

MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM FOR AMERICAN TOWER: WILLIS PEAK WIRELESS COMMUNICAITON FACILITY (WCF) MINOR MODIFICATION TO CONDITONAL USE PERMIT 4555 AS MODIFIED BY PL13-0172, CASE NO. PL24-0006

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

- 1. **Entitlement:** Minor Modification of Conditional Use Permit (CUP) 4555, as modified by PL13-0172, for the continued operation of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL24-0006).
- 2. **Applicant:** American Towers, LLC, C/O Margaret Robinson, 10 Presidential Way Woburn, MA 01801
- 3. **Property Owners:** VTA Land & Livestock II, LLC, C/O Richard Atmore Jr., 2977 Sexton Canyon Road, Ventura, CA 93003
- 4. **Location:** 2977 Sexton Canyon Road, near the City of Ventura
- 5. **Tax Assessor’s Parcel Number:** 064-0-170-430
- 6. **Lot Size:** 216 acres
- 7. **General Plan Land Use Designation:** Open Space
- 8. **Zoning Designation:** OS-160 ac (Open Space, 160-acre minimum lot size)
- 9. **Project Description:**

The applicant requests a Minor Modification of Conditional Use Permit (CUP) 4555, as modified by PL13-0172, to authorize the continued operation of an existing WCF for a 10-year period. The existing WCF is designed as a 100-foot lattice tower with 289-square-foot-fenced accessory equipment enclosure. The WCF measures 102.6 feet in height, as the highest antenna extends upward 2.6 feet from the top of the lattice tower structure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. The site is accessed by a private access road connected to Foothill Road.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On August 21, 1989, the Planning Director adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the project that included the construction and use of a WCF designed as a 137-foot lattice tower with 289 square-foot fenced accessory equipment enclosure. On April 1, 2014, the Planning Director adopted an Addendum to the 1989 ND [sic]¹ for CUP PL13-0172 that evaluated the project that allowed for the continued operation of the WCF. The proposed project,

¹ Note, this Addendum was erroneously referred to as an “Addendum to the 1989 ND” for CUP PL13-0172 and should have been referred to as the Addendum to the 1989 MND.

Case No. PL24-0006, allows for the continued operation of the WCF. There are no physical or operational changes proposed with this project.

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

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

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

The proposed project allows for the continued operation of an existing WCF authorized by CUP 4555. While there are no physical or operational changes proposed with the project, it is unclear if landscaping was ever installed to fulfill Mitigation Measure / Condition of Approval No. 7 “Landscaping Requirements” of CUP 4555 that mitigated significant cumulative visual impacts (Attachment 1). A Viewshed Analysis (Attachment 2) was prepared for the proposed project to determine if the WCF is visible from a public viewing location as specified in the Ventura County Initial Study Assessment Guidelines (Section 6 – Scenic Resources). Additionally, the Planning Division reviewed the project to determine if substitution of the Mitigation Measure / Condition of Approval No. 7 “Landscaping Requirements” (Attachment 1) could be substituted for comparable mitigation to reduce cumulative visual impacts identified in the MND for CUP 4555 to a less than significant level. Review of the Viewshed Analysis (Attachment 2) determined that the WCF is not visible from a public viewing location. Additionally, Planning Staff determined that maintaining the WCF using building materials and colors that are compatible with the surrounding terrain would provide sufficient mitigation to the cumulative visual impact identified in the MND for CUP 4555 and that a substitution of the Mitigation Measure / Condition of Approval No. 7 “Landscape Requirements” (Attachment 1) with Mitigation Measure / Condition of Approval No. 17 “Color/Material/Manufacturer Specifications” (Attachment 3) would not lessen the effectiveness of the mitigation nor create new nor exacerbate existing impacts. Therefore, Mitigation Measure / Condition of Approval No. 7 “Landscape Requirements” (Attachment 1) is substituted by Mitigation Measure / Condition of Approval No. 17 “Color/Material/Manufacturer Specifications” (Attachment 3) for the proposed project. Furthermore, the baseline environmental conditions used to

determine the significant cumulative visual impact have been reduced since the MND for CUP 4555 was adopted. This is considered a minor revision to the previous MND and therefore, compliant with § 15162(a)(1). The supporting reasoning is provided below:

The MND prepared for CUP 4555 identified a significant, but mitigatable, cumulative visual impact, stating that the project may be visible from vantage points throughout Ventura (MND for CUP 4555 Item No. 22.a.) due to existing land uses on the project site (MND for CUP 4555 Item No. 22.b), the County's recent approval of CUP 4529 for a separate radio tower (MND for CUP 4555 Item No. 22.c.), and that approval of another prominent structure would compound the obtrusive visual impacts of the existing development in the area (MND for CUP 4555 Item No. 22.d). As such, a Mitigation Measure was added as Condition of Approval No. 7 "Landscaping Requirements" (Attachment 1) to CUP 4555, requiring the installation of landscaping around the base of the WCF. Pursuant to Mitigation Measure / Condition of Approval No. 7 "Landscape Requirements" of CUP 4555, "... any modification to this condition can only be made if: (1) It does not reduce the effectiveness of this condition as an environmental mitigation measure, or (2) A new environmental document is prepared to reflect the changed project description and/or conditions (Attachment 1).

- In response to Item No. 22.a of the MND for CUP 4555, the substituted Mitigation Measure / Condition of Approval No. 17 "Color/Material/Manufacturer Specifications" (Attachment 3) ensures the exterior structures are maintained using building materials and colors that are compatible with the surrounding terrain. This substituted Mitigation Measure / Condition of Approval serves the purpose of the previous Mitigation Measure / Condition of Approval No. 7 "Landscaping Requirements" (Attachment 1) and sufficiently camouflages the WCF from public viewing locations.
- In response to Item No. 22.b of the MND for CUP 4555, the baseline environmental conditions considered for the significant cumulative visual impacts at the time the MND for CUP 4555 was adopted has been reduced. Specifically, an accessory equipment structure authorized by CUP 3636 has been removed from the area near the project site. Additionally, the Planning Commission approved a major modification to CUP 4529 in 2017 that authorized the replacement of two (2) WCFs including a 100-foot lattice tower and 93-foot lattice tower, with a single 100-foot lattice tower (Case No. PL15-0096).
- In response to Item No. 22.c of the MND for CUP 4555, the Planning Commission approved a major modification to CUP 4529 in 2017 that authorized the replacement of two (2) WCFs including a 100-foot lattice

tower and 93-foot lattice tower, with a single 100-foot lattice tower (Case No. PL15-0096). Permit Modification PL15-0096 further reduces the current cumulative visual impacts at the project site.

- In response to Item No 22.d of the MND for CUP 4555, CUP 4555 authorized the construction of a 137-foot lattice tower. However, the proposed project authorizes the continued use of a 102.6-foot WCF, indicating that the height of the WCF was reduced from the allowable height authorized by CUP 4555. As such, the visual impacts of the current WCF are less than what was considered when the MND for CUP 4555 was adopted. Furthermore, the City of Ventura was contacted regarding the proposed project (PL24-0006) for the continued operation of the WCF for an additional 10 years, and the City responded on April 18, 2024, stating they had no comment on the project.
- In response to Item No. 1 of Condition of Approval No. 7 of CUP 4555 (Attachment 1), the analysis conducted in the Planning Director hearing staff report, including the Viewshed Analysis (Attachment 2), determined that the project would have a less than significant impact on Scenic Resources as the WCF is not visible from public viewing locations as defined in the Ventura County Initial Study Assessment Guidelines as, “Any physical area that is accessible to the public and from which a scenic resource is visible. Examples of public viewing locations include (but are not limited to) public roads, parks, trails, bike paths, lakes, and beaches.” The project site is located in a mountainous area and sited so the topography and existing vegetation effectively screen the WCF from public viewing locations, including Foothill Road, Victoria Avenue, Arroyo Verde Park, and the Arroyo Verde Hiking Trails. Furthermore, the Geographic Information System (GIS) technology used to complete the Viewshed Analysis (Attachment 2) was not available when CUP 4555 was approved in 1989. This technology relies on topographic information of the surrounding areas to determine locations where the WCF is visible. As such, the Mitigation Measure / Condition of Approval No. 7 “Landscaping Requirements” (Attachment 1) was predicated upon perceived visual impacts and did not account for the topography and vegetation of the surrounding area. Finally, Mitigation Measure / Condition of Approval No. 7 “Landscaping Requirements” (Attachment 1) is substituted with Mitigation Measure / Condition of Approval No. 17 “Color/Material/Manufacturer Specifications” (Attachment 3) that will ensure that the exterior surfaces of the structures are maintained using building materials and colors that are compatible with the surrounding terrain. Therefore, the substitution of the Mitigation Measure / Condition of Approval No. 7 “Landscaping Requirements (Attachment 1) with Mitigation Measure / Condition of Approval No. 17 “Color/Material/Manufacturer Specifications” (Attachment 3) does not

reduce the effectiveness of the original Mitigation Measure in camouflaging the project from vantage points near and about the City of Ventura.

- In response to Item No. 2 of Condition of Approval No. 7 of CUP 4555 (Attachment 1), this Addendum to the CUP 4555 MND serves as the new environmental document for the project and reflects the updated project description. As discussed in Item 1, Mitigation Measure / Condition of Approval "Landscaping Requirements" (Attachment 1) has been substituted with Mitigation Measure / Condition of Approval No. 17 "Color/Material/Manufacturer Specifications" (Attachment 3) to ensure that the previously identified significant impact to Visual Effects is mitigated (Visual Effects was updated to Scenic Resources in the 2011 Ventura County Initial Study Assessment Guidelines).

The substituted Mitigation Measure / Condition of Approval No. 17 "Color/Material/Manufacturer Specifications" for the project is provided below, and the Conditions of Approval for PL24-0006 are provided in full as Attachment 3:

17. Scenic Resources Mitigation Measure: Color/Material/Manufacture Specifications

Purpose: To ensure that the Wireless Communication Facility complies with the development standards set forth in Section 8107-45 of the Ventura County Non-Coastal Zoning Ordinance and to mitigate impacts to Scenic Resources.

Requirement: The Permittee shall:

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

Documentation: The Permittee shall provide photographs demonstrating that the Permittee has maintained the facility in compliance with the approved plans.

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee shall provide photographs demonstrating that the Permittee has maintained the facility in compliance with the approved plans.

Monitoring and Reporting: The facility shall be maintained according to the approved plans for the life of the permit. 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.

This condition is an environmental mitigation measure to reduce the cumulative and/or project specific visual impacts culminating from the construction of said use, as discussed in Section 22(d) of the project Mitigated Negative Declaration for CUP 4555, and as modified by PL13-0172 and PL24-0006.

As such, any modification to this condition can only be made if:

- (1) It does not reduce the effectiveness of this condition as an environmental mitigation measure, or
- (2) A new environmental document is prepared to reflect the changed project description and/or conditions.

Based on the discussion above, the project would not generate new environmental effects or a substantial increase in the severity of previously identified significant effects.

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

The environmental conditions that constituted the baseline for the analysis of environmental impacts have not changed substantially since the MND was adopted in 1989 with CUP 4555. Since no physical or operational changes are proposed with this project, the project would not involve new significant environmental effects. Furthermore, the baseline environmental conditions used to identify a significant cumulative visual impact have been reduced since the MND for CUP 4555 was adopted (see 22b discussion above in Item 1).

- 3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Planning Director adopted the previous MND, shows any of the following:**
 - a. The project will have one or more significant effects not discussed in the previous MND [§ 15162(a)(3)(A)].**

Since no physical or operational changes are proposed with this project, there are no additional significant effects the project may have that were not discussed in the previously adopted MND.

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

Since no physical or operational changes are proposed with this project, there are no significant effects the project may have that are more severe than those discussed in the previously adopted MND.

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

Since no physical or operational changes are proposed with this project, there are no additional significant effects or mitigation measures the project may have that were not discussed in the previously adopted MND.

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

As described above in response to § 15162(a)(1), the substitution of the Mitigation Measure / Condition of Approval No. 7 “Landscape Requirements” (Attachment 1) with Mitigation Measure / Condition of Approval No. 17 “Color/Material/Manufacturer Specifications” (Attachment 3) does not reduce the effectiveness of the Mitigation Measure in camouflaging the project from vantage points near and about the City of Ventura. Additionally, the severity of the previously identified significant effect to Visual Effects / Scenic Resources has been reduced since the MND for CUP 4555 was adopted (see 22b discussion above in Item 1). Finally, the WCF is not visible from public viewing locations (Attachment 2).

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

**MND Addendum for Minor Modification of
CUP 4555, Case No. PL24-0006**

Date of Public Hearing: May 2, 2024

Date of Approval: TBD

Permittee: American Towers, LLC

Location: 2977 Sexton Canyon Road, near Ventura

Page 8 of 8

C. PUBLIC REVIEW:

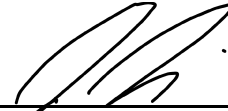
Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

Prepared by:



AJ Bernhardt, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

Reviewed by:



John Novi, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

Attachments:

Attachment 1: Conditions of Approval for CUP 4555

Attachment 2: Viewshed Analysis

Attachment 3: Conditions of Approval for PL24-0006

A. PLANNING DIVISION CONDITIONS:

1. Permitted Land Uses

- a. This Conditional Use Permit is granted for the use of a portion of the land described in the permit application for a 137.5 foot antenna tower and a 144 square foot accessory (transmitter) building, 10 feet in height.
- b. This Conditional Use Permit is granted for the buildings and structures shown on the Plot Plan labeled Exhibit "A".
- c. The elevations of all buildings and structures shall be as shown on the Elevations Plan labeled Exhibit "B".
- d. The locations of buildings, parking areas, landscaped areas, roadways, fences, walls, and all other structures, shall be as shown on Plot Plan labeled Exhibit "A".
- e. Prior to the issuance of a Zoning Clearance, the final design of buildings, walls, fences, and other structures, including materials and colors, is subject to the approval of the Planning Director or the Planning Director's designee.

2. Time Limits

- a. This Conditional Use Permit is granted for a ten year period and will expire on July 19, 1999.
- b. Prior to the end of this time period, and following the filing of a Minor Modification application by the permittee, the Planning Director will be authorized to review, and to continue this Permit for one additional ten year period, providing that all Conditions have been complied with and that the use authorized by this Permit has remained compatible with the land uses in the general area.

3. Permit Renewal

Upon the filing of a renewal application 6 months prior to the expiration of the permit, the permit shall continue in force until the request is acted upon and all administrative appeals are heard even though the permit being renewed has expired. The permittee/operator of record is solely responsible for the timely renewal of this permit. Failure of the County to notify said parties of the permit's imminent expiration shall not be grounds for the uses continued operation after the expiration of the permit.

4. Responsibilities Prior to Construction

- a. Prior to construction, a Zoning Clearance shall be obtained from the Planning Division and a Building Permit shall be obtained from the Building and Safety Division.
- b. Prior to the issuance of a Zoning Clearance, the following Conditions shall be met:
 - 1) 1e (Final Design)
 - 2) 8a (Color Board/Rendering)
 - 3) 10 (Condition Compliance Fee)
 - 4) 11 (Acceptance of Conditions)

5. Permit Expiration

- a. Unless a Zoning Clearance is obtained within one year after approval of this Permit, this Permit shall automatically expire on that date. At the discretion of the Planning Director, a one year extension to obtain a Zoning Clearance may be granted, if there have been no changes in the adjacent areas and the permittee has diligently worked toward inauguration of use.
- b. The Permit shall expire when the use for which it is granted is discontinued for a period of 365 consecutive days or more.

6. Permit Modification

- a. Land uses and facilities other than those specifically approved by this Permit shall require a modification of the Permit.
- b. Any minor changes to this Permit shall require the submittal of an application for a minor modification and any major changes to this Permit shall require the submittal of a Major Modification application.
- c. Changes that do not alter any findings pursuant to Sections 8111-2.1.2 and 8111-2.1.3 of the Ventura County Ordinance Code may be approved as a Permit Adjustment.

7. Landscaping Requirements

- a. Prior to the issuance of a Zoning Clearance, three sets of Landscaping and an approved Irrigation Plan, together with a maintenance program, shall be prepared in accordance with the intent of the proposed Mitigation under Item #22 of the Approved Environmental Document, and submitted to the Planning Division for approval.

THIS CONDITION IS AN ENVIRONMENTAL MITIGATION MEASURE TO REDUCE THE CUMULATIVE AND/OR PROJECT SPECIFIC VISUAL IMPACTS CULMINATING FROM THE CONSTRUCTION OF SAID USE, AS DISCUSSED IN SECTION 22(d) OF THE PROJECT MITIGATED NEGATIVE DECLARATION.

AS SUCH, ANY MODIFICATION TO THIS CONDITION CAN ONLY BE MADE IF: (1) IT DOES NOT REDUCE THE EFFECTIVENESS OF THIS CONDITION AS AN ENVIRONMENTAL MITIGATION MEASURE, OR (2) A NEW ENVIRONMENTAL DOCUMENT IS PREPARED TO REFLECT THE CHANGED PROJECT DESCRIPTION AND/OR CONDITIONS.

- (1) That adequate landscaping will be established and maintained around the base of the tower and accessory building to provide a partial visual screening of the proposed antenna development and minimize the additional aesthetic impacts created by the proposed use.

THE CORTESE MONITORING PROGRAM SHALL BE IMPLEMENTED BY THE VENTURA COUNTY PLANNING DIVISION. THE RESULTS OF THE MONITORING PROGRAM SHALL BE REPORTED TO THE VENTURA COUNTY PLANNING DIVISION, WHICH WILL BE RESPONSIBLE FOR MAINTAINING THE CORTESE REPORTING FILES. THE MONITORING PROGRAM SHALL CONSIST OF THE FOLLOWING:

- (1) The proposed mitigation measures will be implemented under the process and guidelines delineated under Condition (7) seven.
- (2) Any modification or expansion of the existing use is required to be reviewed by the Planning Department to determine if it requires more extensive mitigation measures.
- (3) Upon successful completion of Item #1 or Item #2, if appropriate, monitoring of the continued landscape maintenance will be

accomplished through site inspections to occur possibly once per year or as needed, by any agent of the Resource Management Agency. These inspections may occur for the life of the use.

- b. Prior to the issuance of an Occupancy Permit, all landscaping and means of irrigation shall be completed, and approved by the Planning Director or the Planning Director's designee.
- c. Continued landscape maintenance shall be subject to periodic inspection by County Planning staff. The permittee shall be required to remedy any defects within two weeks after notification by County Planning staff.
- d. The site shall be landscaped in a manner consistent with the natural character of the area, if the Planning Director deems it necessary in the future. Landscaping and Irrigation Plans shall be prepared in accordance with the Ventura County Guide to Landscape Plans and submitted to the Planning Director for approval. The Plans shall be accompanied by the then current fee specified by Resolution No. 222 of the Board of Supervisors. The applicant shall bear the full cost of plan review and final inspection.

8. Color Scheme

- a. Prior to the issuance of a Zoning Clearance, a color presentation and/or rendering shall be submitted and approved by the Planning Director.

Note: That FCC License (NO:BPH-11145) of said facility reserves the right to require additional or modified marking or lighting as may hereafter be warranted.

- b. All buildings and other accessory structures shall be painted or surfaced as appropriate for the site, subject to approval by the Planning Director or the Planning Director's designee.

9. Archaeology

- a. If any archaeological or historical artifacts are uncovered during grading or excavation operations, the permittee shall assure the preservation of the site; shall obtain the services of a qualified archaeologist to recommend proper disposition of the site; and shall obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
- b. Should human burial remains be encountered during any grading or excavation activities, the permittee shall cease operation and shall notify Planning Division staff. Following notification, the permittee shall obtain the services of a qualified archaeological consultant and Native American Monitor(s) who shall assess the parcel(s) and recommend proper disposition of the site.

10. Condition Compliance Check Fee

Prior to issuance of a Zoning Clearance, the applicant/permittee, or successors in interest, shall submit to the Planning Division the non-refundable fee established by Resolution No. 222 to cover costs incurred by the County for Condition Compliance review.

11. Acceptance of Conditions

Prior to the issuance of a Zoning Clearance, the permittee shall sign a statement indicating awareness and understanding of all permit conditions, and shall agree to abide by these Conditions.

12. Permittee's Defense Costs

The permittees agree as a condition of issuance or renewal of this Permit to defend, at their sole expense, any action brought against the County because of issuance or renewal of this Permit or, in the alternative, to relinquish this Permit. The permittee will reimburse the County for any court costs and/or attorney's fees which the County may be required to pay as a result of any action by a court. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve permittee of the obligations under this condition.

13. Permit Requirements of Other Agencies

- a. The design, maintenance and operation of this Permit shall comply with all applicable requirements and enactments of the Federal Government, the State of California and the County of Ventura, and that all such requirements and enactments shall, by reference, become conditions of this Permit.
- b. No condition of this Permit shall be interpreted as permitting or requiring any violation of law, or any unlawful rules or regulations or orders of an authorized governmental agency. In instances where more than one set of rules apply, the stricter ones shall take precedence.

14. Limitations of this Permit

If any of the conditions or limitations of this Permit are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth.

15. Change of Ownership

No later than ten days after a change in property ownership or change of lessee of this property, the Planning Director shall be notified, in writing, of the new name and address of the new owner or lessee. The same letter shall state that the new owner or lessee has read all conditions pertaining to this Permit and agrees with said conditions.

16. Site Restoration

Upon expiration of this Permit, or abandonment of the use, the premises shall be restored by the permittee to the conditions existing prior to the issuance of the permit, as nearly as practicable.

B. PUBLIC WORKS AGENCY CONDITIONS:

17. Grading Plan

Prior to the issuance of a Building Permit, the developer shall submit to the Public Works Agency for review and approval, a Grading Plan prepared by a Registered Civil Engineer, shall obtain a Grading Permit, and shall post sufficient surety guaranteeing completion of the grading.

C. FIRE DEPARTMENT CONDITIONS:

18. Brush Removal

All grass or brush exposing the proposed structures shall be cleared for a distance of 100 feet prior to framing, in accordance with the Ventura County Weed Abatement Ordinance.

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CONDITIONS FOR: CUP-4555

APPLICANT: Absolutely Great Radio, Inc.

HEARING DATE: July 14, 1989

PAGE: 5

APPROVAL DATE: July 19, 1989

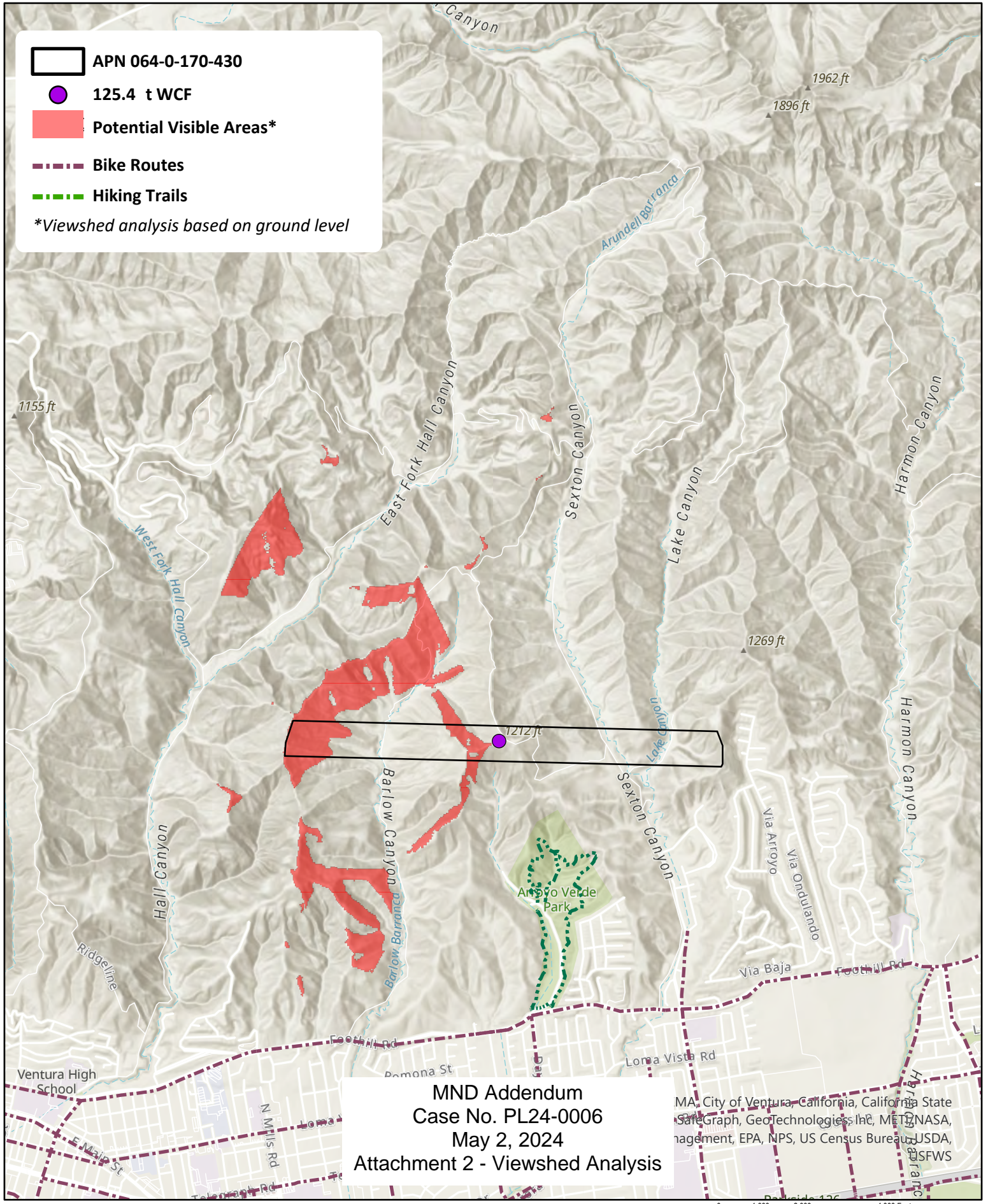
ACCEPTANCE OF CONDITIONS

I, James E. Sylvester, hereby certify that I have read and fully understand all Conditions of Approval placed on Absolutely Great Radio, Inc., and agree to abide by these Conditions while I operate the use authorized by this permit.

Signed 

Date August 7, 1989

JB:ms/E321



APN 064-0-170-430
● 125.4 t WCF
 Potential Visible Areas*
 Bike Routes
 Hiking Trails
 *Viewshed analysis based on ground level

MND Addendum
Case No. PL24-0006
May 2, 2024
Attachment 2 - Viewshed Analysis

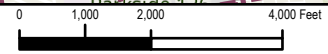
MA, City of Ventura, California, California State
 SafeGraph, GeoTechnologies Inc, METI, NASA,
 Management, EPA, NPS, US Census Bureau, USDA,
 and USFWS



Ventura County
 Resource Management Agency
 Information Systems GIS Services
 Map created on 3/12/2024



APN 064-0-170-430
Viewshed Map



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



CONDITIONS OF APPROVAL FOR AMERICAN TOWER: WILLIS PEAK WIRELESS COMMUNICAITON FACILITY (WCF) MINOR MODIFICATION TO CONDITIONAL USE PERMIT 4555 AS MODIFIED BY PL13-0172, AND CASE NO. PL24-0006

THESE CONDITIONS OF APPROVAL SUPERSEDE ALL PREVIOUSLY APPROVED CONDITIONS

Planning Division Conditions

1. Project Description

This Conditional Use Permit is (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 10 of the Planning Director hearing on May 2, 2024, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this CUP and applicable law.

The Project description is as follows:

Minor Modification of Conditional Use Permit (CUP) 4555, as modified by PL13-0172, authorizing the continued operation of an existing Wireless Communication Facility (WCF) for a 10-year period. The existing WCF is designed as a 100-foot lattice tower with 289-square-foot-fenced accessory equipment enclosure. The WCF measures 102.6 feet in height, as the highest antenna extends upward 2.6 feet from the top of the lattice tower structure.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. The site is accessed by a private access road connected to Foothill Road.

The use, modification, and maintenance of WCF 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. Site Maintenance

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

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

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

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

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

3. CUP Modification

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

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

4. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

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

5. Time Limits

a. Use inauguration:

1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration to initiate the land uses described in Condition No. 1.
 2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective (Ventura County Non-Coastal Zoning Ordinance § 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
 3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.
- b. Permit Life or Operations Period: This CUP will expire on May 2, 2034. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to May 2, 2024; and
2. The County decision-maker grants the requested modification.

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

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

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

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

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

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

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

7. Notice of CUP Requirements and Retention of CUP Conditions

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

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and

vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

Documentation: The Permittee shall present to the Planning Division staff copies of the notification(s) of conditions, upon Planning Division staff's request.

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

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

8. Recorded Notice of Land Use Entitlement

Purpose: The purpose of this condition is to notify the current and future Property Owner(s) of the conditions of this CUP.

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

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

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

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

9. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the

modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

- b. Pursuant to the requirements of Modified CUP PL13-0172, the Resource Management Agency created Condition Compliance Case No. CC14-0010 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding Modified CUP PL13-0172. The Planning Division will continue to use Condition Compliance Case No. CC14-0010 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 9.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC14-0010, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- c. **Billing Process:** The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

10. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities, 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 10.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 the 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.

11. Invalidation of Condition(s)

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

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

12. Consultant Review of Information and Consultant Work

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

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 9 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 Entitlements

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

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

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

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. The designated contact person shall be available, via telecommunication, 24 hours a day.

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

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

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

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

16. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

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

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

17. Scenic Resources Mitigation Measure: Color/Material/Manufacture Specifications

Purpose: To ensure that the Wireless Communication Facility complies with the development standards set forth in Section 8107-45 of the Ventura County Non-Coastal Zoning Ordinance and to mitigate impacts to Scenic Resources.

Requirement: The Permittee shall:

- a. Maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. Provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. Maintain the site in compliance with the approved plans.

- d. Provide photos to the Planning Division to verify that the facility is maintained according to the approved plans.

Documentation: The Permittee shall provide photographs demonstrating that the Permittee has maintained the facility in compliance with the approved plans.

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee shall provide photographs demonstrating that the Permittee has maintained the facility in compliance with the approved plans.

Monitoring and Reporting: The facility shall be maintained according to the approved plans for the life of the permit. 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.

This condition is an environmental mitigation measure to reduce the cumulative and/or project specific visual impacts culminating from the construction of said use, as discussed in Section 22(d) of the project Mitigated Negative Declaration for CUP 4555, and as modified by PL13-0172 and PL24-0006.

As such, any modification to this condition can only be made if:

- (1) It does not reduce the effectiveness of this condition as an environmental mitigation measure; or
- (2) A new environmental document is prepared to reflect the changed project description and/or conditions.

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

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

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

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

If the Permittee fails to perform the required actions, then the Property Owner shall be responsible for complying with this condition. The facility shall be considered “abandoned” if it has not been in use for 12 continuous months.

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

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

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

19. Notice of Fire Hazard

Purpose: To comply with General Plan Policy HAZ 1.4. The policy states, “The County shall require the recordation of a Notice of Fire Hazard with the County Recorder for all new discretionary entitlements (including subdivisions and land use permits) within areas designated as Hazardous Fire Areas by the Ventura County Fire Department or High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.”

Documentation: A Notice for Fire Hazard recorded with the Ventura County Recorder.

Requirement: The Permittee shall record a Notice of Fire Hazard with the Ventura County Recorder.

Timing: The Notice of Fire Hazard shall be recorded with the Ventura County Recorder prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: The Notice of Fire Hazard shall be maintained in the files of the Ventura County Recorder and a copy shall be provided to the Planning Division by the Permittee and maintained in the case file.

Environmental Health Division (EHD) Conditions

20. Hazardous Materials/Waste Management (General Notice)

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material complies with applicable State and local regulations.

Requirement: If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. Used batteries must be properly disposed of or recycled in accordance with state and

local regulations. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>.

Monitoring: When applicable, the Ventura County Environmental Health Division/Certified Unified Program Agency issues hazardous material and hazardous waste permits and conducts site inspections.

Ventura County Air Pollution Control District (VCAPCD) Conditions

21. Complaint Driven Nuisance for Discharge of Air Pollutants

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

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

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

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

Timing: Throughout the life of the permit.

Monitoring and Reporting: The VCAPCD monitors and enforces regulations regarding nuisances, on a complaint-driven basis.

Ventura County Fire Protection District (VCFPD) Conditions

22. Hazard Abatement: All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure. Additionally, all grass and brush shall be cleared to a distance of 10 feet on each side of all access roads / driveways. Finally, all grass or brush shall be cleared to a distance of 30 feet from cell site communication towers. Brush clearance shall be maintained in accordance with VCFPD Ordinance.