



Planning Director Staff Report – Hearing on April 28, 2016

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 that a modified Conditional Use Permit (CUP) be granted to authorize the on-going operation of existing wireless communication facility (WCF) for an additional 10-year period (Case No. PL15-0164).
2. **Applicant:** Diane Borchardt, SBA Steel, LLC., 8051 Congress Ave., Boca Raton, FL 33487
3. **Applicant's Representative:** Jacob Hamilton, Virtual Site Walk, 2215 SE 37th Ave, Portland, OR 97214
4. **Property Owner:** Joseph Rumley, CEO, Limoneira Company, 1141 Cummings Rd, Santa Paula, CA 93060
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-4 and §8111-1.2 et seq.) the Planning Director is the decision-maker for the requested modified CUP.
6. **Project Site Location and Parcel Numbers:** The project site is located at 1141 Cummings Rd, Santa Paula, 0.35 miles southwest of the intersection of Cummings Road and Foothill Road, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the property that comprises the project site are 090-0-010-06 and -09. The parcels combined are 398.12 acres in area (Exhibits 2 and 3).
7. **Project Description:** The applicant requests that a modification of CUP No. LU04-0109 be granted to authorize the on-going operation of existing wireless communication facility (WCF) for an additional 10-year period. No new construction or changes in the existing facility are proposed.

The existing facility that will continue to be used includes the following components:

- A 92-foot faux pine tree (mono-pine) antenna structure
- Fifteen panel antennas mounted on the mono-pine at 90 feet above the ground
- An 12-foot wide by 20-foot long by 10-foot tall equipment shelter

- A fenced 800 sq. ft. lease area

The facility would be unmanned and would not require water to operate. However, the facility would be subject to periodic maintenance. An existing paved road connected to Cummings Road would provide access to the project site. No native vegetation removal would be required. (Refer to Exhibits 4, 5, 6, 7 and 8.)

8. Project Site Land Use and Zoning Designations:

- a. Countywide General Plan Land Use Map Designation: The proposed project has a General Plan land use designation of Agriculture. The project parcel is not subject to an adopted area plan (Exhibit 3).
- b. Zoning Designation: The proposed project has a zoning designation of AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size) (Exhibit 3).

9. Adjacent Zoning and Land Uses/Development:

Location in Relation to the Project Site	Zoning	Land Uses/Development
North - South	AE-40 ac	Agriculture
East - West	AE- 40 ac	Agriculture

The project site is surrounded by land used for agriculture. The City of Santa Paula is located approximately 1.85 miles to the east of the site.

- 10. History:** The site has historically been and is currently used as a citrus packing and processing complex with an office and farm worker housing.

On October 24, 2005, the Planning Director granted CUP LU04-0109 to authorize the construction and operation of the existing wireless communications facility for a period of 10 years. The Planning Director also determined the project was categorically exempt for CEQA review under Section 15303, Class 3 (New Construction of Small Structures).

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 Secretary for Resources has found that certain classes of projects are exempt from CEQA that do not have a significant effect on the environment, and these projects are declared to be categorically exempt from the requirement for the

preparation of environmental documents. Given that the project involves the continued use of existing facilities involving no expansion of the use beyond that which is currently existing at the time of lead agency's determination, it can be found Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15301 (existing facilities). Section 15301 exempts projects that consist of permitting existing facilities, structures and equipment. Staff recommends that the decision-maker find the project to be exempt from environmental review pursuant to this CEQA Guidelines section.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (April 6, 2010, Edition, 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 Non-Coastal Zoning Ordinance (§8111-1.2.1.1.a) states that in order for a Conditional Use Permit to be granted, the proposed project must be found consistent with all applicable policies of the Ventura County General Plan.

Evaluated below is the consistency of the project with the applicable policies of the General Plan.

- 1. 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) for the project, 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 will be consistent with Policy 1.1.2-1.

- 2. Resources Policy 1.1.2-2:** *Except as otherwise covered by a more restrictive policy within the Resources Chapter, significant adverse impacts on resources identified in environmental assessments and reports shall be mitigated to less than significant levels or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.*

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. No significant adverse environmental impacts have been identified for the proposed project.

Based on the above discussion, the proposed project will be consistent with Resources Policy 1.1.2-2.

3. **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.*

Implementation of the proposed project would not 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. No new effects on biological resources would occur with implementation of the proposed project.

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

4. **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.

5. **Fire Hazard 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. According to the VCFPD, the existing water supply and access is adequate for fire protection.

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

6. Hazardous Materials 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.*

Implementation of Environmental Health Division conditions of approval (Exhibit 9, Condition Nos 19 and 20) will ensure that in the event hazardous materials/wastes are generated or utilized, the proposed project will be in compliance with state regulations regarding the storage, handling, and disposal of any potentially hazardous materials or waste.

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

7. Scenic Resources Policy 1.7.2-2: *Scenic Resource Areas, which are depicted on the Resource Protection Map (Figure 1), shall be subject to the Scenic Resource Protection (SRP) Overlay Zone provisions and standards set forth in the Non-Coastal Zoning Ordinance, which include the following:*

- (1) *Any request for grading, structures or vegetation removal per the standards of the SRP Overlay Zone shall be evaluated through a discretionary permit.*
- (2) *Removal, damaging or destruction of protected trees shall be in compliance with the County's "Tree Protection Regulations" of the Non-Coastal Zoning Ordinance.*
- (3) *All discretionary development shall be sited and designed to:*
 - a. Prevent significant degradation of the scenic view or vista;*
 - b. Minimize alteration of the natural topography, physical features and vegetation;*
 - c. Utilize native plants indigenous to the area for re-vegetation, whenever possible;*
 - d. Avoid silhouetting of structures on ridge tops that are within public view.*
 - e. Use colors and materials that are designed to blend in with the natural surroundings.*
 - f. Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas*

The proposed project is allowed in the AE-40 ac zone district with the granting of a Conditional Use Permit. Upon the granting of the requested modified CUP, the Permittee would be in compliance with this requirement.

The existing location of the WCF, off of Cummings Road, was chosen because it is located approximately ¼ mile from the nearest public road. It is completely surrounded by trees, orchards and manmade structures. It is back dropped by a live pine tree of similar height, blending it to the surrounding area. The existing

WCF is not located on a ridgeline, is not used solely for public safety and is not prominently visible from a public viewpoint. No new construction or removal of trees is proposed and there are no changes in the current public views of the facility.

Based on the above discussion, the proposed project will be consistent with Policy 1.7.2-2

D. ZONING COMPLIANCE

The proposed project is subject to the requirements of the Ventura County Non-Coastal Zoning Ordinance.

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (Sec. 8105-4 and Sec. 8111-6.1.2), the proposed project is allowed in the AE-40 ac zone district with the granting of a Conditional Use Permit. Upon the granting of the requested modified CUP, the Permittee would be in compliance with this requirement.

The proposed project includes the continued use of an existing WCF that is subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance (Sec. 8106-1.1 and 8107-45). As described in Table 2 (below), the proposed project is consistent with the development standards of the AE-40 ac zone.

Table 2 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	In Conformance?
Minimum Lot Area (Gross)	40 acres	Yes
Maximum sq. ft. of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	35 feet or as specified by permit	Yes
Maximum Antenna Height	80 feet or as per Permit	No. However, the WCF non-conforming (Sec. 8107-45.13) and can be permitted for one additional 10-year period

Table 2 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	In Conformance?
		pursuant to Section 8107-45.13.2 of the NCZO.

1. The proposed wireless facility is considered a non-conforming WCF. Section 8107-45.13 – Nonconforming Wireless Communication Facilities states the following:

Any wireless communication facility rendered nonconforming solely by the enactment or subsequent amendment of the development standards stated in Sec. 8107-45.4 shall be considered a legal nonconforming wireless communication facility subject to the following provisions.

On March 24, 2015, a new Wireless Communications Facility ordinance was approved by the County Board of Supervisors (NCZO Sec. 8107-45). The enactment of new WCF ordinance rendered the existing WCF non-conforming because the height of the existing 90-foot tall faux mono-pine exceeds the new maximum height of 80-feet for Stealth facilities. The elevation of the highest antenna on the faux pine tree is 88 feet.

Therefore, the proposed project is designed in conformance with the required provisions of Sec. 8107-45.13.

2. Section 8107-45.13.1 – Modifications to Nonconforming Wireless Communication Facilities states the following:

If a modification, other than a permit time extension, is proposed to a legal nonconforming wireless communication facility, the modification may be authorized through a permit modification processed pursuant to Sec. 8107-45.10 provided that both of the following apply:

- a. *The modification itself conforms to current development standards in Sec. 8107-45.4; and*
- b. *The modification can be processed with a Zoning Clearance (see Sec. 8107-45.10.1), Permit Adjustment (see Sec. 8107-45.10.2) or Minor Modification (see Sec. 8111-6.1.2).*

The proposed facility will be in conformance with the current development standards of Sec. 8107-45.4 and is being processed as a Minor Modification of CUP LU04-0109.

Therefore, the proposed project is designed in conformance with the required provisions of Sec. 8107-45.13-1.

3. Sec. 8107-45.13.2 – Permit Time Extension for Nonconforming Wireless Communication Facilities

An existing permit for a legal, nonconforming wireless communication facility may be granted a one-time time extension not to exceed ten (10) years. The request must qualify for and shall be processed as a Minor Modification pursuant to Sec. 8111-6.1.2, and all of the following must apply:

- a. The facility was operated and maintained in compliance with applicable County regulations;*
- b. The facility height (Sec. 8107-45.4(f)) and setbacks (Sec. 8107-45.4(g)) are within a 10 percent deviation from current standards; and*
- c. The facility is stealth when required by Sec. 8107-45.4.*

The existing facility (LU04-0109) has been operated and maintained in compliance with all applicable County regulations, the antenna height (88-feet) is within a 10 percent deviation from current standards (80-feet) and is considered stealth (a faux tree-mono-pine).

Therefore, the proposed project is designed in conformance with the required provisions of Sec. 8107-45.13-2.

E. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant the requested permit pursuant to Section 8111-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance. The ability of the decision-maker to make these 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 communications facility on the subject property. No changes or new construction is proposed. The communications facility is located adjacent to an existing produce packing facility and mature trees surrounded by existing agricultural uses (orchards). The facility would continue to be visually compatible with the surrounding uses. The project does not involve a change from the existing condition. Thus, the proposed development would be in character with the 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].

As discussed in Finding 2 above, the proposed project involves the continued use of an existing communications facility on the subject property. No adverse effect on neighboring properties or ongoing uses has been identified that would result from the proposed project. Implementation of conditions of approval (Exhibit 9, Condition No's 1, 4, 8, 13, 14, 15, 17, 18, 19, 20, 21, and 22) will ensure the compatibility of the project with the ongoing agricultural uses in the vicinity.

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].

No adverse effect of the proposed project on the environment or public health and safety has been identified. The project would not involve any adverse effects on adjacent properties.

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 WCF located in a remote, agricultural area. No adverse effect on the surrounding agricultural or undeveloped open space uses have been identified. Given the location and the use of the area, a change in land use is not reasonably foreseeable at this time. Implementation of conditions of approval (Exhibit 9, Condition No's. 1, 4, 8, 13, 14, 15, 17, 18, 19, 20, 21, and 22) will ensure the compatibility of the project with the ongoing and future agricultural and open space uses in the vicinity.

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

6. The proposed development will occur on a legal lot [Sections 8101-3.4 and 8111-1.2.1.1f].

According to a preliminary legal lot determination dated July 8, 1997, assessor parcel numbers 090-0-010-065 and 090-0-010-095, combined, constitute one legal lot created by conveyance (deed recorded April 3, 1893, in Book 38, Page 397 of Deeds), prior to regulation by the State Subdivision Map Act or Ventura County Subdivision Ordinance.

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

Wireless Communication Facilities (WCF) Additional Findings and Supporting Evidence (VCNCZO, Section 8107-45):

7. *Partial and Full-Concealment Requirements: To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building-concealed facility.*

The maximum allowable height for a stealth WCF (faux tree) is 80-feet tall. Since the existing WCF includes a 90-foot mono-pine, it is considered a legal non-conforming stealth facility. The existing WCF is not located on a ridgeline, is not used solely for public safety and is not prominently visible from a public viewpoint and would not be *visible from a public viewpoint following a Section 6409(a) Modification* because of the following criteria:

- a) Staff reviewed Propagation Maps provided by the applicant for the original approved CUP (LU04-0109) which showed coverage at 88-feet, 75-feet and 60-feet and concluded that the minimum height required for adequate service, coverage, and capacity area could not be achieved with one or more stealth facilities lower than 88-feet. The additional height is needed because the WCF is located behind multiple existing tree lines in the Santa Clara Valley and would be serving the entire valley floor, connected to neighboring cell sites in east Ventura, and Santa Paula. Based on the geographic surroundings and existing coverage area, the applicant still requires the mono-pine to be 90-feet tall (88-foot antenna height plus 2-feet of screening.)
- b) The existing location of the WCF, off of Cummings Road, was chosen because it is located approximately ¼ mile from the nearest public road. It is completely surrounded by trees, orchards and manmade structures. It is back dropped by a live pine tree of similar height, blending it to the surrounding area.
- c) Limoneira agreed to have the WCF on their property where it would be close to existing utilities and would provide them with coverage throughout the

valley. In addition, the site did not require the removal of any trees, agriculture, or other uses necessary to agricultural operations.

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

8. Making Wireless Communication Facilities Compatible with the Existing Setting:

To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:

- a) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and*
- b) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting.*

As discussed in Finding 7 above, the existing WCF (90-foot mono-pine) is not located on a ridgeline, is not used solely for public safety and is not prominently visible from a public viewpoint. It is completely surrounded by trees, orchards and manmade structures. It is back dropped by a live pine tree of similar height, blending it to the surrounding area.

The propagation maps submitted by the applicant for the original approved CUP (LU04-0109) show coverage at 90-feet, 75-feet and 60-feet. These maps show the minimum height required for adequate service, coverage, and capacity area could not be achieved with one or more stealth facilities lower than 90-feet. The additional height is needed because the WCF is located behind multiple existing tree lines in the Santa Clara Valley, is serving the entire valley floor, and is connected to neighboring cell sites in east Ventura, and Santa Paula. Based on the geographic surroundings and existing coverage area, the applicant still requires the mono-pine to be 90-feet tall.

Therefore, the greater height results in the same environmental impacts when compared to the standard applicable height limits. In addition, the applicant demonstrated that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities.

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

9. Faux Trees:

- a) *Shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible.*
- b) *Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the faux tree’s height within five (5) years.*
- c) *Shall not exceed the maximum height limits established for faux trees stated in Sec. 8107-45.4(f)(4)(b).*
- d) *Shall include antennas and antenna support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.*

The existing WCF faux pine tree contains a sufficient amount of “architectural branches (density and height) so that the structure looks as natural in appearance as technically feasible. Also, it is the same type of tree that is compatible (pine tree) with existing mature trees in the surrounding area.

As stated in Section D.1 above, the existing faux pine tree exceeds the maximum height limit established for faux trees (Sec. 8107-45(f)(4)(b). However, the faux pine tree is allowed because the WCF is considered legal non-conforming (NCZO, 2015, Sec. 8107-45.13). The existing antennas and antenna support structures are painted to match existing branches and leaves of the faux mono-pine.

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

10. Accessory Equipment: *All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.*

The accessory equipment associated with the operation of the existing WCF is located behind the Limoneira packing plant, amongst existing orchards and tall trees to prevent the facility from being prominently visible from a public viewpoint.

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

- 11. Colors and Materials:** *All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.*

The existing faux mono-pine and accessory equipment associated with the operation of the WCF are painted with colors and materials that blend with the existing man-made surroundings and landscaping (tall trees).

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

- 12. Noise:** *All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.*

The existing WCF will continue to be operated and maintained in compliance with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs, (2015).

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

- 13. Security:**

- (1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.*
- (2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened*

The existing WCF is enclosed with a 3-foot high block wall topped with 5-foot high chain link fencing and an interior 4-foot high solid, wood-slatted security fence.

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

- 14. Lighting:**

- a) No facility may be illuminated unless specifically required by the FAA or other government agency.*

- b) *Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.*

The WCF has one security light adjacent to the entrance door of the equipment shelter. It is covered and shielded down to control glare and minimize light levels. There are no properties adjacent to the equipment building (Exhibit 10).

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

15. **Signage:** *A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.*

An approved permanent, weather-proof identification sign is located on the chain link, wood slated gate at the perimeter WCF (Exhibit 11).

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

16. **Access Roads:**

- (1) *Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.*
- (2) *Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.*

The existing WCF is accessed by an existing on-site private access road.

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

Since the project is located within the Agricultural Exclusive (AE) Zone, the following additional findings must be made (VCNCZO Section 8111-1.2.1.2):

17. **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 project involves the continued operation of an existing communications facility. This existing wireless facility involves no new construction or changes and would not interfere with the existing agricultural uses in the project area. Thus, the project 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.

- 18. 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 project involves the continued operation of an existing communications facility. This existing wireless facility involves no new construction or changes and would not interfere with the existing agricultural uses in the project area. Thus, the project would not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations on the project site or in the area.

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

- 19. 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 continuation of an existing wireless communication facility that would utilize approximately 800 sq. ft. of 398 acres of agriculturally-zoned parcels (parcels 090-0-010-065 and 090-0-010-095, combined, constitute one legal lot). The existing agricultural facility would not be affected by, or hinder, the adjacent agricultural operations. The project would not involve the removal of land from agricultural production or cause a loss of topsoil.

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

F. PLANNING DIRECTOR HEARING NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§65091), Ventura County Non-Coastal Zoning Ordinance (§8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the subject project site and the City of Santa Paula. In addition, a legal ad in the Ventura County Star was published. As of the date of this document, no comments had been received.

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 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 conditional use permit in accordance with Sections 8107-45, 8111-1.2.1.1 and 8111-1.2.1.2 of the Ventura County NCZO, based on the substantial evidence presented in Sections D and E of this staff report and the entire record;
4. **GRANT** Conditional Use Permit No. PL15-0164, subject to the conditions of approval (Exhibit 9); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

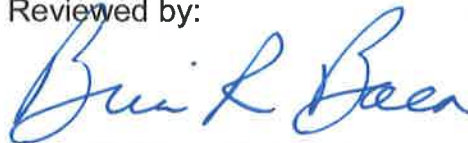
If you have any questions concerning the information presented above, please contact Becky Linder at (805) 654-2469 or becky.linder@ventura.org.

Prepared by:



Becky Linder, Case Planner
Commercial and Industrial Permits

Reviewed by:



Brian R. Baca, Manager
Commercial and Industrial Permits

EXHIBITS

- | | | |
|---------|---|---|
| Exhibit | 2 | Location Map |
| Exhibit | 3 | General Plan and Zoning Designation Map |
| Exhibit | 4 | Site Plan for PL15-0164 |
| Exhibit | 5 | Enlarged Site Plan for PL15-0164 |

- Exhibit 6 Equipment and Antenna Layout for PL15-0164
- Exhibit 7 Elevations for PL15-0164
- Exhibit 8 Equipment Details for PL15-0164
- Exhibit 9 Conditions of Approval for PL15-0164
- Exhibit 10 Photograph of for Exterior Light PL15-0164
- Exhibit 11 Photograph of Identification Sign for PL15-0164



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 03-15-2016

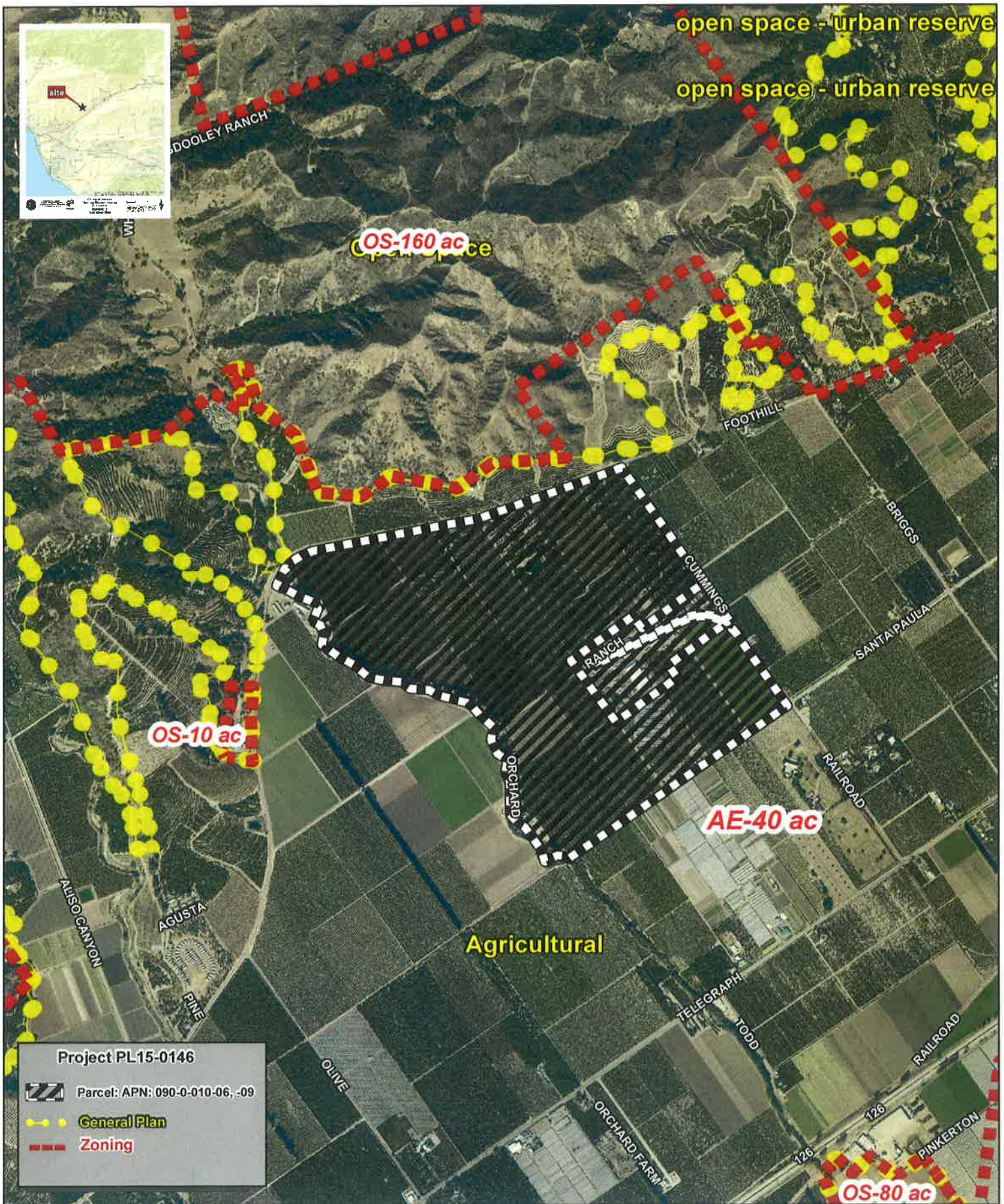


County of Ventura
Planning Director Hearing
PL15-0164
Exhibit: 2
Location Map

0 8,000 16,000 Feet

Disclaimer: The Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.





Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 03-15-2016
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Source: Pictometry, Jan. 2015



County of Ventura
Planning Director Hearing
PL15-0146
Exhibit 3
General Plan & Zoning Map

19

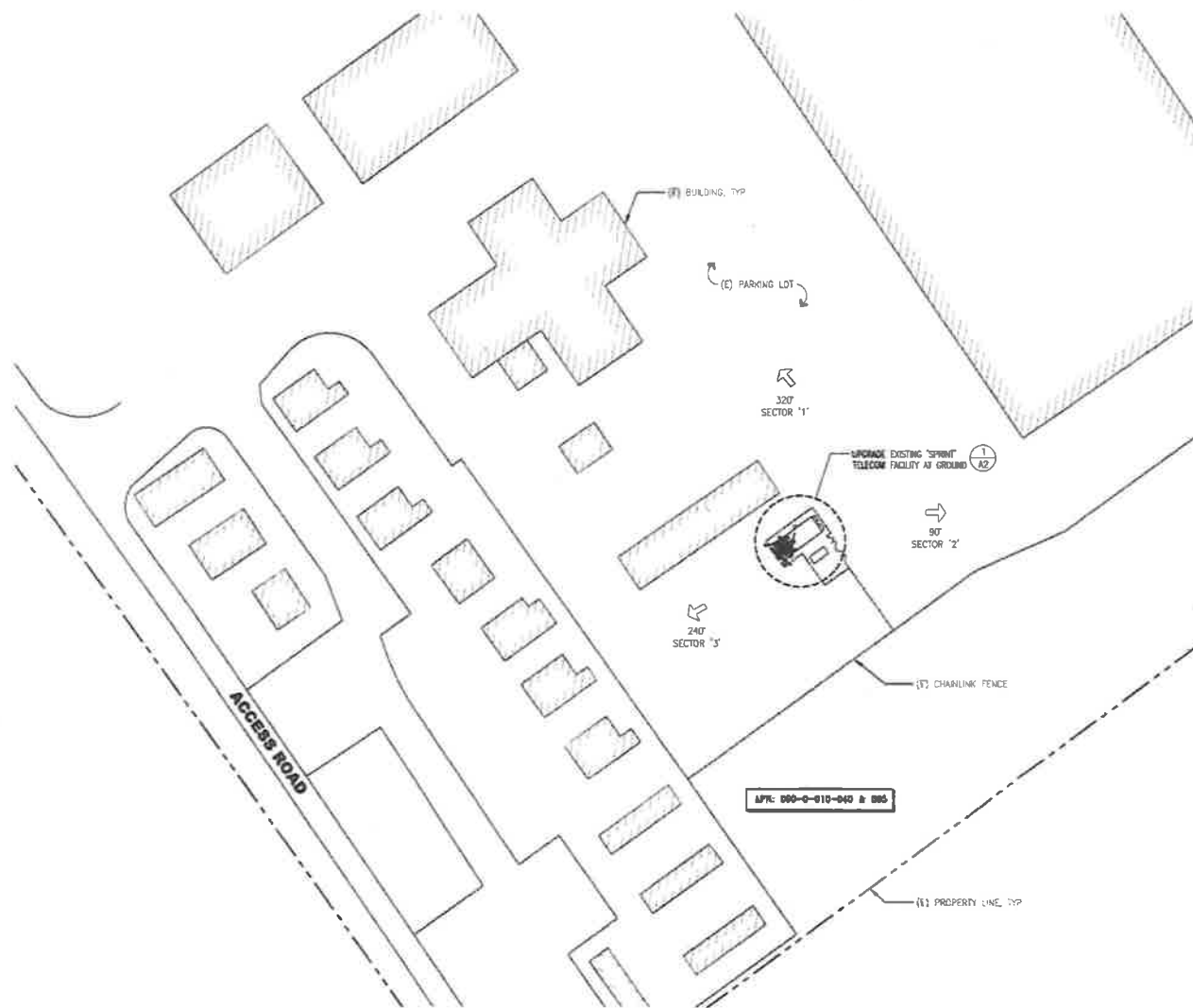
0 800 1,600 Feet

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.



RH

SITE PLAN



Sprint

310 COMMERCIAL SUITE 250
IRVINE, CA 92612
PHONE: (949) 871-4242

PLANS PROVIDED BY:
DCI PACIFIC
A/E/C WORKS

ARCHITECTURE | ENGINEERING | CONSTRUCTION
3000 BUCKLE UP DRIVE | SUITE 110
IRVINE | CA 92614 | 949-426-1000

SBA

SBA COMMUNICATIONS CORPORATION
5700 Redwood Street, Suite 200, FL 33407-2777
Phone: (888) 487-7483 Fax: (888) 255-3572



PROVISION	DESCRIPTION	DATE	BY	Δ
001	PRELIM CC	02/18/14	MT	B
002	PRELIM ED	03/11/14	MT	S

BRIGGS ROAD

VR73XC917

**1141 CUMMINGS ROAD
SANTA PAULA, CA 93060**

SITE PLAN

A1

Sprint 

JID EDWARDS, SUITE 250
IRVINE, CA 92612
PHONE (714) 617-6342

PLANS PREPARED BY
DCI PACIFIC
A/E/C WORKS
ARCHITECTURE | ENGINEERING | CONSULTING
22 BUSINESS PARK | SUITE 110
MILWAUKEE | CA 53214 | 919-479-1000

SBA COMMUNICATIONS CORPORATION
5700 Ardmore Served Parkway Boca Raton, FL 33467-0707
Phone (904) 261-7467 Fax (904) 226-1672

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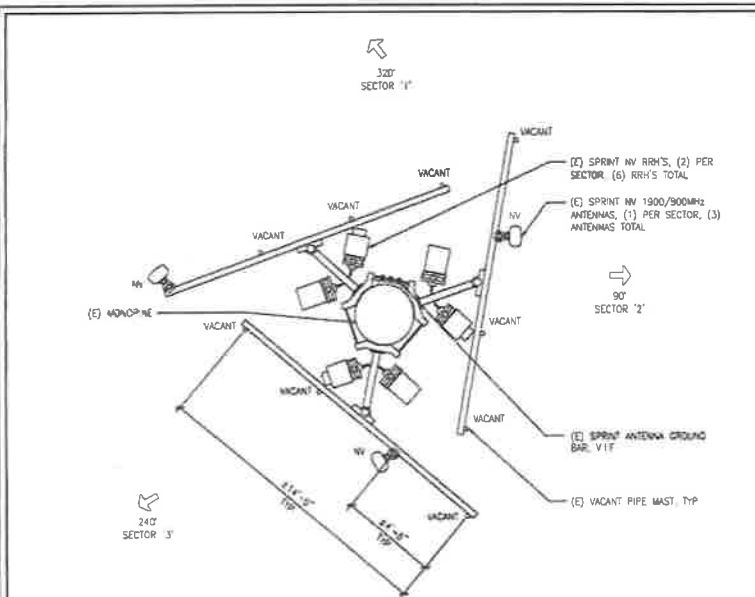
BRIGGS ROAD

VR73XC917

1141 CUMMINGS ROAD
SANTA PAULA, CA 93060

ENLARGED SITE PLAN

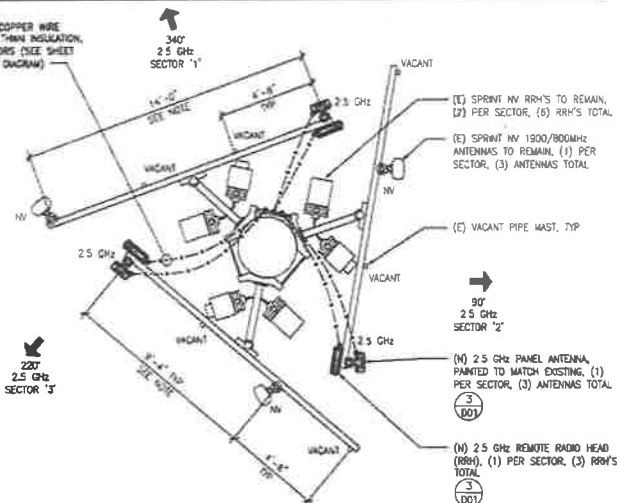
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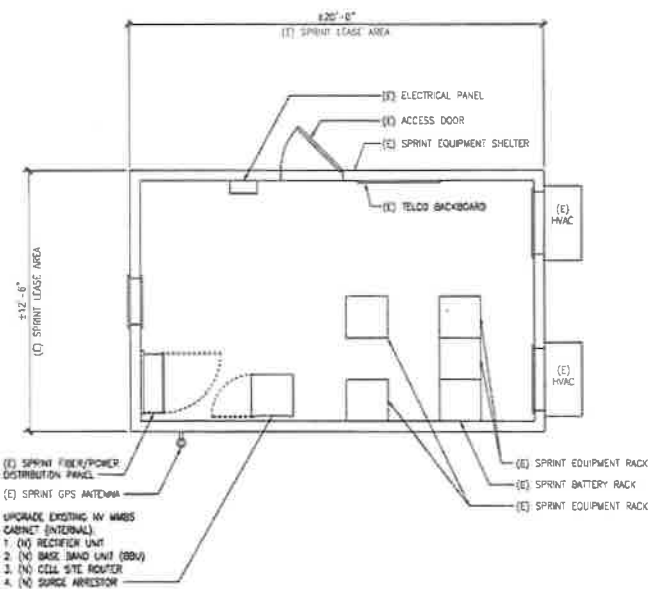
(E) ANTENNA LAYOUT PLAN

- NOTE:
1. THE ANTENNA EDGE DISTANCE BETWEEN A 2.5 GHz ANTENNA AND 1.9 GHz ANTENNA IS LESS THAN OR EQUAL TO 18".
 2. THE ANTENNA EDGE DISTANCE BETWEEN A 2.5 GHz ANTENNA AND 800 MHz ANTENNA IS LESS THAN OR EQUAL TO 30".
 3. THE ANTENNA EDGE DISTANCE BETWEEN A 1.9 GHz AND 800 MHz ANTENNA IS LESS THAN OR EQUAL TO 18".
 4. THE ANTENNA EDGE DISTANCE BETWEEN A 2.5 GHz ANTENNA AND DUAL BAND 1.9 GHz AND 800 MHz ANTENNA IS LESS THAN OR EQUAL TO 30".

#6 AWG STRANDED COPPER WIRE WITH GREEN, 600V, 7MM INSULATION, TYP FOR ALL SECTIONS (SEE SHEET E2 FOR GROUNDING DIAGRAM)



(N) ANTENNA LAYOUT PLAN



EQUIPMENT LAYOUT PLAN

Sprint

310 CUMMINGS DRIVE, SUITE 200
SANTA PAULA, CA 93050
PHONE: (714) 811-4348

DCI PACIFIC
A/E/C WORKS

ARCHITECTURE | ENGINEERING | CONSTRUCTION
2000 Wilshire Blvd., Suite 2000, Los Angeles, CA 90061
Phone: (415) 407-1481 Fax: (415) 231-1072

SBA

SBA COMMUNICATIONS CORPORATION
2000 Wilshire Blvd., Suite 2000, Los Angeles, CA 90061
Phone: (415) 407-1481 Fax: (415) 231-1072

MOVIE LENSE



REVISION	DESCRIPTION	DATE	BY	Δ
REV. 001	ISSUE	01/10/10	MT	1
REV. 002	ISSUE	01/10/10	MT	1

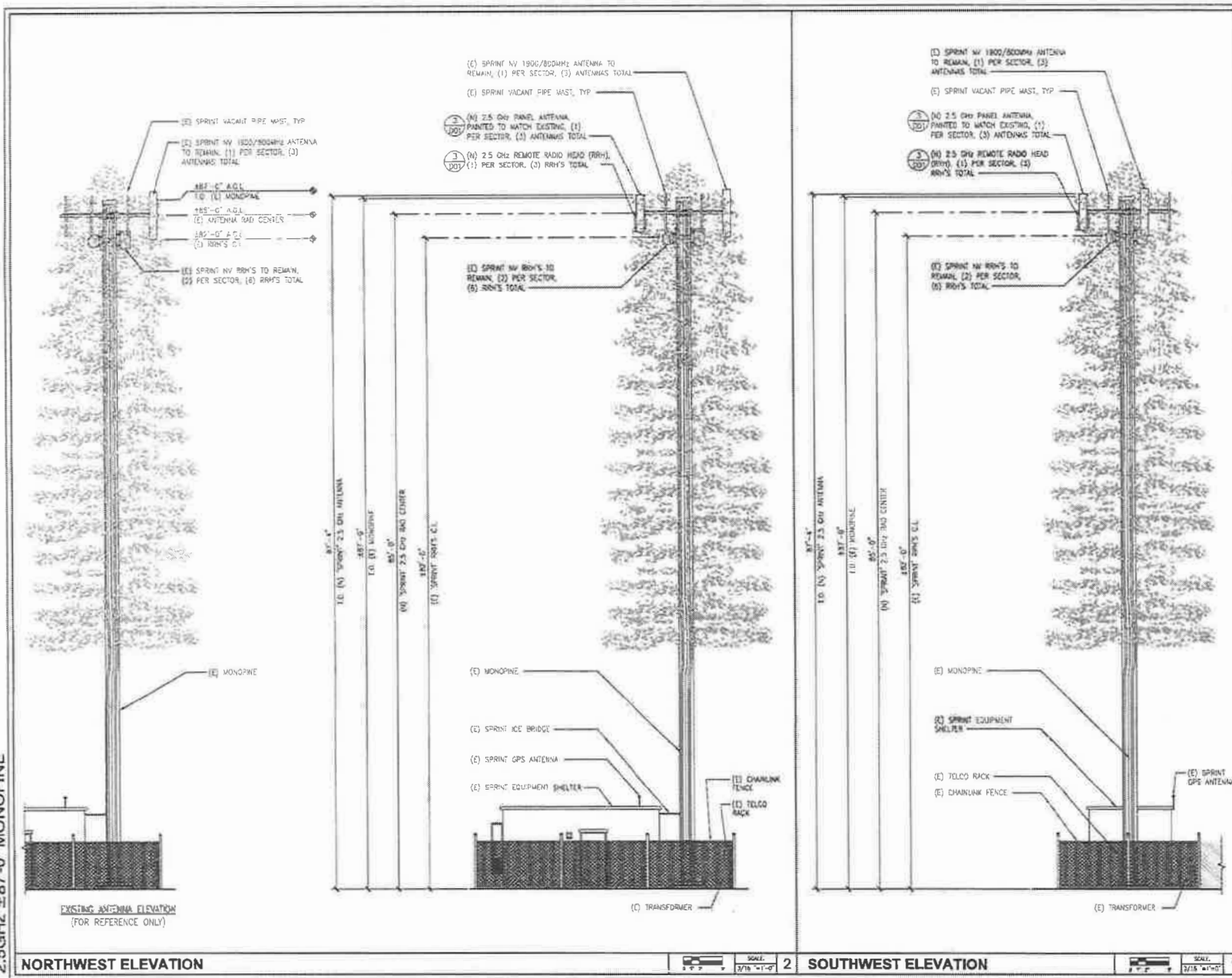
BRIGGS ROAD

VR73XC917

1141 CUMMINGS ROAD
SANTA PAULA, CA 93050

EQUIPMENT AND ANTENNA
LAYOUT PLANS

A3



Sprint

THE COMMERCIAL, SPRINT
WIRELESS, LP, INC.
MOBILE (714) 817-1345

PLANS PROVIDED BY:

DCI PACIFIC
A/E/C WORKSARCHITECTURAL & ENGINEERING CONSULTING
10000 SOUTHWEST PARKWAY, SUITE 100, SANTA ANA, CA 92705
PHONE (714) 817-1345

SBA

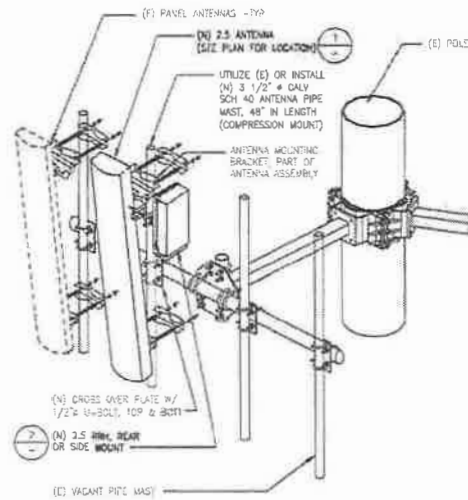
SBA COMMUNICATIONS CORPORATION
7000 SOUTHWEST PARKWAY, SUITE 100, SANTA ANA, CA 92705
PHONE (714) 817-1345

REGISTERED ENGINEER

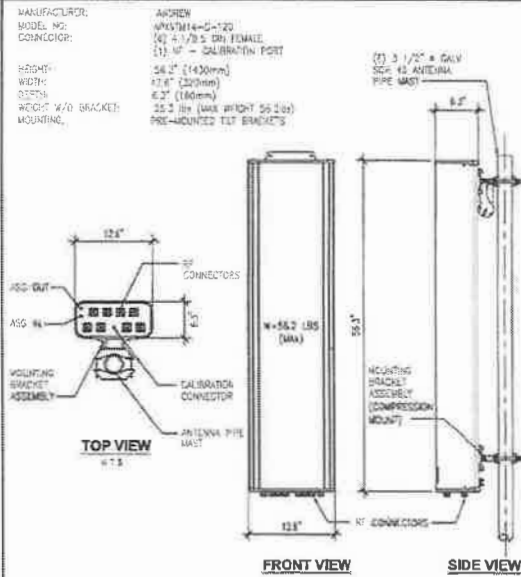


REVISIONS	DESCRIPTION	DATE	BY	CHK
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2	ISSUE FOR CONSTRUCTION	02/17/14	MT	0

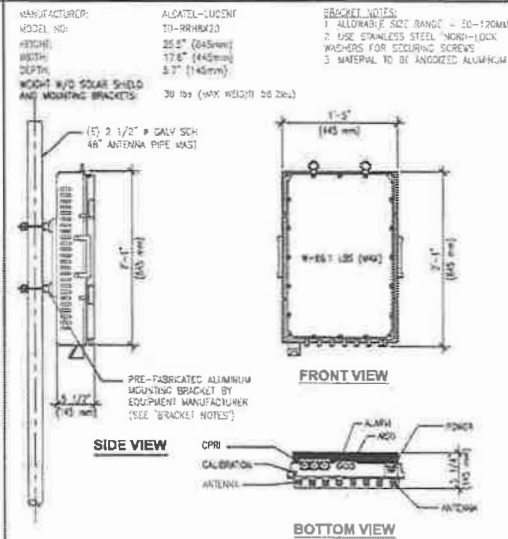
SITE NAME
BRIGGS ROADSITE CODE
VR73XC917SITE ADDRESS
1141 CUMMINGS ROAD
SANTA ANA, CA 92706SHEET DESCRIPTION
ELEVATIONSSHEET NUMBER
A4



ANTENNA MOUNTING ON MONOPOLE



2.5 ANTENNA



NOTES:
COMPLY WITH MANUFACTURERS INSTRUCTION TO ENSURE THAT ALL RHM'S RECEIVE ELECTRICAL POWER WITHIN 24 HOURS OF BEING REMOVED FROM THE MANUFACTURER'S PACKAGING DO NOT OPEN RHM PACKAGES IN THE FAN

2.5 RAH'S

Sprint 

310 COMMERCÉ, SUITE 2501
RIVIER, CA 92082
PHONE (714) 417-4343

DCI PACIFIC
A/E/C WORKS
ARCHITECTURE • ENGINEERING • CONSULTING
103 REDUCTIVE PARK | SUITE 110
LIVERMORE, CA 92644 | 949-475-1060

SBA

SBA COMMUNICATIONS CORPORATION
5900 Rockville Pike • Suite 1000 • Rockville, MD 20850
Phone: (301) 461-5800 Fax: (301) 221-7575

[illegible]

BRIGGS ROAD

VR73XC917

1141 CUMMINGS ROAD
SANTA PAULA, CA 93060

EQUIPMENT DETAILS

PRINTED IN GREAT BRITAIN

D1

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

RESOURCE MANAGEMENT AGENCY CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit 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 Exhibit No's. 4, 5, 6, 7 and 8 dated April XX, 2016 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 Commission approval for changes to the permit or further 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 Planning Director granted a modified Conditional Use Permit (CUP) No. PL15-0164 which authorized the continued operation of an existing wireless communication facility (WCF) for Sprint for a 10-year period. No new construction or changes are proposed.

The existing facility that will continue to be used includes:

- A 92-foot mono pine tree
- A 200 sq. ft. equipment shelter
- 15 panel antennas mounted at 90 feet high on the existing mono pine tree
- An 11-foot, 6-inch x 20-foot x 10-foot equipment shelter
- An 800 sq. ft. lease area

The facility would be unmanned and would not require water to operate. However, the facility would be subject to periodic maintenance. An existing paved road from Cummings Road would provide access to the project site. No native vegetation removal would be required.

2. CUP Modification

Prior to undertaking any operational or inauguration-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:

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

- 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. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of inauguration 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* (2015, 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.

4. Time Limits for WCF

a. Use inauguration:

- (1) The approval decision for this modified 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 Permittee fails to obtain a Zoning Clearance for use inauguration within one year (*Ventura County Non-Coastal Zoning Ordinance, 2011, § 8111-4.7*) from the granting or approval of this CUP. 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

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

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.

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

This CUP will expire on [date]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date.

When a permit extension is requested for a wireless communication facility, the permittee shall replace or upgrade existing equipment when feasible to reduce the facility's visual impacts and improve the land use compatibility of the facility. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a Discretionary Entitlement for Wireless Communication Facility 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*.

5. Consolidation of All Approved Exhibits and Permits

Purpose: In order to assure that the facility is operated in compliance with other federal, state or local government regulatory requirements, the Permittee shall obtain all necessary permits or other documentation.

Requirement: The Permittee shall comply with all applicable federal, state and local regulatory requirements.

Documentation: The Permittee shall provide copies of permits or other correspondence to the County Planning Division for review and approval that demonstrates compliance with the other agency requirements.

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

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

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

6. Notice of CUP Requirements and Retention of CUP Conditions On-Site

Purpose: In order to assure compliance, all relevant parties shall be informed of permit requirements.

Requirement: The owners of record, the contractors, and all other parties that participate in the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. The Permittee shall retain a copy of the CUP on the site available for inspection by all interested parties.

Documentation: The Permittee shall provide a copy of a letter that informs all relevant parties of the applicability of the CUP to the subject operation and facility. This letter shall also specify the location of the copy of the CUP to be retained onsite.

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration, the informational letter shall be provided to the Planning Division. The copy of the CUP shall be retained onsite until expiration of this 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*.

7. 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 subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions.

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcel that is subject to this CUP.

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

Timing: The required documentation shall be provided to the Planning Division prior to the issuance of a Zoning Clearance for use inauguration.

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

Monitoring and Reporting: The County Planning Division shall maintain a copy of the recorded Notice of Land Use Entitlement in the project file.

8. 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 8.b. 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 (2015, § 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 (CC10-0001) 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.
- e. **Inspections:** Permittee acknowledges, accepts and allows the County to conduct compliance inspections of the site and all facilities at any time without prior

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

notification to the Permittee or Permittee's agents, employees or managers in order to uphold applicable laws and regulations and the conditions of approval of this permit to ensure public health, safety and welfare.

9. Defense and Indemnity

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

10. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, 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

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

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 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.

11. 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. 8 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.

Exhibit 9

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

12. 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.

13. Contact Person

Purpose: In order to facilitate responses to complaints, a contact person shall be designated.

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

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

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

14. Resolution of Complaints

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

Exhibit 9

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

- a) The Permittee shall post the office telephone number and hours of operations in a visible location on the site. The office phone number shall have an answering machine which shall accommodate voice mail messages on a 24-hour basis. Persons with concerns about the wireless facility operations may directly contact the Contact Person. The internal resolution of issues by the Permittee is encouraged;
- b) If a written complaint about this project/CUP is received by the County, Planning staff will 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.

15. Reporting of Major Incidents

Purpose: In order to safe operations, the Permittee shall report all major incidents that occur within the CUP area to the Planning Director.

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.

16. Change of Owner and/or Permittee

Purpose: In order to facilitate County monitoring of the conditionally permitted use, the Permittee shall notify the Planning Division of any change of ownership or Permittee.

Requirement: The Permittee shall submit written notices to the Planning Division that discloses the identity and contact information of any new owner(s) or Permittee(s).

Documentation: The Permittee shall file with the Planning Division:

CONDITIONS OF APPROVAL FOR SBA STEEL FOR SPRINT CONDITIONAL USE PERMIT NO. PL15-0164

- a) An initial notice that discloses 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 responsible corporate, partnership or business officer(s);
- b) A final notice once the transfer of ownership and/or operational control has occurred; and,
- c) 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 the initial notice to the Planning Division at least 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 after the effective date of the transfer.

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

17. Landscaping, Screening, and Maintenance for Stealth WCF

Purpose: To ensure the landscaping, screening, and maintenance of the faux design elements of the wireless communications facility is in compliance with the Ventura County General Plan Scenic Resources Policies 1.7.2-1 through 1.7.2-4 and to ensure that the wireless communication facility is constructed as illustrated on the approved plans and photo simulations.

Requirement: All trees, foliage, or other landscaping elements approved as part of a wireless communication facility shall be maintained in good condition during the life of the permit. The permittee shall:

- a. install and maintain a sufficient amount of "architectural branches" (including density and vertical height) and design material so that the structure is as natural in appearance as technically feasible
- b. install and maintain faux bark so that the structure is as natural in appearance as technically feasible
- c. be responsible for replacing any damaged, dead, or decayed landscape vegetation
- d. maintain the landscaping in conformance with the approved landscape plan
- e. install and maintain antennas and antenna support structures colored (or covered with colored stealth panel antenna "socks") to match the components (i.e. branches and leaves) of the artificial tree

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

Timing: The Permittee shall maintain the WCF and mono-pine for the life of the permit.

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the project file. 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*.

18. Sign Plan

Purpose: To ensure signage on the property complies with § 8107-45.4(t) and Chapter 1, Article 10 of the *Ventura County Non-Coastal Ordinance*.

Requirement: A permanent, weather-proof identification sign shall be displayed in a prominent location such as eye level on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the following:

- a. current facility operator(s); name of site or site number;
- b. coordinates of site;
- c. type of use;
- d. operator's address;
- e. FCC-adopted standards; and,
- f. 24-hour telephone number at which the operator can be reached during an emergency.

Documentation: The Permittee shall submit two copies of a sign plan to the Planning Division. The sign plan shall include the proposed size, colors, materials, lighting details, and elevation. The Permittee shall bear the total cost of such review and approval. The Permittee shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to ensure that the signage for the project continues to comply with the approved sign plan.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall obtain approval of the sign plan from the Planning Division.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the Project file. 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 and § 8107-45.7 of the *Ventura County Non-Coastal Zoning Ordinance*.

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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 180 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 and § 8107-45.7 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:

- i. the party seeking the collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing;
- ii. the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk;
- iii. the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and,

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- iv. 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 use inauguration, 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.

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.

Exhibit 9

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VENTURA COUNTY FIRE PROTECTION DISTRICT CONDITIONS

23. Inspection Authority

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

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

Documentation: A copy of the approved entitlement conditions.

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

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



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**Exhibit 10 – Photograph of Exterior
Light PL15-0164**



County of Ventura
Planning Director Hearing
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Exhibit 11 – Photograph of
Identification Sign for PL15-0164