue to produce minimal electronic noise with the operation of the electrical equipment housed in the two equipment shelters proposed to be located under the base of the SCE tower.

The facility would be entirely contained within the 408 square foot fenced lease area with none of its components prominently discernible from outside viewpoints. Additionally, the applicant will be required (Exhibit 4, Condition Nos. 14 & 15) to include a contact person for the timely resolution of complaints.

The proposed project would not involve the storage of hazardous materials.

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 existing 124-foot tall SCE tower will not be substantially altered in appearance with the installation of the proposed communication facility. The proposed wireless facility installation will not result in a substantial change in the level of noise generated by the existing wireless communications facility. The proposed project would not involve the storage of hazardous materials.

In summary, no aspect of the proposed project has been identified that would be detrimental to the public interest, health, safety, convenience or welfare.

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].

As discussed under Finding 2 above, the proposed wireless facility installation will be compatible with the existing land uses in the vicinity of the project site. Given the location of the site along Grand Avenue, changes in the General Plan designation or zoning to allow a higher density of sensitive (i.e. residential) uses is not foreseeable at this time. Thus, the facility will be compatible with potential land uses in the area.

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

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

The subject assessor's parcel is comprised of a legal lot based on a March 13, 1990 Preliminary Legal Lot Determination prepared by the County of Ventura. The lot was created by a deed division (dated August 22, 1951) resulting in fewer than five parcels prior to May 1955.

An easement was granted to Southern California Edison by John and Vera Keefe on December 16, 1954. The easement permitted Southern California Edison a 160-foot wide strip of land on portions of lot 163 and 164 of the Fillmore Subdivision of the Sespe Rancho, as said lots are delineated on map recorded in Book 3, Page 5 of the Maps of the office of the County Recorder.

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

7. 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 project site is located on land designated and zoned for agriculture. No new disturbance of agricultural land would occur with the proposed project.

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

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

The project site is located on land designated and zoned for agriculture. No new disturbance of agricultural land would occur with the proposed project. Although the ground-mounted equipment shelters will be in close proximity of agricultural crops, the proposed project will not conflict with the ongoing agricultural activities, as the proposed project would be located on previously disturbed land.

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

9. 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 existing SCE tower is located between 30-feet (at its closest) and 49-feet (at its farthest) from existing agricultural crops. The proposed panel antennas will be located at the 41-foot level of the tower. The proposed equipment shelters will be located under the proposed tower. Although in close proximity of agricultural

crops, the proposed project will not conflict with the ongoing agricultural activities, as the proposed project would be located on previously disturbed land.

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 (§ 65091), 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, No public comments or questions were received regarding the proposed project.

The project site is located within the City of Fillmore's Sphere of Influence. Therefore, on March 11, 2015 the Planning Division notified the City of Fillmore of the proposed project and requested the City of Fillmore to submit any comments that the City might have on the proposed project. On March 17, 2015, the City of Fillmore (Exhibit 5, Email from Kevin McSweeney of the City of Fillmore to Kristina Boero, dated March 17, 2015) indicated that they have no public comment or concern regarding the proposed project.

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 Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a CUP 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** CUP Case No. PL15-0020, 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 Kristina Boero at (805) 654-2467 or kristina.boero@ventura.org.

Prepared by:



Kristina Boero, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

Reviewed by:



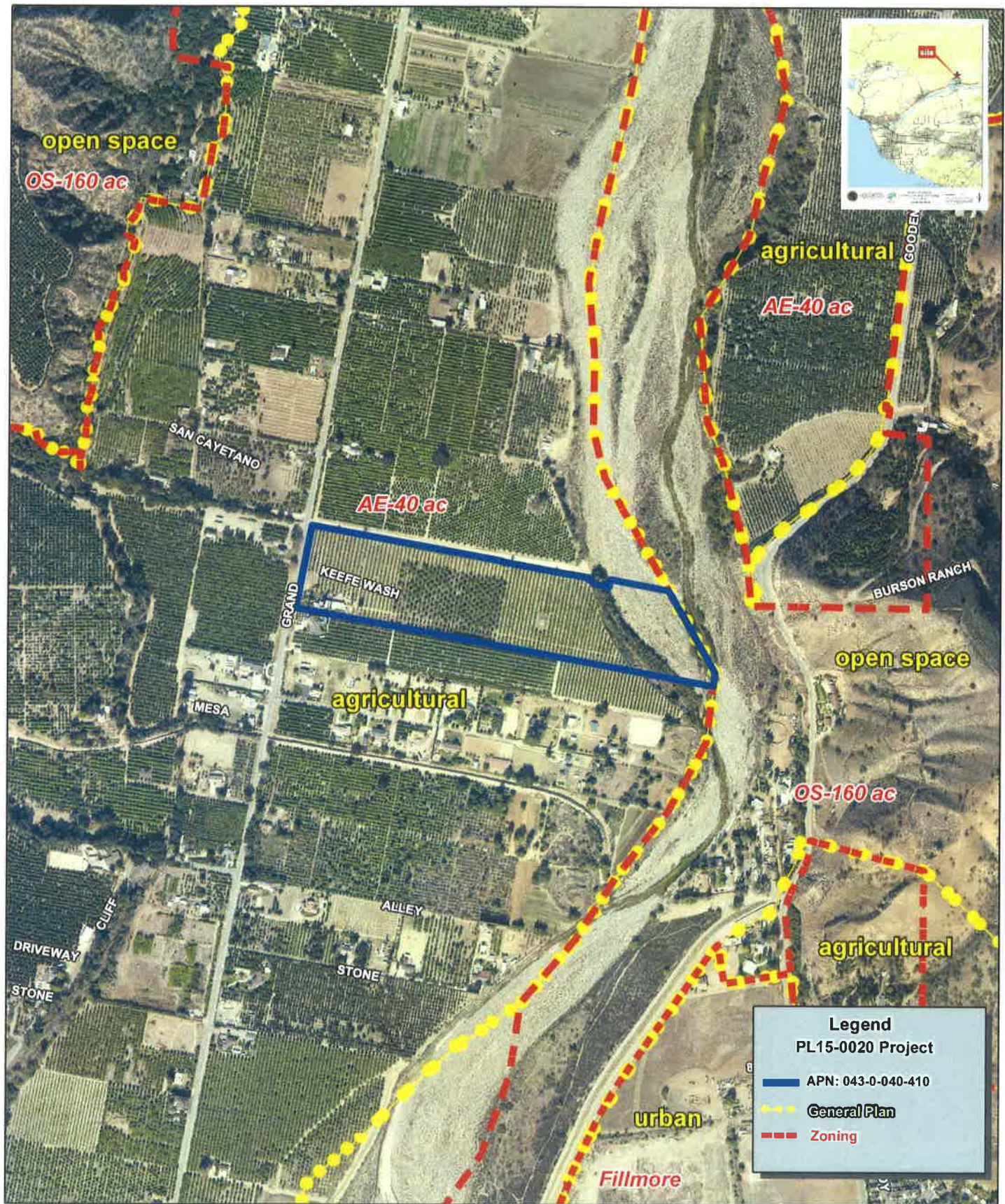
Brian R. Baca, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 – Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 – Site Plans & Photo Simulations
- Exhibit 4 – Conditions of Approval
- Exhibit 5 – Email from Kevin McSweeney of the City of Fillmore to Kristina Boero, dated March 17, 2015



County of Ventura
Planning Director Hearing for PL15-0020
Exhibit 2 – Aerial Location, General Plan and Zoning Designations, and Land Use Maps



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 08-03-2015
 This aerial imagery is under the
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 Source: Pictometry, Jan, 2015



County of Ventura
 Planning Director Hearing
 PL15-0020
 General Plan & Zoning Map

0 325 650 Feet

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.



RM



SITE TYPE:	SCE TOWER
TOWER ID:	PARDEE SANTA CLARA
	M17 T5 220KV
YEAR BUILT:	1956

1672 GRAND AVENUE
FILLMORE, CA 93015

VENTURA COUNTY

PROJECT TEAM

RELIANT LAND SERVICES, INC. 1745 W. ORANGEWOOD AVE. SUITE 102 ORANGE CA 92668 PHONE (714) 985-0123 CONTACT RAQUEL BARRIAS PHONL (714) 307-9401	<u>CONING, PERMITTING</u> RELIANT LAND SERVICES, INC. 1745 W. ORANGEWOOD AVE. SUITE 103 ORANGE CA 92668 PHONE (714) 985-0123 CONTACT MARLEY GARNER PHONL (714) 307-9007
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Sub-Ella
COLUMBIA SURVEYING, INC.
411 JENKINS CIR. SUITE 202
CUMMINGS, GA 31800
CONTACT: RAMON CORONELL
PHONE: (404) 282-4950 FAX: (404) 282-4951

APPROVALS

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

ISSUANCE	SCHEDULE	DATE
APPROVED		
PROPERTY OWNER		
PROJECT MANAGER		
DEVELOPMENT MGR		
OF ENGINEER		
CONSTRUCTION		
CONING		
STATE INSPECTOR		
TOWN OWNER		

PROJECT SUMMARY

APPLICANT / LESSEE
VERIZON WIRELESS
15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR
IRVINE, CA 92618

PROPERTY INFORMATION:

OWNER	SOUTHERN CALIFORNIA Edison - SCE 4000 RIVERCROFT ROAD BLDG 2-0 (2) PLUM IRVINE CA 92706
CONTACT PHONE	PHIL WILKINSON (626) 544-6100
AREA OF CONC.	400 SQ FT
OCCUPANCY TYPE	2-2 (TELECOM FACILITY)
CONSTRUCTION TYPE	RE
CURRENT ZONING	RE - AGRICULTURE EXCLUSIVE
JURISDICTION	VENTURA COUNTY
APN	043-01-040-010

ACCESSIBILITY REQUIREMENTS

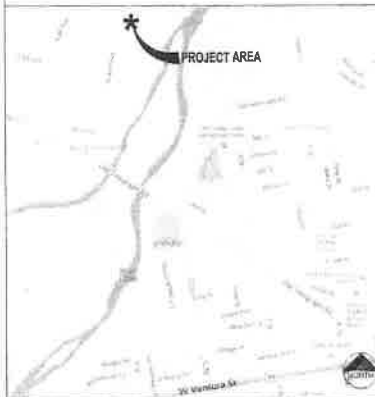
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE 2013 CALIFORNIA BUILDING CODE.

PROJECT DESCRIPTION

CONSTRUCTION OF AN UNMANNED TELECOMMUNICATION FACILITY FOR VERIZON

- | | |
|--|--|
| WHERELESS THE PROJECT ENTAILS THE INSTALLATION OF THE FOLLOWING: | 1 TURN SOUTHEAST TOWARD SANJO CANYON TRAIL. |
| • INSTALLATION OF (3) PROPOSED PANEL ANTENNAS (3 ANTENNAE PER SECTION) TOTAL OF 18 ANTENNAS TO BE LOCATED ON TOWERS MOUNTED ON AN EXISTING SCSE TOWER TOWER. | 2 HEAD LEFT ONTO SANJO CANYON AREA. |
| • INSTALLATION OF (3) PROPOSED HUBS (3 HUBS PER SECTION). | 3 TURN LEFT TO MOUNTAIN VIEW TRAIL. |
| • INSTALLATION OF (3) PROPOSED MAIN EQUIPMENT CABINETS (1) SHAW DC GENERATOR WITH 20 GALLON FUEL TANK MOUNTED ON A CONCRETE PAD. | 4 FOLLOW THE WEST 1/4 MOUNTAIN RANCH ROAD EAST TOWARD VENTURA. |
| • INSTALLATION OF (3) PROPOSED HYDRO FIBER OPTIC CABLES WITH SURGE PROTECTIONS. | 5 FOLLOW CA-175 MI. TO GRAND AVENUE IN VENTURA COUNTY. |
| • INSTALLATION OF (3) PROPOSED 8'-3" HIGH CON. WALL EQUIPMENT ENCLOSURE WITH A 4'-0" WIDE METAL GATE. | 6 TURN LEFT ONTO OLD TELEGRAPH RD. |
| • INSTALLATION OF PROPOSED POWER AND TELCO CABLES FROM 15' HIGH POINT OF CONTING TO THE MAIN EQUIPMENT CABINETS. POWER CABLES 4' TO | 7 TURN RIGHT ONTO GRAND AVENUE. |
| | 8 TO DESTINATION WILL BE ON THE RIGHT SIDE POWER A17 TO |

VICINITY MAP



SHEET INDEX

[illegible]**CODE COMPLIANCE**

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

- 1 CALIFORNIA ADMINISTRATIVE CODE (INCL FILE 24 & 25)
2 2013 CALIFORNIA BUILDING CODE
3 CITY/ COUNTY ORDINANCES
4 BUILDING OFFICIALS & CODE ADMINISTRATORS (BOCA)
5 2013 MECHANICAL CALIFORNIA CODE
6 ANSI/ IAS-222-1 LIFE SAFETY CODE NFPA-101
7 2013 CALIFORNIA PLUMBING CODE
8 2013 CALIFORNIA ELECTRICAL CODE
9 2013 LOCAL BUILDING CODE



15505 SAND CANYON AVENUE
BUILDING D 1ST FLOOR
IRVINE CA 92618

PLANS PREPARED BY:

RLS
RELIANT LAND SERVICES

1100 W. CHATEAUCOAST AVE. STE. 102, OAKLAND, CA 94612
WWW.SUN-AC.COM TEL: 510.536.2300 FAX: 510.536.2301

CONSULTING GROUP.

[illegible]

SITE INFORMATION:

CAYETANO

1672 GRAND AVENUE
FILLMORE, CA 93015

VENTURA COUNTY

— 258 —

SHEET TITLE

TITLE SHEET

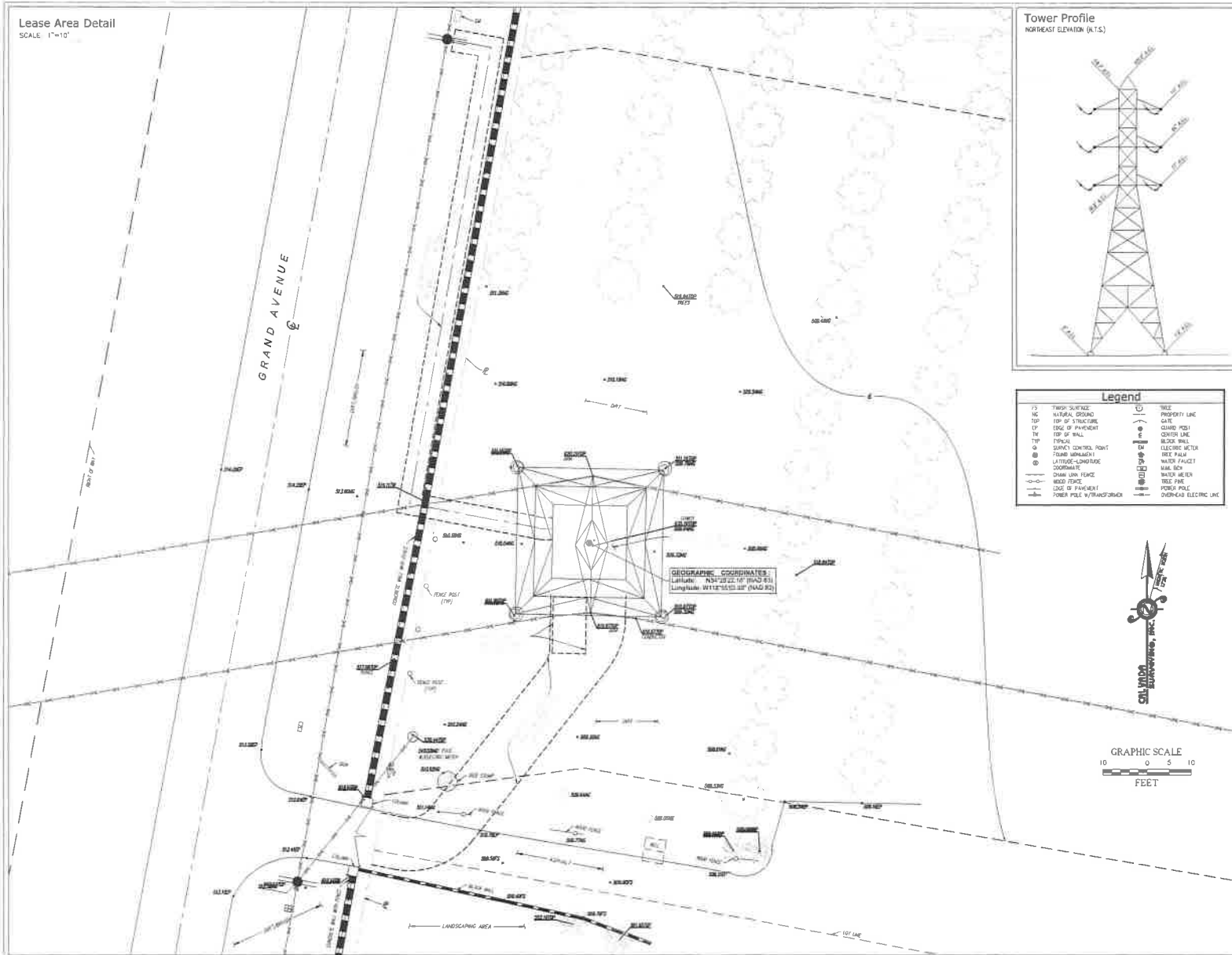
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T-1

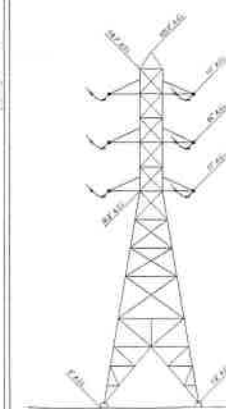
REV. 11-1-78

0

Lease Area Detail
SCALE: 1"=10'



Tower Profile
NORTHEAST ELEVATION (N.T.S.)



Legend

TS	TOWNSHIP SURFACE	TL	TRAIL
NC	NATURAL OBSTACLE	PL	PROPERTY LINE
TOP	TOP OF STRUCTURE	GL	GRASS
CP	EDGE OF PAVEMENT	CL	CENTER LINE
TR	TOP OF WALL	BL	BLIND WALL
TP	TRIP	EL	ELECTRIC METER
SC	SURVEY CONTROL POINT	FP	FREE PILE
FM	FOUND MOUND	WP	WATER PILE
LC	LAZY LINE - LINDSAY	WC	WATER CATCH
CO	COORDINATE	WC	WATER CATCH
DL	DRAW LINE - DANCE	TR	TRAIL
WD	WOOD TRAIL	PP	POWER POLE
DO	DOOR OF PAVEMENT	OP	OVERHEAD POWER LINE
PP	POWER POLE		



GRAPHIC SCALE
10 0 5 10
FEET



15505 SAND CANYON AVENUE
BUILDING 0, 1ST FLOOR
IRVINE, CA 92618

PLANS PREPARED BY:

RLS
RELIANT LAND SERVICES

11410 W. COLUMBIAN AVENUE, SUITE 100, GARDEN GROVE, CA 92640
Phone: (714) 440-1234 Fax: (714) 440-1234

CONSULTING GROUP:

CALVADA
SURVEYING, INC.

411 James Ct., Suite 200, Corona, CA 92680
Phone: (951) 265-4800 Fax: (951) 265-4740
Web: www.calvada.com

JOB NO. 141100

NO.	DATE	DESCRIPTION	BY
1	11/14/14	SUBMITTAL	AV
2	12/15/14	TITLE REPORT - FINAL	MN

SITE INFORMATION:

CAYETANO

1472 GRAND AVE
FILLMORE, CA 93015
VENTURA COUNTY

SEAL

SHEET TITLE:

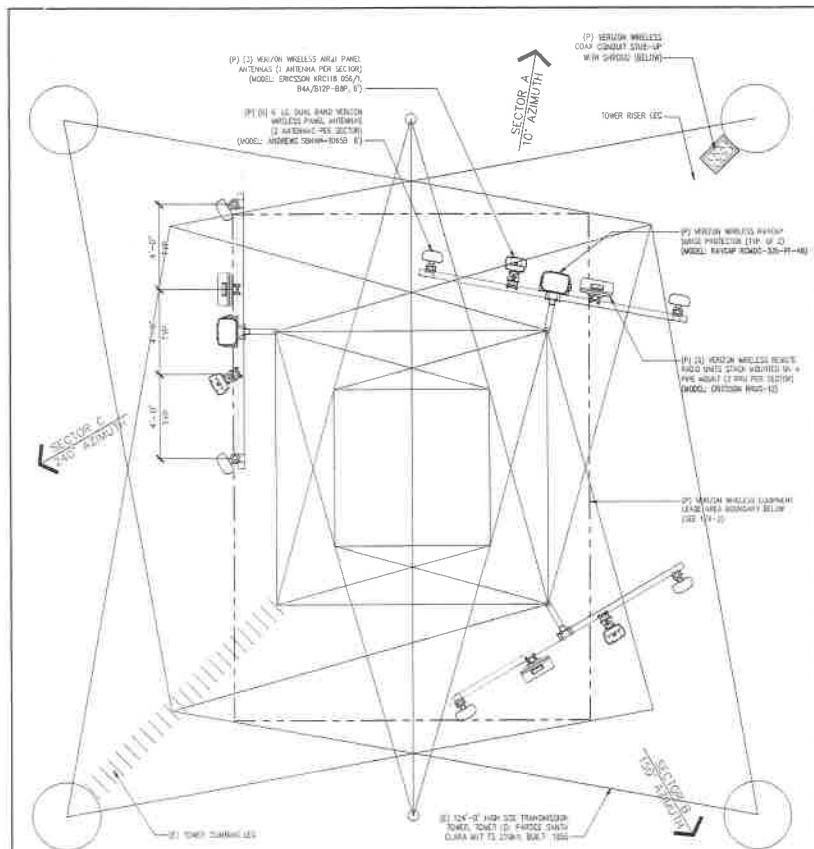
**TOPOGRAPHIC
SURVEY**

SHEET NUMBER:

C2

REV:

1



ANTENNA PLAN

SCALE 1/8"=1' 0" 6" 1" 2" 4"

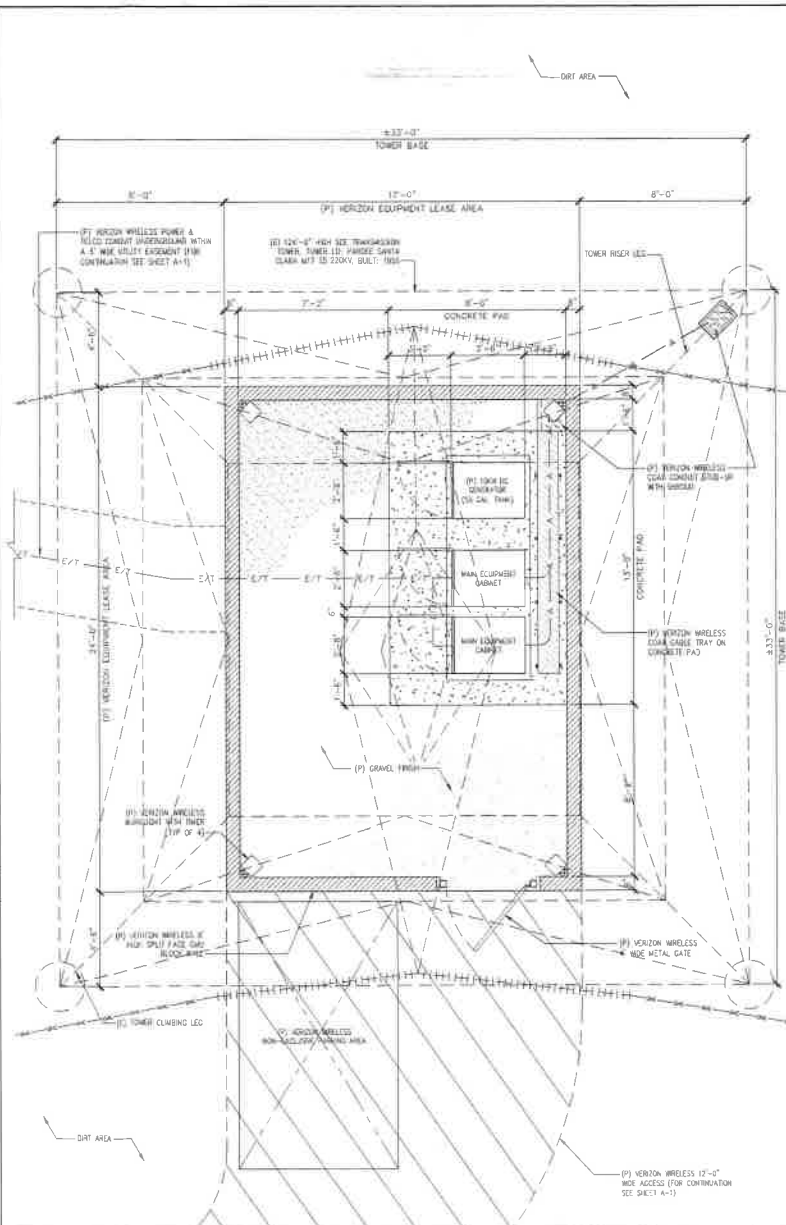
ANTENNA SECTOR	ANTENNA NUMBER	ANTENNA CENTERLINE	NUMBER OF PANEL ANTENNAS	ANTENNA TYPE & NUMBER	CABLE FIBER CABLE NUMBER	CABLE FIBER LENGTH	NUMBER OF RPLS	HYBRID FIBER CABLE	RAYCAP SURGE PROTECTOR	COMMENTS
SECTOR-A	10	40'	3	(2) 8' DUAL BAND (1) ARC2	#	50'	2			
SECTOR-B	130°	40'	3	(2) 8' DUAL BAND (1) ARC2	#	50'	2			
SECTOR-C	240°	40'	3	(2) 6 DUAL BAND (1) ARC2	#	50'	2			
WORKAREA ANTENNA										
OPS ANTENNA										

NOTE: CABLE LENGTH IS APPROXIMATE. CONTRACTOR TO FIELD VERIFY CABLE LENGTHS PRIOR TO ORDERING, FABRICATION, OR INSTALLATION OF CABLES.

- EXISTING SITE: RAYCAP SURGE PROTECTOR**
- ARC2 PANEL ANTENNAS: ERICSSON ARC 118 056/1 3/4" (10" B&P 6
 - DUAL POL. ANTENNAS: ANDREWS SBRH-10028 1/2
 - HYBRID FIBER CABLE: ERICSSON HYBRID-12
 - RAYCAP SURGE PROTECTOR: RAYCAP SMC-335-7V-40

- EXISTING CABLE PRODUCT SPECIFICATIONS**
- MANUFACTURER: COMSCORE
 - PRODUCT #
 - DIAMETER

ANTENNA & CABLE SCHEDULE



EQUIPMENT PLAN

SCALE 3/8"=1' 0" 6" 1" 2" 4"

15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR
IRVINE, CA 92618

PLANS PREPARED BY:

11400 CALIFORNIA AVENUE, SUITE 100, IRVINE, CA 92618
TEL: 949.440.0000 FAX: 949.440.0001

CONSULTING GROUP

NO.	DATE	DESCRIPTION	BY
A	11/25/14	PRELIMINARY 2D	ARC
O	01/06/15	REVISION 2D (INCORPORATED SGE COMMENTS)	ARC

SITE INFORMATION:

CAYETANO

1672 GRAND AVENUE
FILLMORE, CA 93015

VENTURA COUNTY

SHEET TITLE:

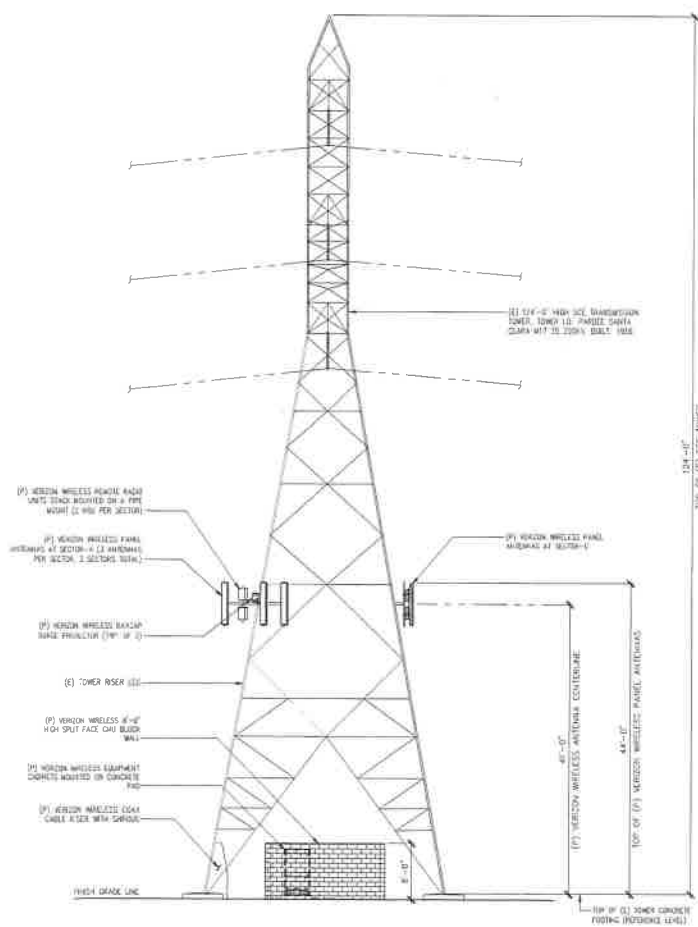
EQUIPMENT PLAN & ANTENNA PLAN

SHEET NUMBER:

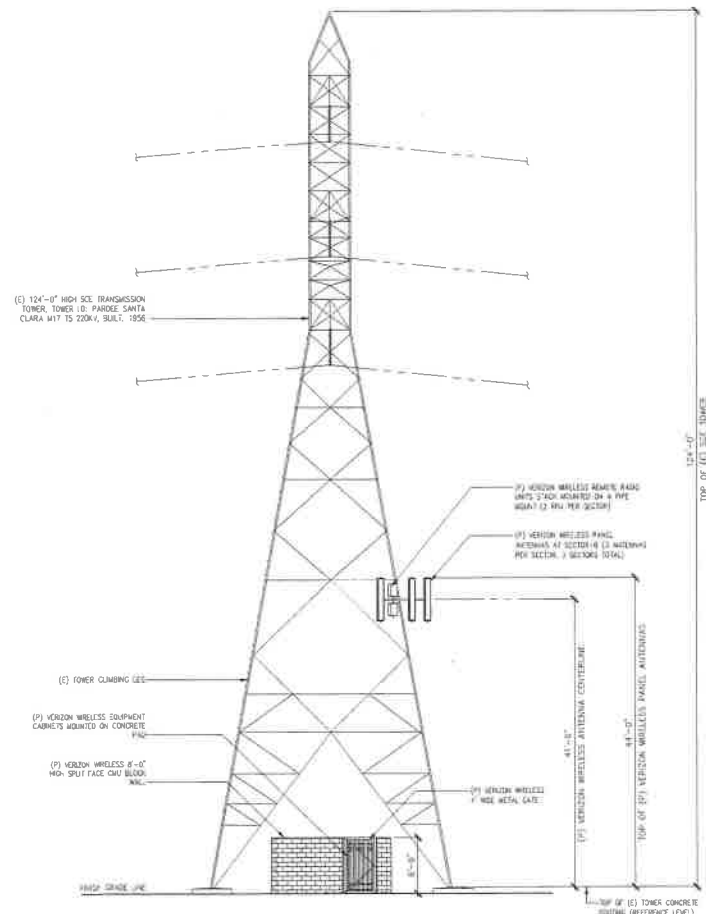
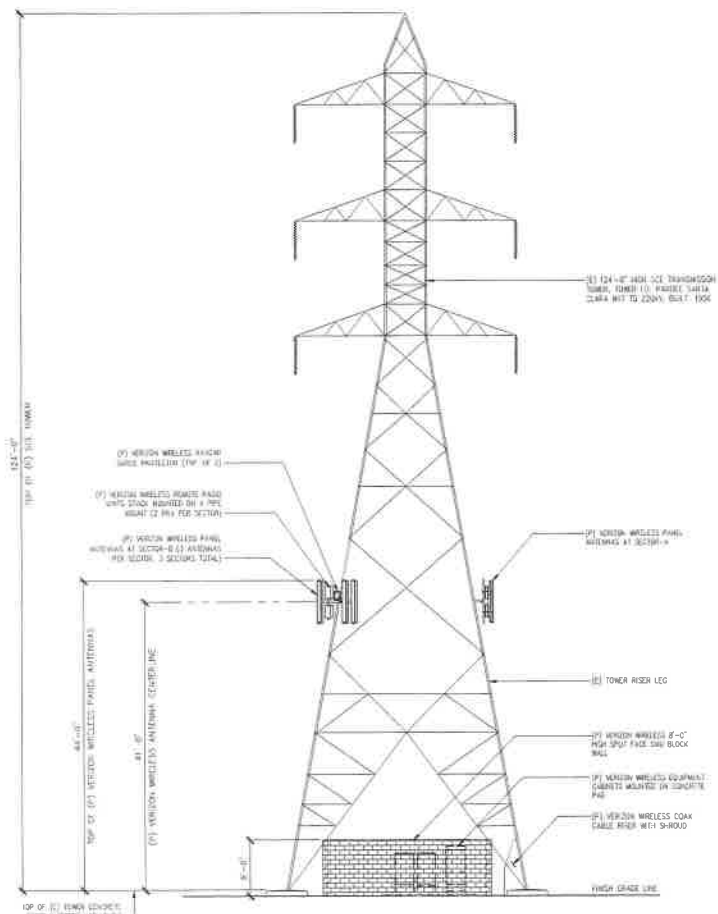
A-2

REV:

0



SHEET NUMBER:	REV:
A-3	0



15505 SAND CANYON AVENUE
BUILDING D, 1ST FLOOR
IRVINE, CA 92618

PLANS PREPARED BY: -



1745 W ORANGEWOOD AVE. STE 100 ORANGE, CA 92668
WWW.BIBUSA.COM PH. (714) 483-0123 FAX (714) 453-9672

CONSULTING GROUP

[illegible]

SITE INFORMATION:

CAYETANO

1672 GRAND AVENUE
FILLMORE, CA 93015

VENTURA COUNTY

SEAL

SHEET TITLE:

ARCHITECTURAL
ELEVATIONS

SHEET NUMBER: _____

A-4

—REV—

0



CAYETANO

1672 GRAND AVENUE, FILLMORE, CA 93015
VENTURA COUNTY

Prepared For:

RLS
RADIANT LAND SERVICES

1745 W. Orangewood Ave., Suite 103
Orange, California 92868
(714) 685-0123

AERIAL MAP

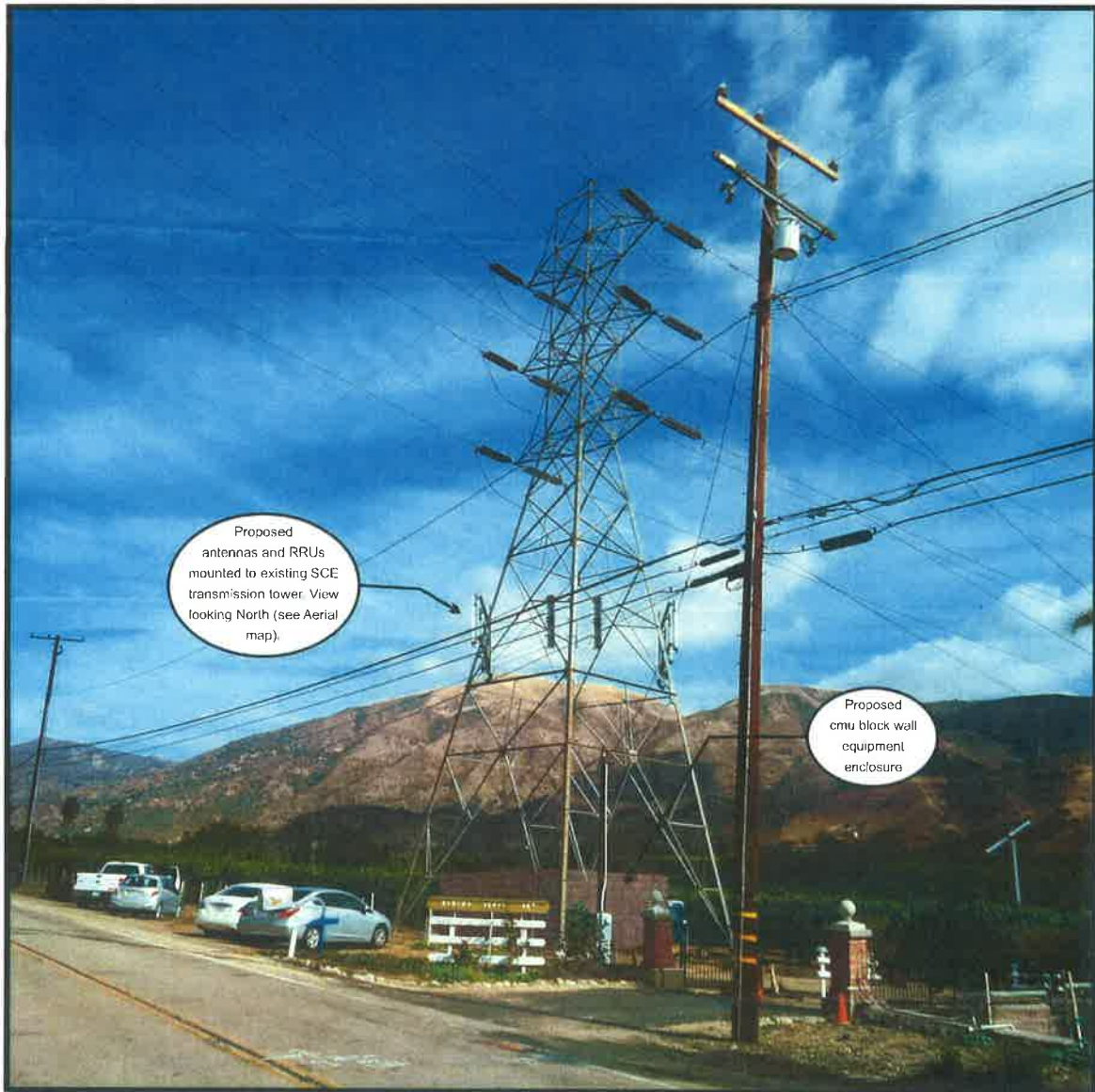


EXISTING



PROPOSED

VIEW 1



Accuracy of photo simulation based upon information provided by project applicant. The proposed installation is an artistic representation, and not intended to be an exact reproduction. The final installation will have cables, cable ports, and various attachments, such as antennas, masts, and bolts. Every effort will be made to engineer these components and they will not be readily apparent to the casual observer on post-visit. However, upon close scrutiny, the true nature of the installation will be apparent.



CAYETANO

1672 GRAND AVENUE, FILLMORE, CA 93015
VENTURA COUNTY

Prepared For:

RLS
RELIANT LAND SERVICES

1745 W. Orangewood Ave., Suite 103
Orange, California 92868
(714) 685-0123

AERIAL MAP

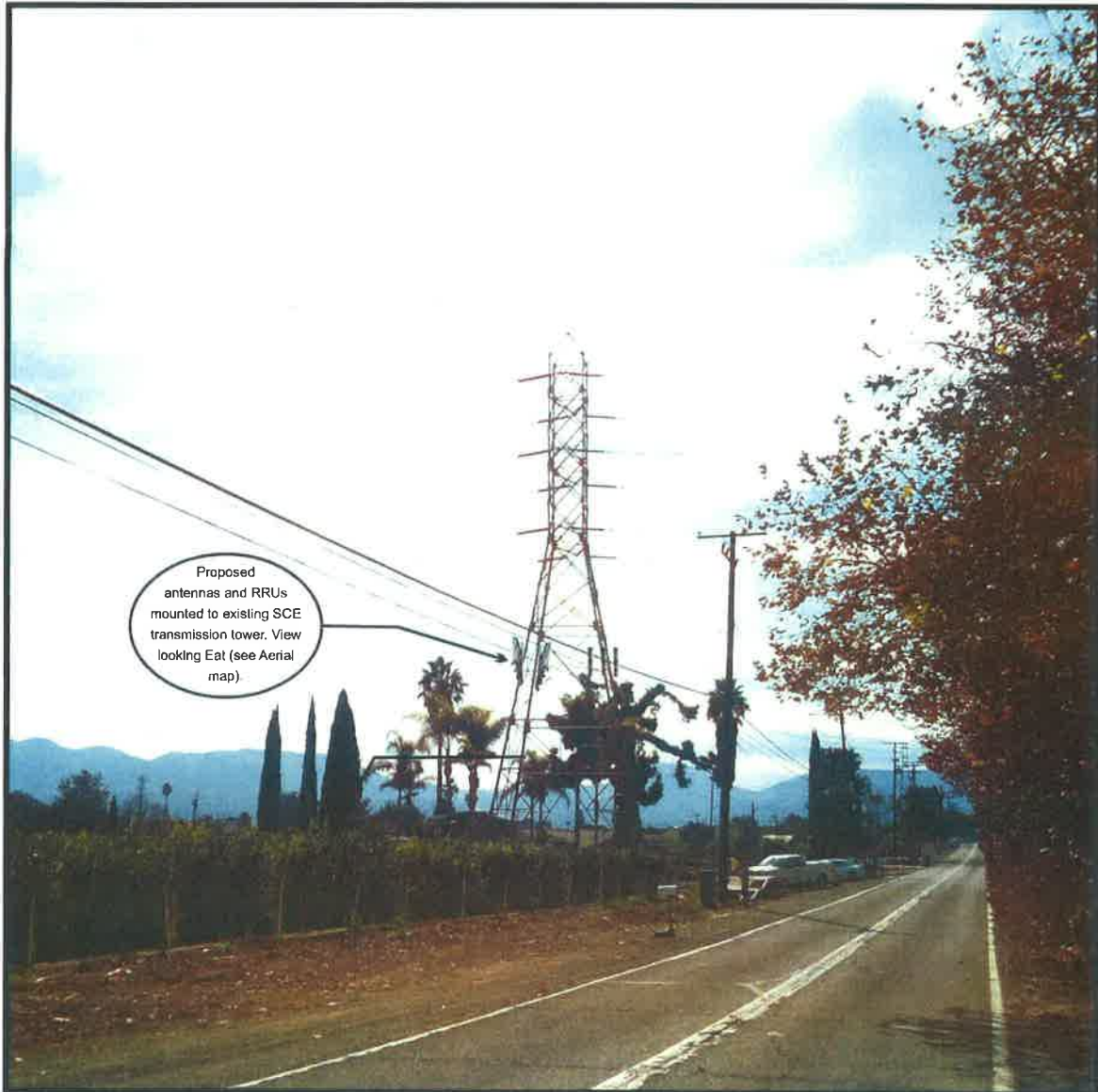


EXISTING



PROPOSED

VIEW 2



Accuracy of photo simulation based upon information provided by project applicant. The proposed installation is an artistic representation, and not intended to be an exact reproduction. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.



CAYETANO

1672 GRAND AVENUE, FILLMORE, CA 93015
VENTURA COUNTY

Prepared For:

RLS
RUIZ LAND MANAGEMENT

1745 W. Orangewood Ave., Suite 103
Orange, California 92868
(714) 685-0123

AERIAL MAP

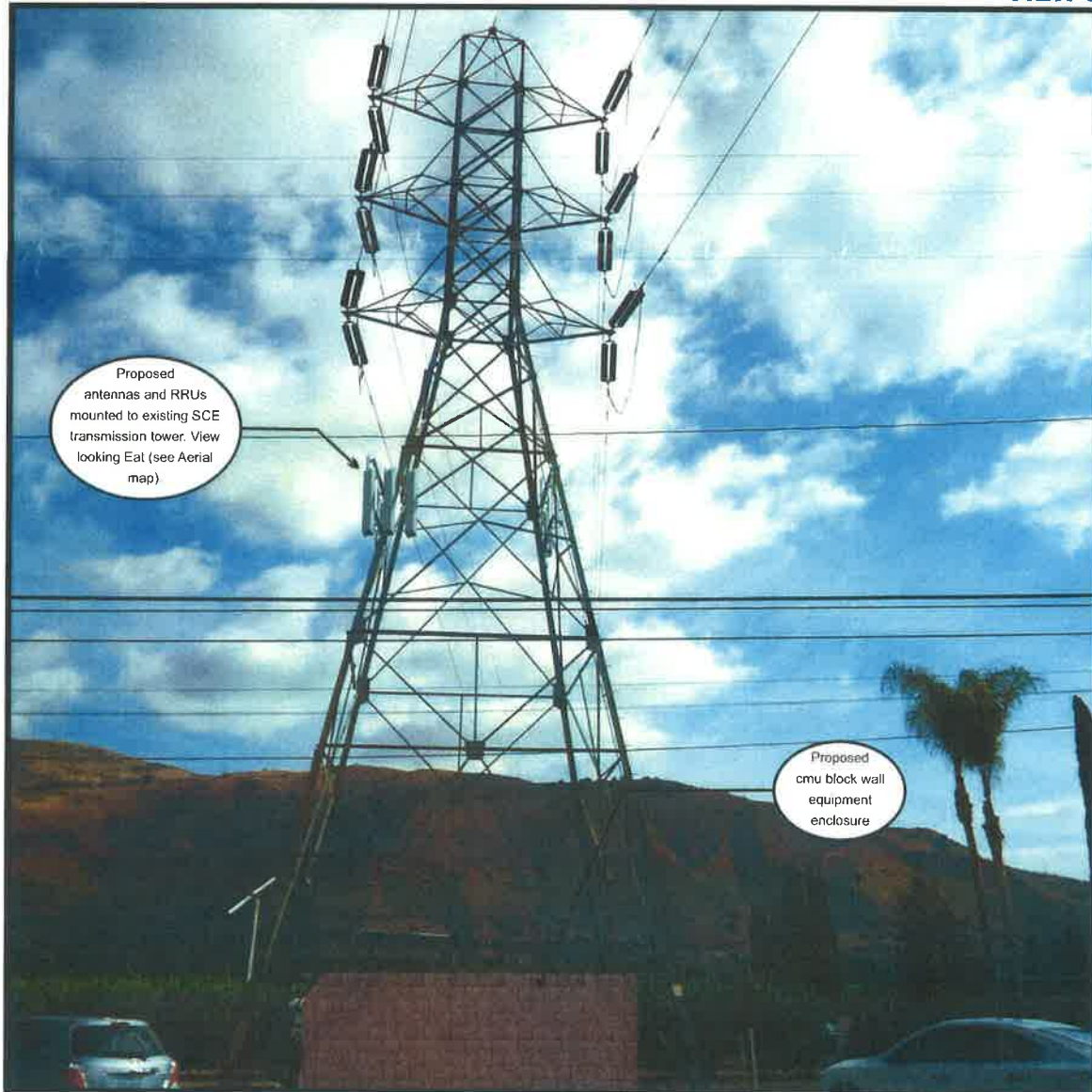


EXISTING



PROPOSED

VIEW 3



Accuracy of photo simulation based upon information provided by project applicant. The proposed installation is an artistic representation, and not intended to be an exact reproduction. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.

EXHIBIT 4- DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) NO. PL15-0020

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description

This CUP is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked exhibits 2 to 4, dated July 16, 2015, and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit. The project description is as follows:

This permit authorizes the installation and operation of a wireless communication facility on the existing 125-foot Southern California Edison (SCE) tower. The proposed project would include the installation and operation of the following equipment within the 408 square foot lease area:

- nine antennas and six RRU's at the 41-foot high level of the existing SCE tower. Specifically, three 6-foot tall panel antennas and two RRU's would be located at (3) three sectors on the existing SCE tower.
- two 11-square foot equipment shelters.
- one, 55-gallon fuel tank, and one 15KW DC Generator.
- three Hybrid fiber cables with Raycap surge protectors, power and telco cables.

The 17-foot by 24-foot lease area would be surrounded by an 8-foot tall CMU wall with a 4-foot wide wrought iron gate.

The unmanned facility does not require water to operate and will not generate waste. Access to the site is provided by Grand Ave. The site is presently developed with an existing single family residence and orange groves.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. 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. 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, the Permittee shall obtain a Grading Permit from the Public Works Agency.

Construction activities shall occur between 7:00 AM to 7:00 PM, Monday through Friday, and 9:00 AM to 7:00 PM, Saturday, Sunday, and local holidays.

4. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2011, Article 14) which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations. (PL-7)

5. Time Limits

a. Use inauguration:

- i. 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). This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the granting or approval of this CUP [*Ventura County Non-Coastal Zoning Ordinance* (2011, § 8111-4.7)]. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- ii. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on [insert CUP decision date plus 10 years]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to [expiration date]; and
2. The County decision-maker grants the requested modification.

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

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

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

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

Documentation: The Permittee shall provide this documentation to 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: 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 maintains the documentation provided by the Permittee in the respective project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

7. 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 present to the Planning Division copies of the conditions, upon the Planning Division's request.

Timing: Prior to issuance of a Zoning Clearance for use inauguration and until expiration of the CUP.

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

8. Recorded Notice of Land Use Entitlement

Purpose: 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: Recorded Notice of Land Use Entitlement.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration.

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

9. 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 9.b. Specifically, the Permittee shall bear the full costs of the following:
 - i. 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,
 - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2011, § 8114-3)*. 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 (which may include weekday and/or weekend 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: 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:

- i. 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 incurred for Condition Compliance review (Condition 9.a, above), monitoring and enforcement (Condition 9.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 - ii. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Condition 9.b, above) 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.

10. 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

10(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.

11. 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 CUP conditions or limitations. In the event the Planning Director determines that any condition contained herein is 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.

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

12. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for 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 County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

13. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

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

14. Contact Person

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

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

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

Timing: Prior to the issuance of a Zoning Clearance for construction, 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*.

15. 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 use as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- 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.

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 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.

17. 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). 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) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

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

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

18. 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). The proposed shelter shall be painted an earth tone color so as to blend in with the surrounding terrain. The antennas, remote radio units and raycaps shall be constructed of an anodized steel material to match the existing Edison tower; and

- 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,
- c. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. provide photos to the Planning Division to verify that the facility is constructed as approved.

Documentation: The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division. 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*.

19. Removal of Facility upon Abandonment of Use or Expiration of Permit

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

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

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

In the event that the Permittee fails to perform the required actions, the Property Owner shall be responsible for compliance with the requirements set forth in this condition.

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

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

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

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

20. Future Collocation of Wireless Telecommunication Facilities and Equipment

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

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

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

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

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

Monitoring and Reporting: Prior to the issuance of a Certificate of Occupancy, Building and Safety inspectors and Planning Division staff have the authority to inspect the facility to confirm that is constructed as approved. (PL-91)

Environmental Health Division

21. Hazardous Materials

Purpose: To comply with the California Health and Safety Code and Ventura County Ordinance Code to ensure the safe storage, handling, and disposal of any potentially hazardous material.

Requirement: The Permittee shall submit a business plan to the Environmental Health Division/Certified Unified Program Agency for the hazardous materials associated with the backup power supply.

Documentation: A completed business plan submitted to the Certified Unified Program Agency.

Timing: The business plan must be submitted and approved by the Certified Unified Program Agency prior to the storage of any hazardous material on site.

Monitoring and Reporting: A copy of the approved business plan shall be maintained by the Permittee as part of the project file. Ongoing compliance with the requirements shall be accomplished through field inspection by District Inspectors of the Certified Unified Program Agency.

22. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. (EHD 10)

Boero, Kristina

From: Kevin McSweeney <kevinm@ci.fillmore.ca.us>
Sent: Tuesday, March 17, 2015 11:31 AM
To: Boero, Kristina
Subject: City of Fillmore: Conditional Use Permit NO. PL15-0020

March 17, 2015

Kristina,

The City of Fillmore Planning Department received the notice for Conditional Use Permit No PL15-0020.

Thank you for the notice.

The Planning Department has no comments.

Kevin McSweeney,
Planning and Community Development Director