



Planning Director Staff Report Hearing on May 2, 2024

County of Ventura • Resource Management Agency

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

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. PROJECT INFORMATION

1. **Request:** 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 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. **Applicant's Representative:** Empire Media Corporation, C/O John Merritt, 630 Quintana Road, Suite 321, Morro Bay, CA 93442
4. **Property Owner:** VTA Land & Livestock II, LLC, C/O Richard Atmore Jr., 2977 Sexton Canyon Road, Ventura, CA 93003
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested Modified CUP.
6. **Project Site Size, Location, and Parcel Number:** The 216-acre project site is located at 2977 Sexton Canyon Road, near the City of Ventura, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 064-0-170-430 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Zoning Designation: OS-160 ac (Open Space, 160-acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS-160 ac	Undeveloped open space, agriculture
South	OS-160 ac	Undeveloped open space, agriculture

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)	Undeveloped open space
East	OS-160 ac, City of Ventura	Undeveloped open space, single-family residential

9. History: On August 21, 1989, the Planning Director approved CUP 4555 authorizing the construction and operation of a WCF designed as a 137-foot lattice tower with 289 square-foot-fenced accessory equipment enclosure. On April 11, 2014, the Planning Director approved modified CUP PL13-0172, authorizing the continued operation of the WCF for a 10-year period. The current height of the WCF is 102.6 feet, as antennas have been removed and lowered since the facility was constructed in 1989. Modified CUP PL13-0172 expires on April 11, 2024, however the applicant has applied for a minor modification prior to the expiration date. The remainder of the project site is sparsely developed and includes a second WCF operated by Gold Coast Radio (CUP PL15-0096), a firewood operation (CUP PL14-0170), and agricultural uses and structures.

10. 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 (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

On August 21, 1989, the Planning Director adopted a Mitigated Negative Declaration (MND) for CUP 4555 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. This MND is attached as Exhibit 8. 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. This Addendum

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.

to the 1989 ND [sic]¹ is attached as Exhibit 9. The proposed project (Case No. PL24-0006) would allow for the continued operation of the WCF. There are no physical or operational changes proposed with this project.

The CEQA Guidelines [Section 15164(b)] state that the lead agency shall prepare an addendum to an adopted ND if: (1) minor changes or additions are necessary; but (2) none of the conditions described in the CEQA Guidelines (Section 15162) calling for the preparation of a subsequent MND have occurred. Exhibit 7 includes a description of the changes or additions that are necessary to the MND and a discussion of why none of the conditions described in the CEQA Guidelines exist, which require the preparation of an EIR or subsequent MND.

Therefore, there is no substantial evidence to warrant the preparation of a subsequent MND. The Addendum to the 1989 MND (Exhibit 7) for this project reflects the County's independent judgement and analysis.

C. CONSISTENCY WITH THE GENERAL PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the General Plan is included as Exhibit 5 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the OS zone district with the granting of a CUP. Upon the granting of the modified CUP, the proposed project will comply with the requirements of the Ventura County NCZO.

The proposed project is subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
Section 8107-45.4 (a), Partial and Full-Concealment Requirements	N/A. The WCF is non-stealth but meets the criteria below of Section 8107-45.4 (b)(1)(b).
Section 8107-45.4 (b)(1), Exceptions to Stealth and Building-Concealed Facilities:	Yes. The WCF is designed as non-stealth lattice tower, 102.6 feet in

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>A non-stealth facility may be permitted when the applicant demonstrates that the project location and design meet one or more of the following criteria:</p> <ul style="list-style-type: none"> (1) The facility is not prominently visible from a public viewpoint and could not be prominently visible from a public viewpoint following a Section 6409(a) Modification. This standard may be achieved by blending the facility into its surroundings as defined in Sec. 8107-45.4(c); or (2) The non-stealth facility is prominently visible from a public viewpoint but meets one or more of the following criteria: <ul style="list-style-type: none"> (a) It is located on a ridgeline and meets the requirements in Sec. 8107- 45.4(l); or (b) The minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more stealth facilities (see Sec. 8107-45.4(f)(4)); or (c) It is used solely for the provision of public safety and the decision-making authority waives this development standard pursuant to Sec. 8107-45.2.4. 	<p>height. Due to the topography and surrounding vegetation, the WCF is not prominently visible from a public viewpoint, including Foothill Road, Victoria Avenue, Arroyo Verde Park, and the Arroyo Verde Hiking Trails (Exhibit 10, Viewshed Analysis).</p> <p>Additionally, the WCF would not be prominently visible from a public viewpoint following a Section 6409(a) Modification. The Viewshed Analysis assumed the height of the WCF to be 125.4 feet, which exceeds the maximum height permissible by a Section 6409(a) Modification (Exhibit 10, Viewshed Analysis).</p> <p>Finally, as detailed in the MND Addendum, the mitigation measure requiring landscaping has been substituted with a condition of approval requiring that the exterior surfaces of the WCF are maintained using building materials and colors that are compatible with the surrounding terrain (Exhibit 6, Condition No. 17) (Exhibit 7). This substituted mitigation measure provides sufficient mitigation to the cumulative visual impact identified in the MND for CUP 4555.</p>
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <ul style="list-style-type: none"> (1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and (2) Facility Design: The facility shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting. 	<p>Yes.</p> <p>The WCF is effectively screened from public viewpoints by the topography and existing vegetation. Furthermore, the WCF is located on a hillside approximately 4,000 feet from the nearest roadway and 4,000 feet from the nearest residence, and as discussed above, is not prominently visible from a public viewpoint.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
	The WCF is designed to blend in with similar man-made structures on the project site including a separate, 100-foot lattice tower WCF.
<p>Section 8107-45.4 (d), Preferred Wireless Communication Facility Locations:</p> <p>To the extent feasible, and in the following order of priority, new wireless communication facilities shall be sited in the following locations:</p> <ol style="list-style-type: none"> (1) On an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8107-45.6). (2) Flush-mounted on an existing structure, pole, or building in the AE and OS zones. (3) Where the wireless communication facility is not prominently visible from a public viewpoint. (4) Within an area zoned Industrial. (5) Near existing public or private access roads. (6) On or near the same site as an existing wireless communication facility when visual or other environmental impacts can be mitigated to a level of less than significant under CEQA and when such “clustering” of facilities is consistent with the applicable Area Plan. 	Yes. The WCF is not prominently visible from a public viewpoint (Exhibit 10, Viewshed Analysis) (Exhibit 6, Condition No. 17). Additionally, the WCF is located near an existing private access road that is accessible from Foothill Road.
<p>Section 8107-45.4 (e), Non-Preferred Wireless Communication Facility Locations</p> <p>To the extent feasible, wireless communication facilities should not be sited in the following locations:</p> <ol style="list-style-type: none"> (1) Within an area zoned Urban Residential. (2) Silhouetted on the top of ridgelines on land designated as Open Space under the General Plan when prominently visible from public viewpoints. (3) On a structure, site or in a district designated as a local, state, or federal historical landmark (see Sec. 8107-45.4(j)). (4) Within an area zoned Scenic Resource Protection Overlay (see Sec. 8107-45.4(m)). (5) Within environmentally sensitive areas (see Sec. 8107-45.4(k)). 	N/A. The WCF is sited in a preferred location (see analysis for Sec. 8107-45.4(d)).
<p>Section 8107-45.4 (f)(5), Height:</p> <ol style="list-style-type: none"> (a) Notwithstanding subparts (b) and (c) below, in no event shall a non-stealth facility exceed the maximum height stated in the applicable Area Plan. (b) Unless a greater height limit is approved in accordance with subsection (c) below, non-stealth facilities shall not exceed 50 feet in height. (c) When the Planning Commission (or the Board of Supervisors, upon appeal) is the assigned decision-making authority for a proposed wireless communication facility 	Yes. (a) The project site is not subject to any Ventura County Area Plans. (b)(c) The WCF is designed as a non-stealth lattice tower, 102.6 feet in height, and is not prominently visible from a public viewpoint (Exhibit 10, Viewshed

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>entitlement pursuant to Sec. 8105-4 or Sec. 8105-5, a non-stealth facility may be approved if one or more of the following findings are made:</p> <ul style="list-style-type: none"> i. The greater height results in the same or reduced visual and environmental impacts when compared to the standard applicable height limits; or ii. The applicant demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities; or iii. The greater height is necessary for the provision of public safety (see Sec. 8107-45.2.4). 	<p>Analysis)(Exhibit 6, Condition No. 17). As such, the greater height results in the same visual and environmental impacts when compared to the standard height limits outlined in Section 8107-45(f). Finally, pursuant to Section 8107-45.12(a), this Modified CUP (Case No. PL24-0006) is being processed as a Minor Modification and acted upon by the Planning Director.</p>
<p>Section 8107-45.4 (g)(1)(2), Setbacks:</p> <ul style="list-style-type: none"> (1) All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines. (2) Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit. 	<p>Yes. The WCF is existing and was constructed to meet the front, side, and rear yard setbacks for the OS zone. There are no offsite dwelling units within 102.6 feet of the WCF.</p>
<p>Section 8107-45.4 (h), Retention of Concealment Elements:</p> <p>No modification to an existing wireless communication facility shall defeat concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</p> <ul style="list-style-type: none"> (1) A stealth facility is modified to such a degree that it results in a non-stealth facility; or (2) The stealth facility no longer meets the applicable development standards for stealth facilities in Sec. 8107-45.4; or (3) Equipment and antennas are no longer concealed by the permitted stealth design features; or (4) Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design. 	<p>Yes. There are no proposed changes that would impact the concealment elements of this WCF.</p>
<p>Section 8107-45.4 (i), Standards for Specific Types of Stealth Facilities</p> <p>Miscellaneous standards related to stealth facilities.</p>	<p>N/A.</p> <p>The WCF is non-stealth but meets the criteria set forth in Section 8107-45.4 (b)(1)(b) above.</p>
<p>Section 8107-45.4 (j), Historical Landmarks/Sites of Merit:</p> <p>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed</p>	<p>Yes. The WCF is not constructed or installed on a structure, site, or district designated by a federal, state, or County agency as a historical landmark or site of merit.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>facility will have no significant, adverse effect on the historical resource.</p>	
<p>Section 8107-45.4 (k)(1), Environmentally Sensitive Areas:</p> <p>(1) All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes. The WCF is not located within an environmentally sensitive area.</p>
<p>Section 8107-45.4 (l), Ridgelines</p> <p>(1) A wireless communication facility shall not be sited on a ridgeline or hilltop that is prominently visible from a public viewpoint when alternative sites are available. Applicants shall demonstrate that no feasible, alternative locations are available when proposing a wireless communication facility on a ridgeline or shall demonstrate that alternative locations result in significant environmental impacts when compared to the proposed ridgeline location.</p> <p>(2) Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small stealth facilities (such as slim line poles or whip antennas) that blend in with the surrounding vegetation.</p>	<p>N/A.</p> <p>The WCF is not sited on a ridgeline.</p>
<p>Section 8107-45.4 (m), Scenic Resource Protection Overlay Zone</p> <p>With the exception of public safety described in Sec. 8107-45.2.4, a wireless communication facility shall not be prominently visible from a public viewpoint, and shall be designed as a stealth facility, when located within a Scenic Resource Protection Overlay Zone.</p>	<p>N/A</p> <p>The WCF is not located in a Scenic Resource Protection Overlay Zone.</p>
<p>Section 8107-45.4 (n), Accessory Equipment:</p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</p>	<p>Yes. The accessory equipment is located within a fenced enclosure that is screened from public viewpoints by existing vegetation. The WCF is not prominently visible from a public viewpoint (Exhibit 10, Viewshed Analysis) (Exhibit 6, Condition No. 17).</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4 (o), Colors and Materials:</p> <p>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes. All colors and materials used for the WCF blend in with the man-made surroundings. There are no reflective materials (Exhibit 6, Condition No. 17).</p>
<p>Section 8107-45.4 (p), Noise:</p> <p>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</p>	<p>Yes. The WCF is located on a project site that is surrounded by agricultural uses and undeveloped open space. The nearest noise sensitive receptor, a single-family residence, is approximately 4,000 feet from the WCF. At this distance, the WCF would not exceed the noise standards set forth in the General Plan Policy HAZ-9.2 Noise Compatibility Standards.</p>
<p>Section 8107-45.4 (q), Landscaping and Screening:</p> <p>The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)</p>	<p>Yes. No landscaping or screening is required for this project. The WCF is effectively screened from public viewpoints by the topography and existing vegetation. Furthermore, as detailed in the MND Addendum, the mitigation measure requiring landscaping has been substituted with a condition of approval requiring that the exterior surfaces of the WCF are maintained using building materials and colors that are compatible with the surrounding terrain (Exhibit 6, Condition No. 17) (Exhibit 7). This substituted mitigation measure provides sufficient mitigation to the cumulative visual impact identified in the MND for CUP 4555.</p>
<p>Section 8107-45.4 (r), Security:</p> <ol style="list-style-type: none"> (1) Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism. (2) All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are 	<p>Yes. The WCF includes signage and security fencing that deters access to the WCF and associated equipment. The project site is not located in an area designated as Urban and Existing Community in the General Plan.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>prominently visible from a public viewpoint, unless the chain link fence is fully screened.</p>	
<p>Section 8107-45.4 (s), Lighting:</p> <p>(1) No facility may be illuminated unless specifically required by the FAA or other government agency.</p> <p>(2) Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</p>	<p>Yes. The WCF is not illuminated.</p>
<p>Section 8107-45.4 (t), Signage:</p> <p>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator’s address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</p>	<p>Yes. The site includes signage indicating all necessary information related to the operation of the facility.</p>
<p>Section 8107-45.4 (u), Access Roads:</p> <p>(1) Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</p> <p>(2) Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County’s Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Protection District.</p>	<p>Yes. The site is accessed by a private road accessible from Foothill Road.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings to approve an application for a Modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

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

Based on the information and analysis presented in Section D and Exhibit 5 of this staff report, the finding that the proposed development is consistent with the intent

and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura Ordinance Code can be made.

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

The proposed project allows for the continued operation of a WCF. The WCF is not prominently visible from public viewpoints, including Foothill Road, Victoria Avenue, Arroyo Verde Park, and the Arroyo Verde Park Hiking Trails (Exhibit 10, Viewshed Analysis) (Exhibit 6, Condition No. 17). Additionally, no physical or operational changes are proposed with this project. The surrounding development includes undeveloped open space, agricultural uses, and single-family residential development. The single-family residential development is located within the City of Ventura, approximately 4,000 feet from the subject WCF. The WCF would continue to provide telecommunication services, including critical infrastructure for the City of Ventura Police Department, to the surrounding area and remain compatible with the neighboring land uses. No land use conflicts would occur with the continued use of the existing WCF.

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

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

The WCF does not generate substantial noise or pose a health threat. No adverse effect on neighboring property or uses has been identified. Additionally, the project is conditioned to require the Permittee to identify a contact person for the timely resolution of complaints (Exhibit 6, Condition Nos. 14, 15).

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

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

No adverse effect on the use of the surrounding properties has been identified. In any case, the Permittee will be required to identify a contact person for the timely resolution of complaints (Exhibit 6, Condition Nos. 14, 15). Additionally, the proposed project will include conditions of approval to ensure that the proposed use, storage, and handling of hazardous materials will be in compliance with applicable County and state regulations (Exhibit 6, Condition No. 20).

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

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].

The WCF is compatible with the existing undeveloped open space, agricultural land uses, and single-family development. Given the rural nature of the surrounding area, zoning designations, General Plan land use designations, and development challenges related to fire hazards and topography, land uses in the area are unlikely to change. Furthermore, the WCF is located on a hillside approximately 4,000 feet from the nearest roadway, 4,000 feet from the nearest residence, and not visible from public viewpoints (Exhibit 10, Viewshed Analysis)(Exhibit 6, Condition No. 17). Finally, no effects on existing or potential land uses would occur with the continued operation of the WCF.

6. The proposed development will occur on a legal lot [Section 8111-1.2.1.f].

The subject APN, 064-0-170-430, is a portion of Parcel B as depicted in Lot Line Adjustment Case No. PL13-0118 (LLA 140905-0111689) recorded on August 29, 2014. Parcel B, the legal lot, is comprised of APNs 064-0-170-430, 064-0-090-100, and 064-0-100-150.

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

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

As discussed in Section B above, staff prepared an addendum to the previously adopted MND (Exhibit 7) that complies with the California Environmental Quality Act.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On April 19, 2024, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On April 22, 2024, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received.

The project site is located within the City of Ventura Area of Interest. On January 31, 2024, the County of Ventura Planning Division notified the City of Ventura of the project and requested the City of Ventura to provide written comment. On April 18, 2024, the City of Ventura responded via email stating that the City of Ventura had no comment on the project.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process.
2. **FIND** that none of the conditions have occurred or exist as set forth in CEQA Guidelines Section 15162 to require the preparation of a subsequent MND or environmental impact report for the subject CUP, and that the addendum to the adopted MND for CUP 4555 (Exhibit 7) satisfies the environmental requirements of CEQA.
3. **MAKE** the required findings to grant a Modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record.
4. **APPROVE** the application for a Modified CUP (Case No. PL24-0006), subject to the conditions of approval (Exhibit 6).
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 AJ Bernhardt at (805) 654-3136 or AJ.Bernhardt@ventura.org.

Prepared by:



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

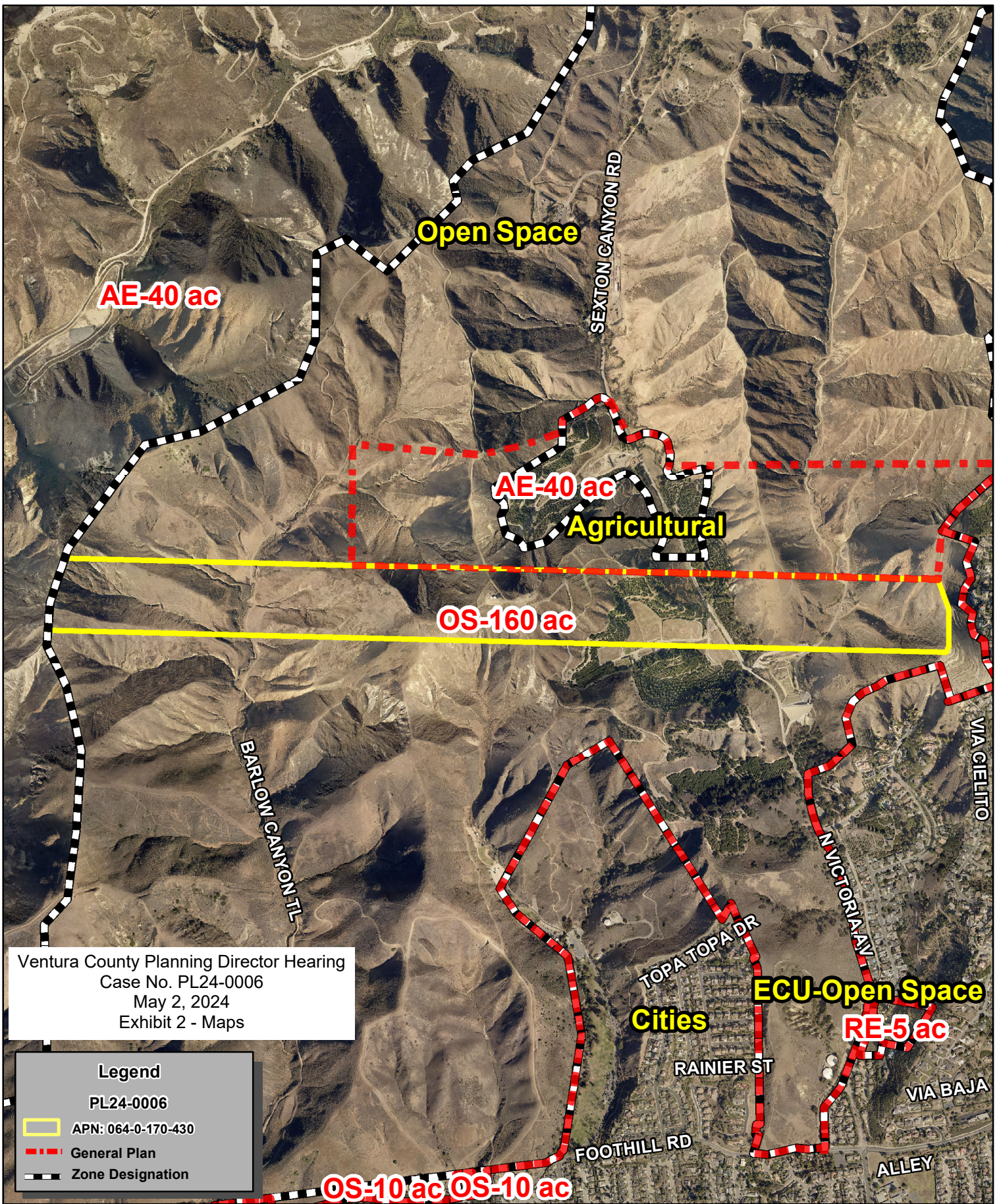
Reviewed by:



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

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plans
- Exhibit 4 Photos
- Exhibit 5 General Plan Consistency Analysis
- Exhibit 6 Conditions of Approval
- Exhibit 7 2024 Addendum to the Adopted 1989 Mitigated Negative Declaration for CUP 4555
- Exhibit 8 1989 Mitigated Negative Declaration for CUP 4555
- Exhibit 9 2014 Addendum to the Adopted 1989 Negative Declaration *[sic]*¹ for CUP 4555 (PL13-0172)
- Exhibit 10 Viewshed Analysis



Ventura County Planning Director Hearing
 Case No. PL24-0006
 May 2, 2024
 Exhibit 2 - Maps

Legend

PL24-0006

APN: 064-0-170-430

General Plan

Zone Designation

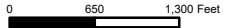
OS-10 ac OS-10 ac



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 03-01-2024
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County of Ventura
 Planning Director Hearing
 Case No. PL24-0006
 Exhibit 2 - Maps



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





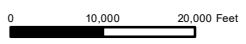
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 03-01-2024



County of Ventura
Planning Director Hearing
APN: 064-0-170-430
PL24-0006
Location Map



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064-0-170-430



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 03-01-2024
Source: Vexcel 2022



County of Ventura
Planning director Hearing
APN: 064-0-170-430
PL24-0006
Aerial Photography

010000 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 no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



PROJECT SUMMARY

FIELD SURVEY DATE: 12/15/2016
 SITE ADDRESS: 2977 SEXTON CANYON ROAD, VENTURA, CA 93003

PARCEL INFORMATION
 OWNER: LLOYD PROPERTIES, A CALIFORNIA CORPORATION
 OWNER ADDRESS: 12400 WILSHIRE BLVD., SUITE 1180, LOS ANGELES, CA 90003
 APN: 064-0-170-430

TOTAL AREAS:
 PARENT PARCEL: 213± ACRES
 ATC LEASE AREA: 0.01 ACRES
 ACCESS AND UTILITY EASEMENT: 1.99± ACRES
 GUY EASEMENT #1: 0.03 ACRES
 GUY EASEMENT #2: 0.01 ACRES
 GUY EASEMENT #3: 0.01 ACRES

GEOGRAPHIC COORDINATES OF TOWER:
 LATITUDE: 34°18'08.9" N
 LONGITUDE: 119°13'50.6" W
 VERTICAL DATUM: N.A.V.D. 1988
 HORIZONTAL DATUM: NAD83 (2011)
 GROUND ELEVATION: 1224.1
 * BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE N.A.D.83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE FIVE, DETERMINED BY GPS OBSERVATIONS.

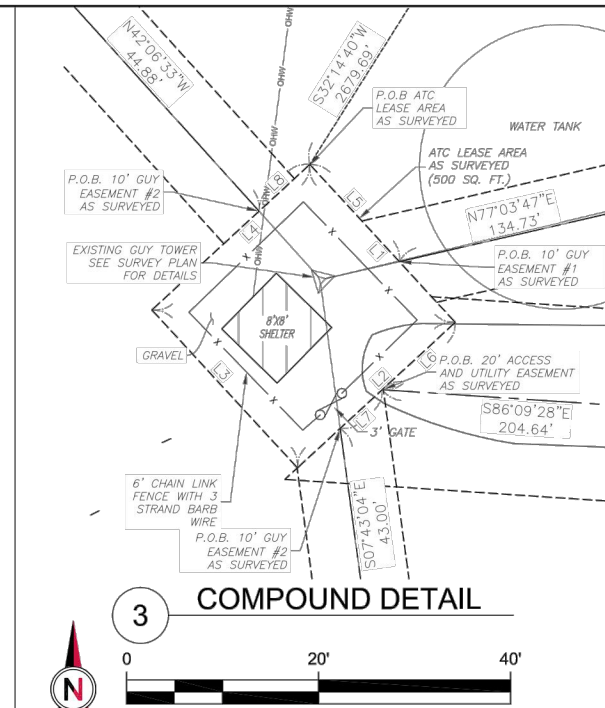
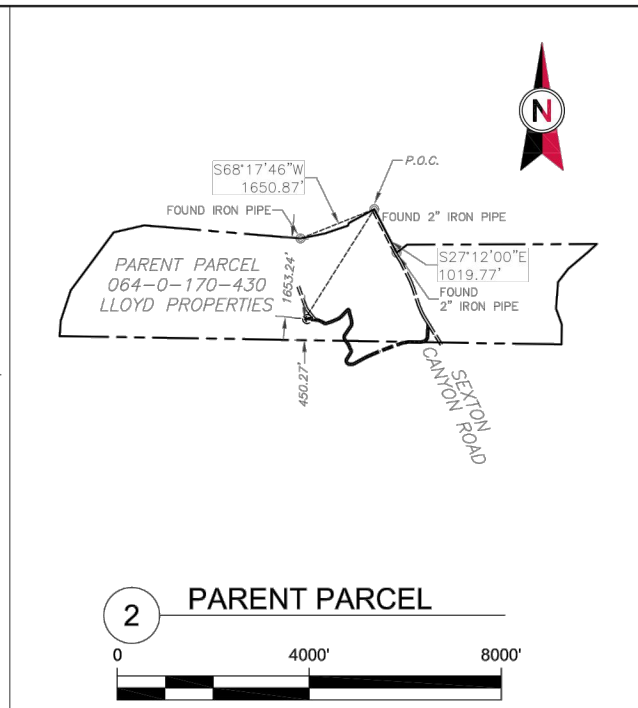
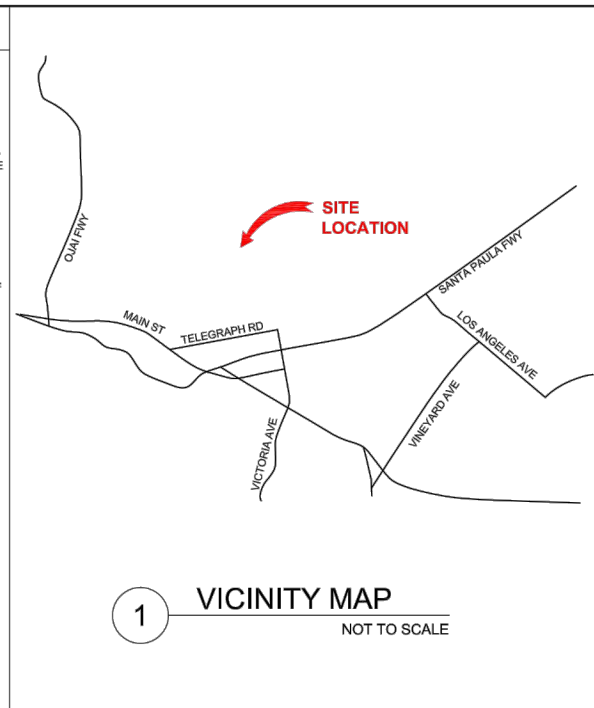
FLOODPLAIN:
 PER THE F.E.M.A. FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X.
 COMMUNITY PANEL NO.: 06111C0765E
 DATED: 01/20/2010

BOUNDARY NOTE
 THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PARENT TRACT. ANY PARENT TRACT PROPERTY LINES SHOWN HEREON ARE FROM SUPPLIED INFORMATION AND MAY NOT BE FIELD VERIFIED.

ENCROACHMENT STATEMENT
 ATC LEASE AREA IS CONTAINED ENTIRELY WITHIN THE PARENT PARCEL.
 AT THE TIME OF THE SURVEY, THERE WAS VISIBLE EVIDENCE OF AN ENCROACHMENT AS FOLLOWS:
 [A] ACCESS ROAD ENCROACHES ONTO ADJUTING PROPERTY AS SHOWN AND IS LABELED AS AN ENCROACHMENT. TITLE COMMITMENT REPORT FOR EACH ADJUTING PROPERTY IS REQUIRED TO INCLUDE AS-SURVEYED LEGAL DESCRIPTION(S) FOR PORTION OF ACCESS ROAD OVER EACH PROPERTY.

SURVEYOR'S NOTES

- THERE IS ACCESS TO THE SUBJECT PROPERTY VIA SEXTON CANYON ROAD, A PRIVATE RIGHT OF WAY.
- THE LOCATIONS OF ALL UTILITIES SHOWN ON THE SURVEY ARE FROM VISIBLE SURFACE EVIDENCE ONLY.
- AT THE TIME OF THIS SURVEY THERE WAS NO OBSERVABLE SURFACE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS THAT AFFECT THE LEASE OR EASEMENT AREA, OR THE ACCESS AND UTILITY EASEMENTS AT THE TIME OF THIS SURVEY. THERE WAS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THIS IS AN AS-BUILT TOWER SURVEY, MADE ON THE GROUND UNDER THE SUPERVISION OF A CALIFORNIA REGISTERED LAND SURVEYOR. DATE OF FIELD SURVEY IS DECEMBER 15, 2017.
- BEARINGS ARE BASED ON CALIFORNIA ZONE FIVE STATE PLANE COORDINATES NAD 83 (2011) BY GPS OBSERVATION.
- NO UNDERGROUND UTILITIES, UNDERGROUND ENCROACHMENTS OR BUILDING FOUNDATIONS WERE MEASURED OR LOCATED AS A PART OF THIS SURVEY, UNLESS OTHERWISE SHOWN. TREES AND SHRUBS NOT LOCATED, UNLESS OTHERWISE SHOWN.
- THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF AN AS-BUILT TOWER SURVEY ONLY, AND IS NOT INTENDED TO DELINEATE THE REGULATORY JURISDICTION OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER SIMILAR ENTITY. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.
- THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PARENT TRACT. ANY PARENT TRACT PROPERTY LINES SHOWN HEREON ARE FROM SUPPLIED INFORMATION AND MAY NOT BE FIELD VERIFIED.



LEGAL DESCRIPTIONS

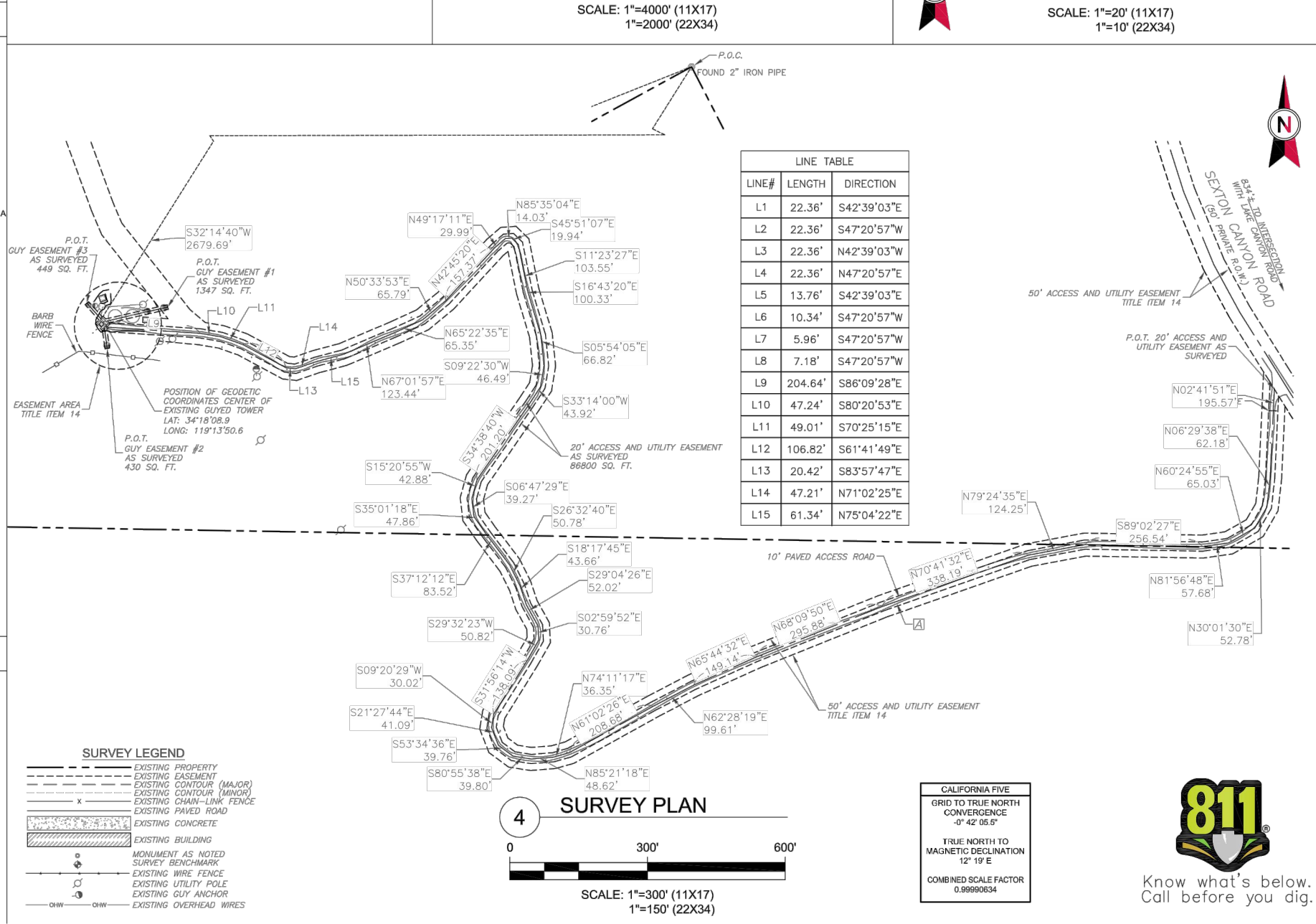
PARENT PARCEL - AS PROVIDED:
 THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF VENTURA, CITY OF VENTURA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:
 THOSE PORTIONS OF LOTS 10, 11, 14, 15, AND 18 OF SUBDIVISION "R", RANCHO EX-MISSION OF SAN BUENAVENTURA TRACT NO. 1, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE 103 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AS SHOWN AND DESCRIBED AS PARCEL B ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111699 OF OFFICIAL RECORDS.
 EXCEPT THEREFROM, ALL RIGHTS TO ALL MINERALS, INCLUDING BUT NOT LIMITED TO ALL OIL, PETROLEUM, GAS, COAL, ASPHALT, MALTHA, NAPHTHA, BITUMEN, HYDROCARBONS, GEOTHERMAL STEAM AND ALL OTHER KINDRED SUBSTANCES AND ALL OTHER MINERALS OF ANY KIND OR NATURE WHATSOEVER, EXCEPT WATER IN LIQUID FORM, BELOW A DEPTH OF 550 FEET UNDER SAID LAND, TOGETHER WITH THE RIGHT TO DRILL THROUGH THE SUBSURFACE OF SAID LAND BELOW A DEPTH OF 550 FEET FOR WELLS TO BE BOTTOMED UNDER SAID LAND OR ANY OTHER LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, EXCEPT FOR THE DRILL SITES AS RESERVED THEREIN, AS RESERVED BY JOHN DABNEY SHEARER, ET AL ON DEED RECORDED JANUARY 28, 1976, IN BOOK 4530, PAGE 289 OF OFFICIAL RECORDS.
 ALSO EXCEPT THEREFROM ALL RIGHTS TO ALL MINERALS, INCLUDING BUT NOT LIMITED TO ALL OIL, PETROLEUM, GAS, COAL, ASPHALT, MALTHA, NAPHTHA, BITUMEN, HYDROCARBONS, GEOTHERMAL STEAM AND ALL OTHER KINDRED SUBSTANCES AND ALL OTHER MINERALS OF ANY KIND OR NATURE WHATSOEVER, EXCEPT WATER IN LIQUID FORM, BELOW A DEPTH OF 550 FEET UNDER SAID LAND, TOGETHER WITH THE RIGHT TO DRILL THROUGH THE SUBSURFACE OF SAID LAND BELOW A DEPTH OF 550 FEET FOR WELLS TO BE BOTTOMED UNDER SAID LAND OR ANY OTHER LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, EXCEPT FOR THE DRILL SITES AS RESERVED THEREIN, AS RESERVED BY LLOYD CORPORATION, A CALIFORNIA CORPORATION IN DEED RECORDED JANUARY 28, 1976, IN BOOK 4530, PAGE 314 OF OFFICIAL RECORDS.
 ALSO EXCEPT THEREFROM ALL RIGHTS TO ALL MINERALS, INCLUDING BUT NOT LIMITED TO ALL OIL, PETROLEUM, GAS, COAL, ASPHALT, MALTHA, NAPHTHA, BITUMEN, HYDROCARBONS, GEOTHERMAL STEAM AND ALL OTHER KINDRED SUBSTANCES AND ALL OTHER MINERALS OF ANY KIND OR NATURE WHATSOEVER, EXCEPT WATER IN LIQUID FORM, BELOW A DEPTH OF 550 FEET UNDER SAID LAND, TOGETHER WITH THE RIGHT TO DRILL THROUGH THE SUBSURFACE OF SAID LAND BELOW A DEPTH OF 550 FEET FOR WELLS TO BE BOTTOMED UNDER SAID LAND OR ANY OTHER LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY, EXCEPT FOR THE DRILL SITES AS RESERVED THEREIN, AS RESERVED BY SECURITY TRUST COMPANY, A CALIFORNIA CORPORATION AS TRUSTEE OF THE JOSEPH B. DABNEY HEIRS TRUST, CREATED BY THAT CERTAIN DECLARATION OF TRUST DATED APRIL 4, 1957, (TITLE INSURANCE AND TRUST NO. PR-12877; SECURITY TRUST NO. 1947-0), DATED APRIL 4, 1957, IN DEED RECORDED AS DOCUMENT NO. 95-057148 OF OFFICIAL RECORDS.
 PARCEL ID #064-0-170-430 (OLD PINK 064-0-170-331)
 THIS BEING THE SAME PROPERTY CONVEYED TO LLOYD PROPERTIES, A CALIFORNIA CORPORATION FROM DABNEY-LLOYD, L.L.C. A DELAWARE LIMITED LIABILITY COMPANY IN A DEED DATED SEPTEMBER 17, 2014 AND RECORDED SEPTEMBER 24, 2014, AS INSTRUMENT NO. 20140924-0019998-0.

SEE SHEET V-103 FOR CONTINUATION OF LEGALS



NOTES CORRESPONDING TO ENCUMBRANCES

SEE SHEET V-103 FOR TITLE ITEMS



AMERICAN TOWER®
 ATC TOWER SERVICES, INC.
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-0112
 FAX: (919) 466-5415

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	PRELIM	CK	01/02/17

ATC SITE NUMBER:
8029

ATC SITE NAME:
WILLIS PEAK CA

SITE ADDRESS:
2977 SEXTON CANYON ROAD
VENTURA, CA 93003

SURVEY CERTIFICATE:
 I HEREBY CERTIFY TO AMERICAN TOWER CORPORATION AND LINEAR TITLE AND CLOSING, THE FOLLOWING:
 THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN SCORE REPORT NO. ATC-619191-PR ISSUED BY LINEAR TITLE AND CLOSING, WITH AN EFFECTIVE DATE OF DECEMBER 13, 2017, WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER SAID REPORT.
 THIS SURVEYOR KNOWS OF HIS OWN KNOWLEDGE THAT THE LANDS DESCRIBED UNDER SAID REPORT CONTAIN OR INCLUDE THE LANDS DESCRIBED IN AND DEPICTED ON THIS SURVEY.

THIS SURVEYOR FURTHER KNOWS TO THE BEST OF HIS KNOWLEDGE THAT THE EASEMENTS OF RECORD AND IDENTIFIED UNDER SAID REPORT ENCUMBER THE LANDS DESCRIBED ON THIS SURVEY, BUT SAID EASEMENTS WILL NOT INTERFERE WITH THE LOCATION OF THE PROPOSED INSURED LANDS, INCLUDING THE LEASED AREA AND ANY AND ALL ACCESS, UTILITY AND GUY WIRE EASEMENT PARCELS.

I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF CALIFORNIA.
 (SIGNED) _____
 NAME:

428 MAIN STREET
 SUITE 206
 WASHINGTON BEACH, CA 90724
 PH: (408) 659-4072
 www.ambtconsulting.us

SMW
 GROUP, INC.
 SMW Engineering Group, Inc.
 158 Business Center Drive
 Birmingham, Alabama 35244
 Ph: 205-262-6985 PROJECT NO:
 www.smweng.com 16-3046

DRAWN BY:	CK
APPROVED BY:	XX
DATE DRAWN:	01/02/17
ATC JOB NO:	8029

TITLE AND BOUNDARY PLAN

SHEET NUMBER:
V-101
SHEET 1 OF 3

REVISION:
0

PROJECT SUMMARY

FIELD SURVEY DATE: 12/15/2016

SITE ADDRESS: 2977 SEXTON CANYON ROAD, VENTURA, CA 93003

PARCEL INFORMATION

OWNER: LLOYD PROPERTIES, A CALIFORNIA CORPORATION
 OWNER ADDRESS: 12400 WILSHIRE BLVD., SUITE 1180, LOS ANGELES, CA 90003
 APN: 064-0-170-430

TOTAL AREAS:
 PARENT PARCEL: 213± ACRES ATC LEASE AREA: 0.01 ACRES
 ACCESS AND UTILITY EASEMENT: 1.99± ACRES
 GUY EASEMENT #1: 0.03 ACRES GUY EASEMENT #2: 0.01 ACRES
 GUY EASEMENT #3: 0.01 ACRES

GEOGRAPHIC COORDINATES OF TOWER:
 LATITUDE: 34°18'08.9" N LONGITUDE: 119°13'50.6" W
 VERTICAL DATUM: N.A.V.D. 1988 HORIZONTAL DATUM: NAD83 (2011)
 GROUND ELEVATION: 1224.1
 * BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE N.A.D.83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE FIVE, DETERMINED BY GPS OBSERVATIONS.

FLOODPLAIN:
 PER THE F.E.M.A. FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X.
 COMMUNITY PANEL NO.: 06111C0765E DATED: 01/20/2010

BOUNDARY NOTE
 THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PARENT TRACT. ANY PARENT TRACT PROPERTY LINES SHOWN HEREON ARE FROM SUPPLIED INFORMATION AND MAY NOT BE FIELD VERIFIED.

ENCROACHMENT STATEMENT
 ATC LEASE AREA IS CONTAINED ENTIRELY WITHIN THE PARENT PARCEL.

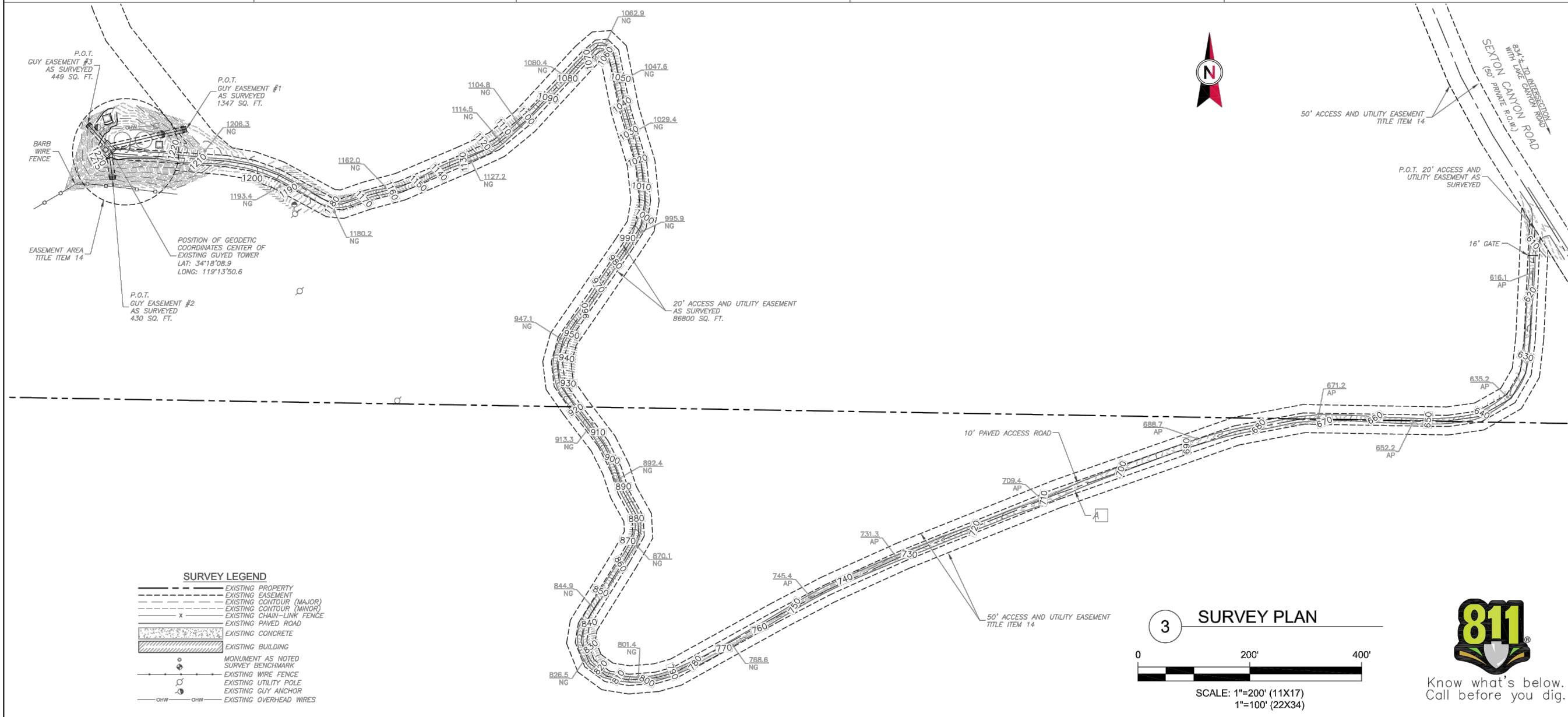
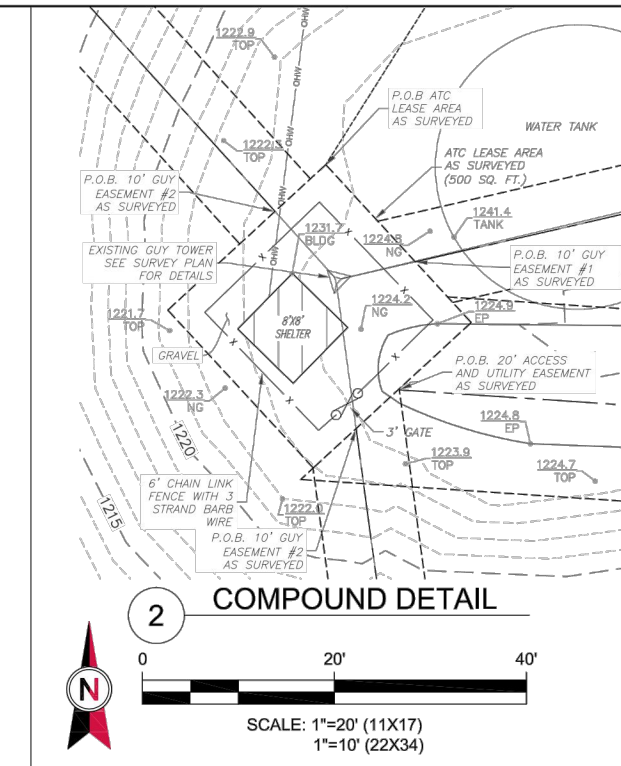
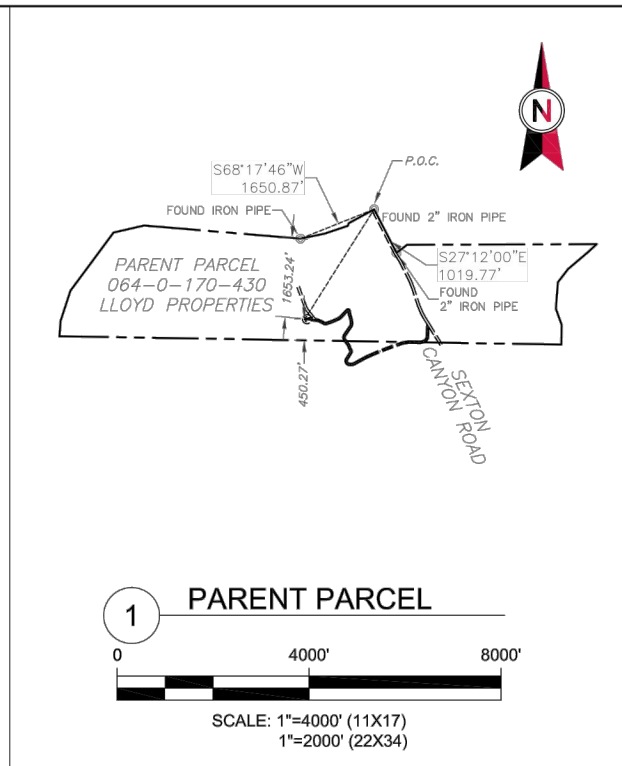

AT THE TIME OF THE SURVEY, THERE WAS VISIBLE EVIDENCE OF AN ENCROACHMENT AS FOLLOWS:
 [A] ACCESS ROAD ENCROACHES ONTO ABUTTING PROPERTY AS SHOWN AND IS LABELED AS AN ENCROACHMENT. TITLE COMMITMENT/REPORT FOR EACH ABUTTER'S PROPERTY IS REQUIRED TO INCLUDE AS-SURVEYED LEGAL DESCRIPTION(S) FOR PORTION OF ACCESS ROAD OVER EACH PROPERTY.

ZONING INFORMATION

ZONE: N/A

TOWER INFORMATION

TOWER GROUND ELEVATION: 1224.1' (NAVD 88) 0.0' (AGL)
 TOWER TOP ELEVATION: 1324.6' (NAVD 88) 100.5' (AGL)
 HIGHEST APPURTENANCE: 1338.7' (NAVD 88) 114.6' (AGL)

AMERICAN TOWER®
 ATC TOWER SERVICES, INC.
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-0112
 FAX: (919) 466-5415

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.


REV.	DESCRIPTION	BY	DATE
0	PRELIM	CK	01/02/17

ATC SITE NUMBER:
8029

ATC SITE NAME:
WILLIS PEAK CA

SITE ADDRESS:
 2977 SEXTON CANYON ROAD
 VENTURA, CA 93003

SURVEY CERTIFICATE:
 I HEREBY CERTIFY TO AMERICAN TOWER CORPORATION AND LINEAR TITLE AND CLOSING, THE FOLLOWING:
 THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN SCORE REPORT NO. ATC-619191-PR ISSUED BY LINEAR TITLE AND CLOSING, WITH AN EFFECTIVE DATE OF DECEMBER 13, 2017, WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER SAID REPORT.
 THIS SURVEYOR KNOWS OF HIS OWN KNOWLEDGE THAT THE LANDS DESCRIBED UNDER SAID REPORT CONTAIN OR INCLUDE THE LANDS DESCRIBED IN AND DEPICTED ON THIS SURVEY.
 THIS SURVEYOR FURTHER KNOWS TO THE BEST OF HIS KNOWLEDGE THAT THE EASEMENTS OF RECORD AND IDENTIFIED UNDER SAID REPORT ENCUMBER THE LANDS DESCRIBED ON THIS SURVEY, BUT SAID EASEMENTS WILL NOT INTERFERE WITH THE LOCATION OF THE PROPOSED INSURED LANDS, INCLUDING THE LEASED AREA AND ANY AND ALL ACCESS, UTILITY AND GUY WIRE EASEMENT PARCELS.
 I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF CALIFORNIA.
 (SIGNED) _____
 NAME:



428 MAIN STREET
 SUITE 206
 WILMINGTON BEACH, CA 90746
 PH: (408) 659-8072
 www.smbconsulting.com

SMW ENGINEERING GROUP, INC.
 SMW Engineering Group, Inc.
 158 Business Center Drive
 Birmingham, Alabama 35244
 Ph: 205-252-6985 PROJECT NO: 16-3046
 www.smweng.com

DRAWN BY:	CK
APPROVED BY:	XX
DATE DRAWN:	01/02/17
ATC JOB NO:	8029

EXISTING CONDITIONS PLAN

SHEET NUMBER: V-102 SHEET 1 OF 3	REVISION: 0
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LEGAL DESCRIPTIONS

ATC EASEMENT AREA - AS PROVIDED:
NONE PROVIDED

ATC EASEMENT AREA - AS SURVEYED:
A PORTION OF PARCEL B AS DESCRIBED ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111689 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111688 OF OFFICIAL RECORDS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND 2" IRON PIPE AT THE MOST NORTHERLY CORNER OF SAID PARCEL B AS SHOWN ON SAID RECORD OF SURVEY, FROM WHICH A 2" IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 27°12'00" EAST, 1019.77 FEET, AND FROM WHICH A FOUND IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 88°17'46" WEST, 1650.87 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 32°14'40" WEST, 2679.69 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 42°39'03" EAST, 22.36 FEET; THENCE SOUTH 47°20'57" WEST, 22.36 FEET; THENCE NORTH 42°39'03" WEST, 22.36 FEET; THENCE NORTH 47°20'57" EAST, 22.36 FEET TO THE POINT OF BEGINNING; CONTAINING 500 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

GUY EASEMENTS - AS PROVIDED:
NONE PROVIDED

GUY EASEMENTS - AS SURVEYED:
GUY EASEMENT #1
A PORTION OF PARCEL B AS DESCRIBED ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111689 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111688 OF OFFICIAL RECORDS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA BEING A STRIP OF LAND 10.00 FEET WIDE, 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT A FOUND 2" IRON PIPE AT THE MOST NORTHERLY CORNER OF SAID PARCEL B AS SHOWN ON SAID RECORD OF SURVEY, FROM WHICH A 2" IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 27°12'00" EAST, 1019.77 FEET, AND FROM WHICH A FOUND IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 88°17'46" WEST, 1650.87 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 32°14'40" WEST, 2679.69 FEET; THENCE SOUTH 42°39'03" EAST, 22.36 FEET; THENCE NORTH 42°39'03" WEST, 22.36 FEET; THENCE NORTH 47°20'57" EAST, 22.36 FEET TO THE POINT OF TERMINUS.
CONTAINING 1347 SQUARE FEET OR 0.03 ACRES MORE OR LESS.

GUY EASEMENT #2:
A PORTION OF PARCEL B AS DESCRIBED ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111689 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111688 OF OFFICIAL RECORDS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA BEING A STRIP OF LAND 10.00 FEET WIDE, 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT A FOUND 2" IRON PIPE AT THE MOST NORTHERLY CORNER OF SAID PARCEL B AS SHOWN ON SAID RECORD OF SURVEY, FROM WHICH A 2" IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 27°12'00" EAST, 1019.77 FEET, AND FROM WHICH A FOUND IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 88°17'46" WEST, 1650.87 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 32°14'40" WEST, 2679.69 FEET; THENCE SOUTH 42°39'03" EAST, 22.36 FEET; THENCE NORTH 42°39'03" WEST, 22.36 FEET; THENCE NORTH 47°20'57" WEST, 16.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 07°43'04" EAST, 43.00 FEET TO THE POINT OF TERMINUS.
CONTAINING 430 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

GUY EASEMENT #3:
A PORTION OF PARCEL B AS DESCRIBED ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111689 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111688 OF OFFICIAL RECORDS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA BEING A STRIP OF LAND 10.00 FEET WIDE, 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT A FOUND 2" IRON PIPE AT THE MOST NORTHERLY CORNER OF SAID PARCEL B AS SHOWN ON SAID RECORD OF SURVEY, FROM WHICH A 2" IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 27°12'00" EAST, 1019.77 FEET, AND FROM WHICH A FOUND IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 88°17'46" WEST, 1650.87 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 32°14'40" WEST, 2679.69 FEET; THENCE SOUTH 42°39'03" EAST, 22.36 FEET; THENCE NORTH 42°39'03" WEST, 22.36 FEET; THENCE NORTH 47°20'57" WEST, 16.30 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 07°43'04" EAST, 43.00 FEET TO THE POINT OF TERMINUS.
CONTAINING 449 SQUARE FEET OR 0.01 ACRES MORE OR LESS.

SIDE LINES OF SAID EASEMENTS ARE TO LENGTHEN TO OR TERMINATE AT THE BOUNDARY OF ABOVE DESCRIBED LEASE AREA

ACCESS AND UTILITY EASEMENT - AS PROVIDED:
NONE PROVIDED

ACCESS AND UTILITY EASEMENT - AS SURVEYED:
A PORTION OF PARCEL B AS DESCRIBED ON PARCEL MAP WAIVER NO. PL 13-0188, RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111689 OF OFFICIAL RECORDS AND AS SHOWN ON RECORD OF SURVEY RECORDED SEPTEMBER 5, 2014, AS DOCUMENT NO. 20140905-111688 OF OFFICIAL RECORDS, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA BEING A STRIP OF LAND 20.00 FEET WIDE, 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT A FOUND 2" IRON PIPE AT THE MOST NORTHERLY CORNER OF SAID PARCEL B AS SHOWN ON SAID RECORD OF SURVEY, FROM WHICH A 2" IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 27°12'00" EAST, 1019.77 FEET, AND FROM WHICH A FOUND IRON PIPE MARKING AN ANGLE POINT IN THE NORTH LINE OF SAID PARCEL BEARS SOUTH 88°17'46" WEST, 1650.87 FEET; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 32°14'40" WEST, 2679.69 FEET; THENCE SOUTH 42°39'03" EAST, 22.36 FEET; THENCE SOUTH 47°20'57" WEST, 10.34 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°09'28" EAST, 204.64 FEET; THENCE SOUTH 80°20'53" EAST, 47.24 FEET; THENCE SOUTH 70°25'15" EAST, 49.01 FEET; THENCE SOUTH 61°41'49" EAST, 106.82 FEET; THENCE SOUTH 83°57'47" EAST, 20.42 FEET; THENCE NORTH 71°02'28" EAST, 47.21 FEET; THENCE NORTH 76°04'22" EAST, 61.34 FEET; THENCE NORTH 67°01'57" EAST, 123.44 FEET; THENCE NORTH 65°22'36" EAST, 65.36 FEET; THENCE NORTH 50°33'53" EAST, 65.79 FEET; THENCE NORTH 42°45'20" EAST, 157.37 FEET; THENCE NORTH 49°17'11" EAST, 29.99 FEET; THENCE NORTH 86°30'04" EAST, 14.03 FEET; THENCE SOUTH 45°10'07" EAST, 19.94 FEET; THENCE SOUTH 11°22'27" EAST, 103.55 FEET; THENCE SOUTH 16°49'20" EAST, 100.33 FEET; THENCE SOUTH 05°54'05" EAST, 66.82 FEET; THENCE SOUTH 09°22'30" WEST, 46.49 FEET; THENCE SOUTH 33°14'00" WEST, 43.92 FEET; THENCE SOUTH 34°38'40" WEST, 201.20 FEET; THENCE SOUTH 15°20'55" WEST, 42.88 FEET; THENCE SOUTH 06°47'29" EAST, 39.27 FEET; THENCE SOUTH 35°01'18" EAST, 47.86 FEET; THENCE SOUTH 37°12'12" EAST, 83.52 FEET; THENCE SOUTH 26°32'40" 50.78 FEET; THENCE SOUTH 18°17'40" EAST, 43.86 FEET; THENCE SOUTH 29°04'26" EAST, 82.02 FEET; THENCE SOUTH 02°59'52" EAST, 30.76 FEET; THENCE SOUTH 29°32'23" WEST, 50.82 FEET; THENCE SOUTH 31°56'14" WEST, 138.09 FEET; THENCE SOUTH 09°20'29" WEST, 30.02 FEET; THENCE SOUTH 21°27'44" EAST, 41.09 FEET; THENCE SOUTH 53°34'36" EAST, 39.76 FEET; THENCE SOUTH 80°55'38" EAST, 39.80 FEET; THENCE NORTH 85°21'16" EAST, 48.82 FEET; THENCE NORTH 74°11'17" EAST, 36.35 FEET; THENCE NORTH 61°02'26" EAST, 208.68 FEET; THENCE NORTH 62°28'19" EAST, 98.61 FEET; THENCE NORTH 65°44'32" EAST, 149.14 FEET; THENCE NORTH 68°09'50" EAST, 296.88 FEET; THENCE NORTH 70°41'32" EAST, 338.19 FEET; THENCE NORTH 79°24'35" EAST, 124.25 FEET; THENCE SOUTH 89°02'27" EAST, 256.54 FEET; THENCE NORTH 81°56'48" EAST, 57.68 FEET; THENCE NORTH 60°24'55" EAST, 65.03 FEET; THENCE NORTH 30°01'30" EAST, 52.78 FEET; THENCE NORTH 08°29'38" EAST, 62.18 FEET; THENCE NORTH 02°41'51" EAST 195.57 FEET MORE OR LESS TO A POINT ON THE WESTERLY LINE OF SEXTON CANYON ROAD RIGHT OF WAY AND THE POINT OF TERMINUS.

CONTAINING 86800 SQUARE FEET OR 01.99 ACRES MORE OR LESS.

NOTES CORRESPONDING TO ENCUMBRANCES

THE SCORE REPORT ISSUED BY **LINEAR TITLE & CLOSING** COMMITMENT NO. **ATC-619191-PR** WITH AN EFFECTIVE DATE OF **DECEMBER 13, 2016** CONTAINS THE FOLLOWING SURVEY RELATED ITEMS.

- CERTIFICATE OF COMPLIANCE, DATED JULY 1, 1996 RECORDED JULY 3, 1996, AS INSTRUMENT NO. 96-091661, IN VENTURA COUNTY, CALIFORNIA. (DOES NOT AFFECT LEASE AREA)
- CERTIFICATE OF COMPLIANCE, DATED JULY 1, 1996 RECORDED JULY 3, 1996, AS INSTRUMENT NO. 96-091662, IN VENTURA COUNTY, CALIFORNIA. (DOES NOT AFFECT LEASE AREA)
- CERTIFICATE OF COMPLIANCE, DATED SEPTEMBER 20, 1996 RECORDED SEPTEMBER 23, 1996, AS INSTRUMENT NO. 96-130141, IN VENTURA COUNTY, CALIFORNIA. (DOES NOT AFFECT LEASE AREA)
- CERTIFICATE OF COMPLIANCE, DATED SEPTEMBER 23, 1996 RECORDED SEPTEMBER 23, 1996, AS INSTRUMENT NO. 96-130145, IN VENTURA COUNTY, CALIFORNIA. (DOES NOT AFFECT LEASE AREA)
- EASEMENT AGREEMENT BETWEEN LLOYD PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP AND DABNEY-LLOYD CORPORATION, A CALIFORNIA CORPORATION, DATED OCTOBER 8, 1997 RECORDED FEBRUARY 18, 1998, AS INSTRUMENT NO. 98-022112, IN VENTURA COUNTY, CALIFORNIA. (EXACT LOCATION IS INDETERMINATE)
- AGREEMENT, DATED JUNE 30, 1998 RECORDED JULY 16, 1998, AS INSTRUMENT NO. 98-117636, IN VENTURA COUNTY, CALIFORNIA. (EXACT LOCATION IS INDETERMINATE)
- AGREEMENT, DATED APRIL 27, 1998 RECORDED JULY 16, 1998, AS INSTRUMENT NO. 98-117637, IN VENTURA COUNTY, CALIFORNIA. (EXACT LOCATION IS INDETERMINATE)
- CONFIRMATORY MEMORANDUM OF LEASE BETWEEN DABNEY-LLOYD CORPORATION, A CALIFORNIA CORPORATION AND SUNSET VISTA CORPORATION; AND PINNACLE TOWERS, INC., SUCCESSOR IN INTEREST TO MOBILECOMM OF THE WEST, INC., SUCCESSOR IN INTEREST TO MOBILECOMM OF CALIFORNIA, INC., DATED AUGUST 31, 1998 RECORDED DECEMBER 21, 1998, AS INSTRUMENT NO. 98-227117, IN VENTURA COUNTY, CALIFORNIA.
- AS AFFECTED BY ASSIGNMENT AND ASSUMPTION OF GROUND LEASE BETWEEN MOBILECOMM OF THE WEST, INC., A CALIFORNIA CORPORATION AND PINNACLE TOWERS INC., A DELAWARE CORPORATION, DATED SEPTEMBER 3, 1998 RECORDED DECEMBER 21, 1998, AS INSTRUMENT NO. 98-227118, IN VENTURA COUNTY, CALIFORNIA. (EXACT LOCATION IS INDETERMINATE)
- ASSIGNMENT AND ASSUMPTION OF LEASE BETWEEN DABNEY-LLOYD CORPORATION, A CALIFORNIA CORPORATION AND DABNEY-LLOYD, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DATED MARCH 26, 2002 RECORDED APRIL 1, 2002, AS INSTRUMENT NO. 2002-007695, IN VENTURA COUNTY, CALIFORNIA. (EXACT LOCATION IS INDETERMINATE)
- MEMORANDUM OF SUBLEASE BETWEEN LLOYD PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP AND SOUTH FLANK ENERGY, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, DATED JUNE 1, 2006 RECORDED JULY 11, 2006, AS INSTRUMENT NO. 2006071-0146798, IN VENTURA COUNTY, CALIFORNIA.
- AS AFFECTED BY ASSIGNMENT OF SUBLEASE BETWEEN SOUTH FLANK ENERGY, LLC AND VENTURA ENERGY MANAGEMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, DATED NOVEMBER 13, 2006 RECORDED APRIL 10, 2007, AS INSTRUMENT NO. 20070410-00074110-0, IN VENTURA COUNTY, CALIFORNIA.
- AS AFFECTED BY QUITCLAIM SYBLEASE BETWEEN VENTURA ENERGY MANAGEMENT, LLC AND LLOYD PROPERTIES, DATED OCTOBER 22, 2009, RECORDED NOVEMBER 23, 2009, AS INSTRUMENT NO. 20091123-001900.9-0. (BLANKET IN NATURE)
- NOTICE OF NONCOMPLIANCE BETWEEN COUNTY OF VENTURA BY KIM L. PRILLHART, DIRECTOR PLANNING DIVISION AND DABNEY LLOYD LLC, DATED AUGUST 28, 2013 RECORDED AUGUST 29, 2013, AS INSTRUMENT NO. 20130829-00151214-0, IN VENTURA COUNTY, CALIFORNIA. (NOTHING TO PLOT)
- NOTICE OF LAND USE ENTITLEMENT BETWEEN AMERICAN TOWER AND DABNEY LLOYD CORP., DATED APRIL 1, 2014 RECORDED MAY 1, 2014, AS INSTRUMENT NO. 20140501-00055032-0, IN VENTURA COUNTY, CALIFORNIA. (NOTHING TO PLOT)
- LOT LINE ADJUSTMENT BETWEEN WINSTON WRIGHT, DISCRETIONARY PERMIT COORDINATOR COUNTY OF VENTURA PLANNING DIVISION AND DABNEY-LLOYD, LLC, DATED AUGUST 29, 2014 RECORDED SEPTEMBER 5, 2014, AS INSTRUMENT NO. 20140905-00111689-0, IN VENTURA COUNTY, CALIFORNIA. (SHOWN HEREON AS PARENT PARCEL)
- EASEMENT AGREEMENT BETWEEN LLOYD PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP AND VENTURE LAND & LIVESTOCK, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, DATED SEPTEMBER 20, 2014 RECORDED SEPTEMBER 24, 2014, AS INSTRUMENT NO. 20140924-00120000-0, IN VENTURA COUNTY, CALIFORNIA. (PLOTTED)
- NOTICE OF NONCOMPLIANCE, DATED OCTOBER 15, 2014 RECORDED OCTOBER 16, 2014, AS INSTRUMENT NO. 20141016-00130824-0, IN VENTURA COUNTY, CALIFORNIA. (NOTHING TO PLOT)
- EASEMENT AGREEMENT BETWEEN LLOYD PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP AND RANCHO SAN BUENAVENTURA CONSERVATION TRUST, A CALIFORNIA NON-PROFIT CORPORATION, DATED SEPTEMBER 27, 2016 RECORDED SEPTEMBER 30, 2016, AS INSTRUMENT NO. 20160930-00142874-0, IN VENTURA COUNTY, CALIFORNIA. (DOES NOT AFFECT LEASE AREA)

OTHER:
1. LEGAL DESCRIPTION CONTAINS MORE PROPERTY THAN WHAT WAS SEARCHED.



AMERICAN TOWER®
ATC TOWER SERVICES, INC.
3500 REGENCY PARKWAY
SUITE 100
CARY, NC 27518
PHONE: (919) 468-0112
FAX: (919) 466-5415

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OR SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER. THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. TITLE TO THESE DOCUMENTS SHALL REMAIN THE PROPERTY OF AMERICAN TOWER WHETHER OR NOT THE PROJECT IS EXECUTED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION ON FILE WITH AMERICAN TOWER.

REV.	DESCRIPTION	BY	DATE
0	PRELIM	CK	01/02/17

ATC SITE NUMBER:
8029

ATC SITE NAME:
WILLIS PEAK CA

SITE ADDRESS:
2977 SEXTON CANYON ROAD
VENTURA, CA 93003

SURVEY CERTIFICATE:
I HEREBY CERTIFY TO AMERICAN TOWER CORPORATION AND LINEAR TITLE AND CLOSING, THE FOLLOWING:
THIS SURVEYOR HAS RECEIVED AND REVIEWED THAT CERTAIN SCORE REPORT NO. ATC-619191-PR ISSUED BY LINEAR TITLE AND CLOSING, WITH AN EFFECTIVE DATE OF DECEMBER 13, 2017, WHICH PROPOSES TO INSURE THE LANDS DESCRIBED UNDER SAID REPORT.
THIS SURVEYOR KNOWS OF HIS OWN KNOWLEDGE THAT THE LANDS DESCRIBED UNDER SAID REPORT CONTAIN OR INCLUDE THE LANDS DESCRIBED IN AND DEPICTED ON THIS SURVEY.

THIS SURVEYOR FURTHER KNOWS TO THE BEST OF HIS KNOWLEDGE THAT THE EASEMENTS OF RECORD AND IDENTIFIED UNDER SAID REPORT ENCUMBER THE LANDS DESCRIBED ON THIS SURVEY, BUT SAID EASEMENTS WILL NOT INTERFERE WITH THE LOCATION OF THE PROPOSED INSURED LANDS, INCLUDING THE LEASED AREA AND ANY AND ALL ACCESS, UTILITY AND GUY WIRE EASEMENT PARCELS.

I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF CALIFORNIA.
(SIGNED) _____
NAME:



428 MAIN STREET
SUITE 206
HEALINGWELL BEACH, CA 93046
PH. (408) 659-4072
www.ambitconsulting.us



SMW Engineering Group, Inc.
158 Business Center Drive
Birmingham, Alabama 35244
Ph: 205-252-6985 PROJECT NO. 16-3046

DRAWN BY:	CK
APPROVED BY:	XX
DATE DRAWN:	01/02/17
ATC JOB NO:	8029

TITLE AND BOUNDARY PLAN

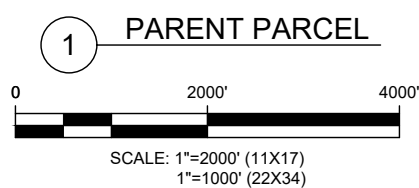
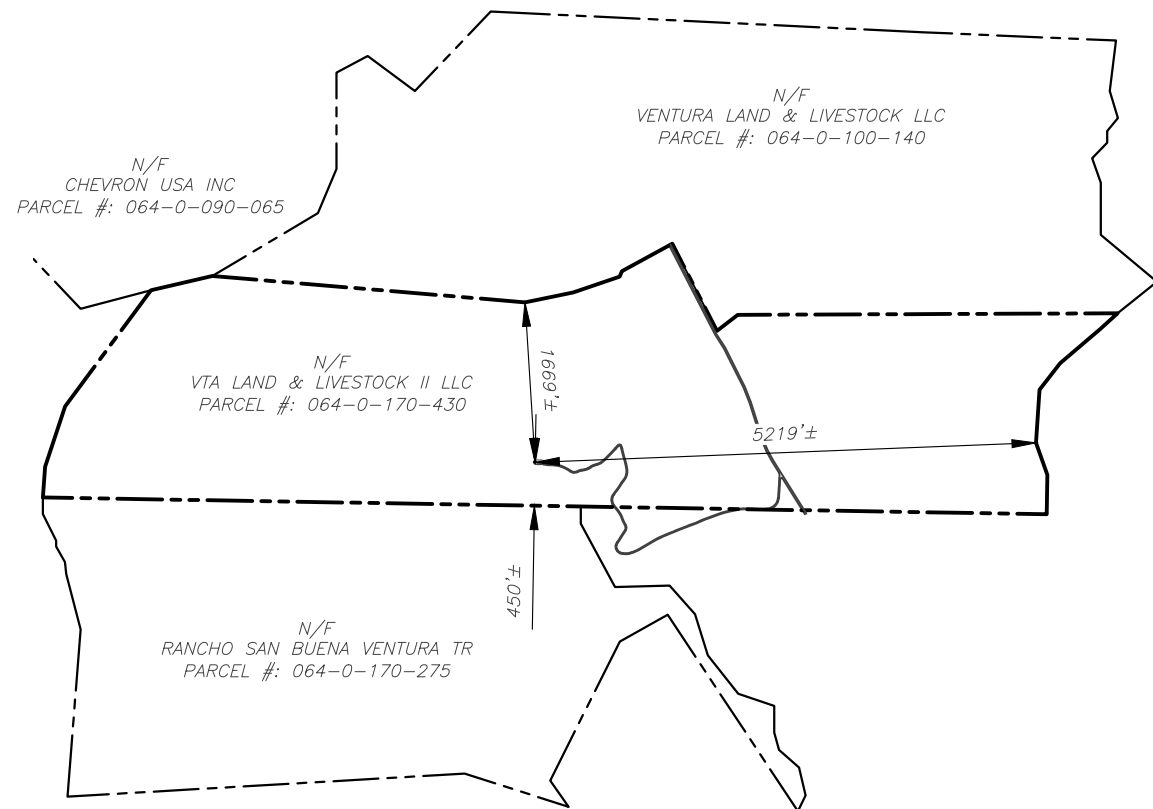
SHEET NUMBER:
V-103
SHEET 3 OF 3

REVISION:
0

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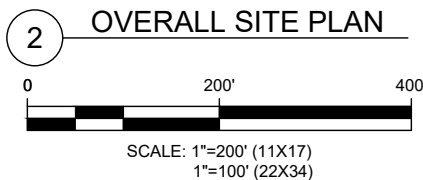
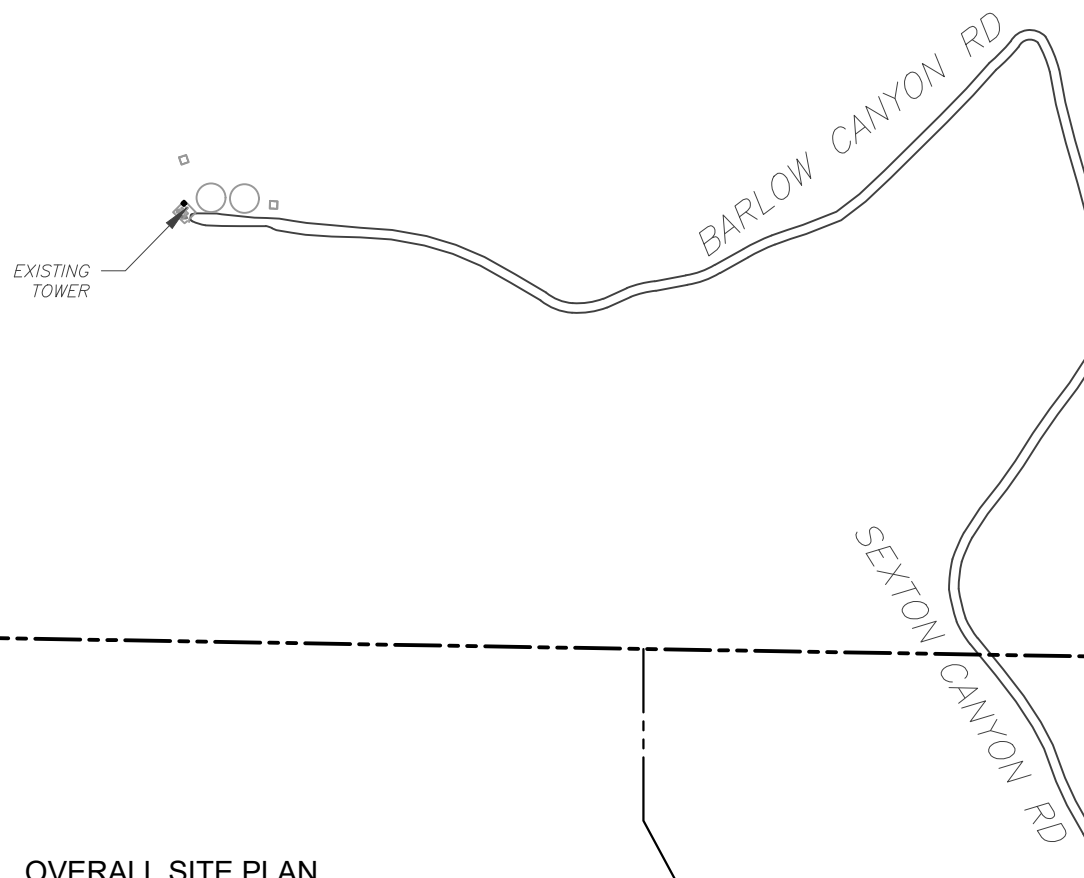
NOTES:

1. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
2. FIELD SURVEY DATE: 01/02/2017
3. BOUNDARY INFORMATION OBTAINED FROM: DATATREE ONLINE GIS.



SURVEY LEGEND

	EXISTING PROPERTY
	EXISTING ADJ. PROPERTY
	EXISTING EASEMENT
	EXISTING CHAINLINK FENCE
	EXISTING BUILDING
	EXISTING ROAD (DIRT)
	EXISTING ROAD (STONE)
	EXISTING ROAD (PAVED)
	EXISTING CONCRETE



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ATC TOWER SERVICES, LLC
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-0112

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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	AP	10/26/23

ATC SITE NUMBER:
8029
 ATC SITE NAME:
WILLIS PEAK
 SITE ADDRESS:
 2977 SEXTON CANYON ROAD
 VENTURA, CA 93003

SEAL:



Digitally Signed: 2024-03-20

DATE DRAWN: 10/26/23
 ATC JOB NO: 14562239_E1

OVERALL SITE PLAN

SHEET NUMBER: **C-101** REVISION: **0**

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 CARY, NC 27518
 PHONE: (919) 468-0112

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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	AP	10/26/23
1	REV HIGHEST APPUR.	EB	03/19/24

ATC SITE NUMBER:

8029

ATC SITE NAME:

WILLIS PEAK

SITE ADDRESS:

2977 SEXTON CANYON ROAD
 VENTURA, CA 93003

SEAL:



Digitally Signed: 2024-03-20

DATE DRAWN: 10/26/23

ATC JOB NO: 14562239_E1

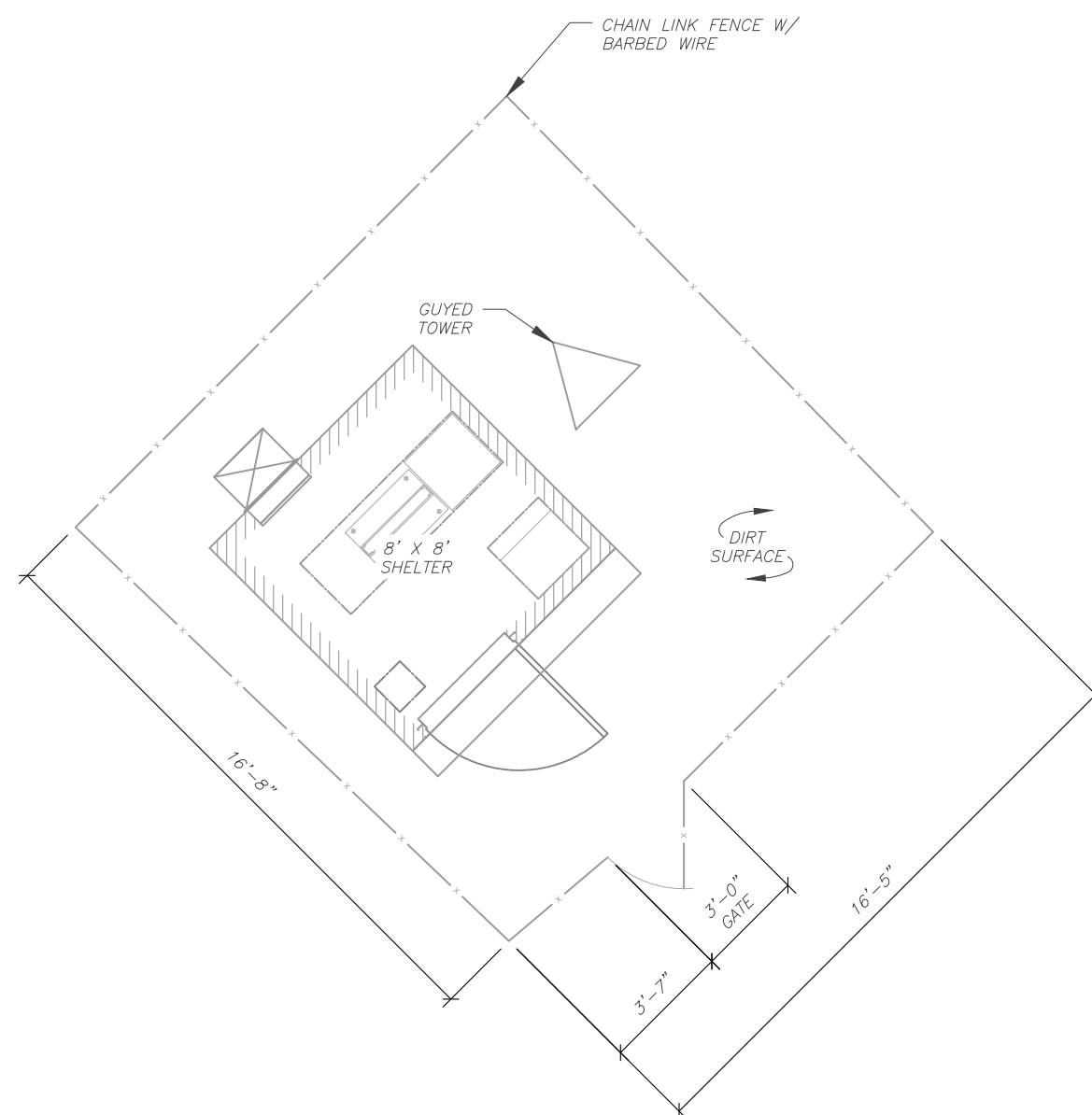
DETAILED SITE PLAN & TOWER ELEVATION

SHEET NUMBER:

C-102

REVISION:

1



1 DETAILED SITE PLAN



SCALE: 1"=5' (11X17)
 1"=2.5' (22X34)



EXISTING HIGHEST APPURTENANCE
 RAD CENTER @ 102.6'
 TOP OF EXISTING TOWER
 ELEV. 100'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 85'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 66'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 59'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 55'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 52'

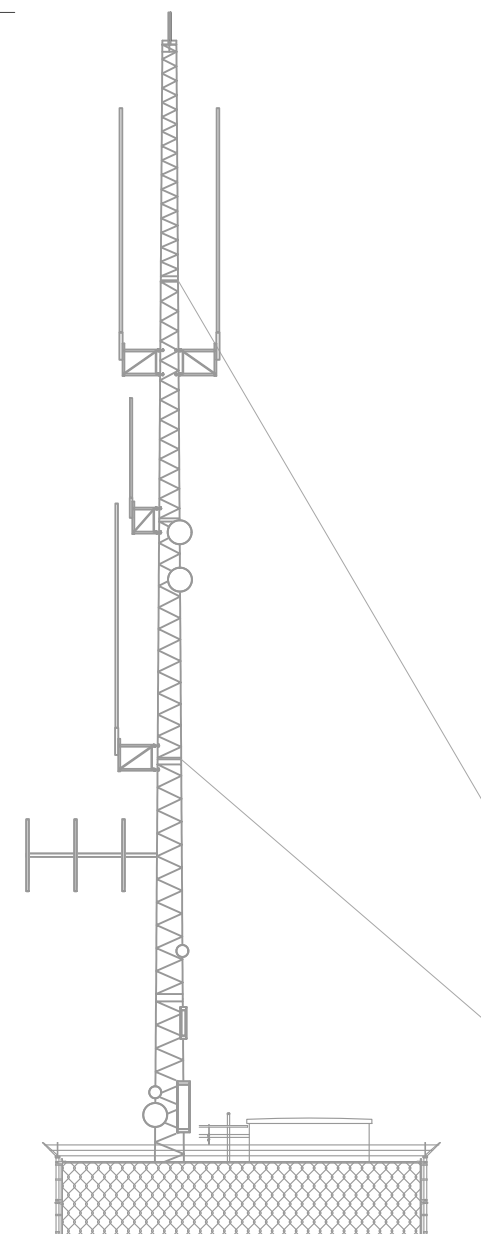
EXISTING CARRIER ANTENNA
 RAD CENTER @ 32'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 24'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 19'

EXISTING CARRIER ANTENNA
 RAD CENTER @ 11'

GRADE LEVEL
 ELEV. 0'



2 TOWER ELEVATION

SCALE: NOT TO SCALE

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CAUTION



Beyond this point:
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission rules on radio frequency emissions 47 CFR 1.1307(b)

NO TRESPASSING

ATC CAUTION AND NO TRESPASSING SIGN

WARNING



Beyond this point:
Radio frequency fields at this site may exceed FCC rules for human exposure.

For your safety, obey all posted signs and site guidelines for working in radio frequency environments.

In accordance with Federal Communications Commission rules on radio frequency emissions 47 CFR 1.1307(b)

ATC RF WARNING AND FCC NUMBER SIGN

FCC TOWER REGISTRATION

NOT REQUIRED

Posting of sign required by law

ATC STAND-ALONE FCC TOWER REGISTRATION SIGN



EXISTING SIGNAGE PHOTO

NOTICE

GUIDELINES FOR WORKING IN RADIOFREQUENCY ENVIRONMENTS

- ⚠ All personnel should have electromagnetic energy (EME) awareness training.
- ⚠ All personnel entering this site must be authorized.
- ⚠ Obey all posted signs.
- ⚠ Assume all antennas are active.
- ⚠ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚠ Maintain minimum 3 feet clearance from all antennas.
- ⚠ Do not stop in front of antennas.
- ⚠ Use personal RF monitors while working near antennas.
- ⚠ Never operate transmitters without shields during normal operation.
- ⚠ Do not operate base station antennas in equipment room.

ATC RF PROGRAM NOTICE SIGN

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ATC TOWER SERVICES, LLC
 3500 REGENCY PARKWAY
 SUITE 100
 CARY, NC 27518
 PHONE: (919) 468-0112

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REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	AP	10/26/23

ATC SITE NUMBER:
8029

ATC SITE NAME:
WILLIS PEAK

SITE ADDRESS:
2977 SEXTON CANYON ROAD
VENTURA, CA 93003



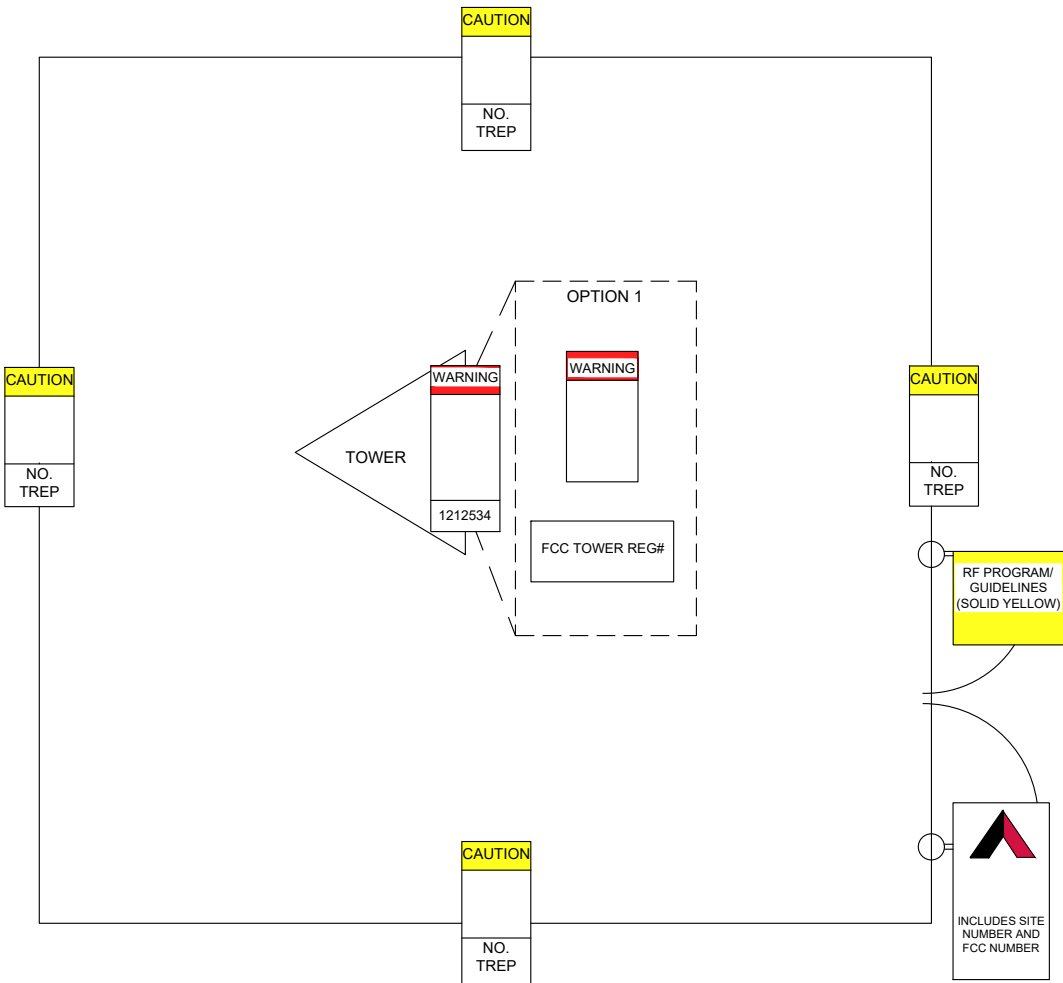
Digitally Signed: 2024-03-20

DATE DRAWN:	10/26/23
ATC JOB NO:	14562239_E1

SIGNAGE

SHEET NUMBER: C-501	REVISION: 0
-------------------------------	-----------------------

A "NO TRESPASSING" SIGN MUST BE POSTED A MINIMUM OF EVERY 50'.



THERE MUST BE AN ATC SIGN WITH SITE INFORMATION AND FCC REGISTRATION NUMBER AT BOTH THE ACCESS ROAD GATE (GATE OFF OF MAIN ROAD, IF APPLICABLE) AND COMPOUND FENCE (IF NO COMPOUND FENCE, THEN IN A CONSPICUOUS PLACE UPON DRIVE UP). IN ADDITION, PLEASE LOOK AT DIAGRAM FOR ALL ADDITIONAL SIGNS REQUIRED.

OPTION 1 MAY BE USED TO POST TOWER REGISTRATION NUMBERS AT THE BASE OF THE TOWER IF A WARNING SIGN DOES NOT HAVE SPACE FOR THE TOWER REGISTRATION NUMBER.

IMPORTANT: FOR ANY ATC SIGN THAT DOES NOT MEET THE ATC SPECIFICATION FOR SIGNAGE (I.E., SHARPIE/PAINT PEN, WORN LABELS, ETC.), BRING IT INTO COMPLIANCE (RE-WRITE IF WORN) AND FLAG FOR REPLACEMENT ASAP WITH THE APPROPRIATE PERMANENT SIGN (YOU CAN ORDER THESE THROUGH THE WAREHOUSE).

ONLY LABELS PRINTED BY A ZEBRA LABEL PRINTER WILL BE ACCEPTED.

AMERICAN TOWER

SITE NAME : WILLIS PEAK
SITE NUMBER : 8029
FCC REGISTRATION # : NOT REQUIRED

FOR LEASING INFORMATION: **877-282-7483**
877-ATC-SITE

FOR EMERGENCIES CALL: **877-518-6937**
877-51-TOWER

NO TRESPASSING

www.americantower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

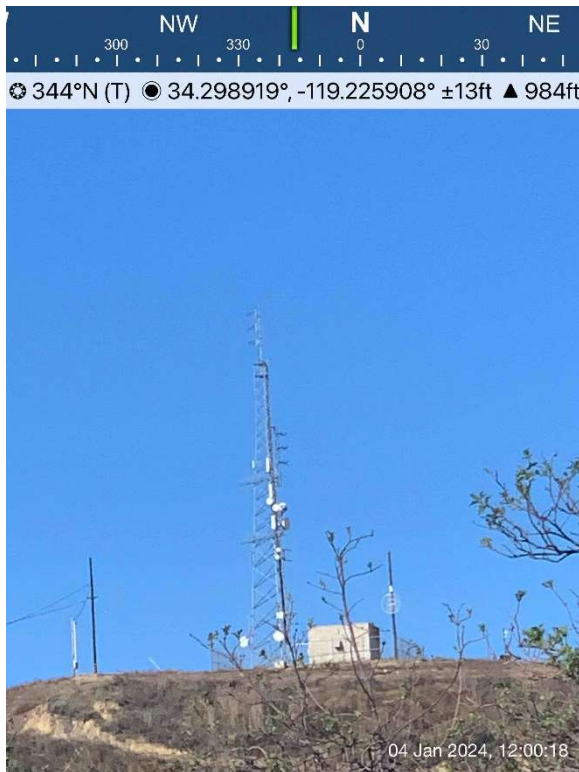
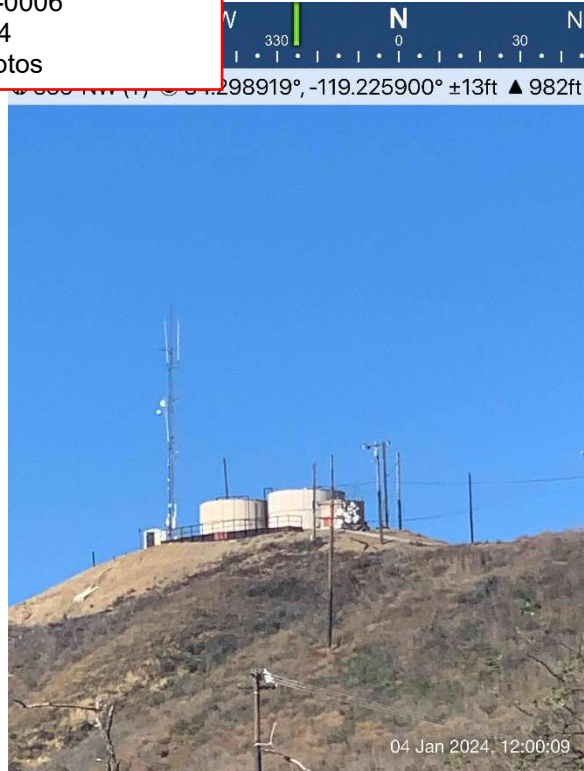
REPLACEMENT OF SIGNAGE:
 AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 60 DAYS UNLESS OTHERWISE SPECIFIED. ANY SITE SOLD SHOULD HAVE THE ATC SIGNS REMOVED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. ALL FCC OR REGULATORY SIGNAGE MUST BE INSTALLED OR REPLACED AS REQUIRED TO MEET OUR STANDARD. SIGNS SHOULD BE REPLACED ON NORMAL, QUARTERLY MAINTENANCE VISITS BY CONTRACTORS OR SITE MANAGERS, UNLESS OTHERWISE REQUIRED ON A CASE-BY-CASE BASIS.

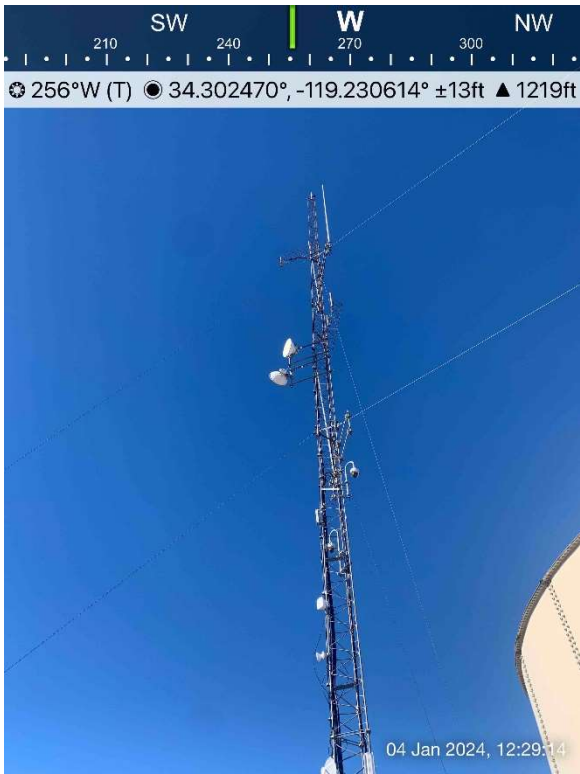
NOTE:
 EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE FCC. ALL EXISTING SIGNAGE AND ANY FUTURE SIGNAGE WILL BE COMPLIANT WITH STATUTE 164-43.4 NO HIGH-VOLTAGE SIGNAGE IS NECESSARY. NO HIGH-VOLTAGE EQUIPMENT PRESENT.

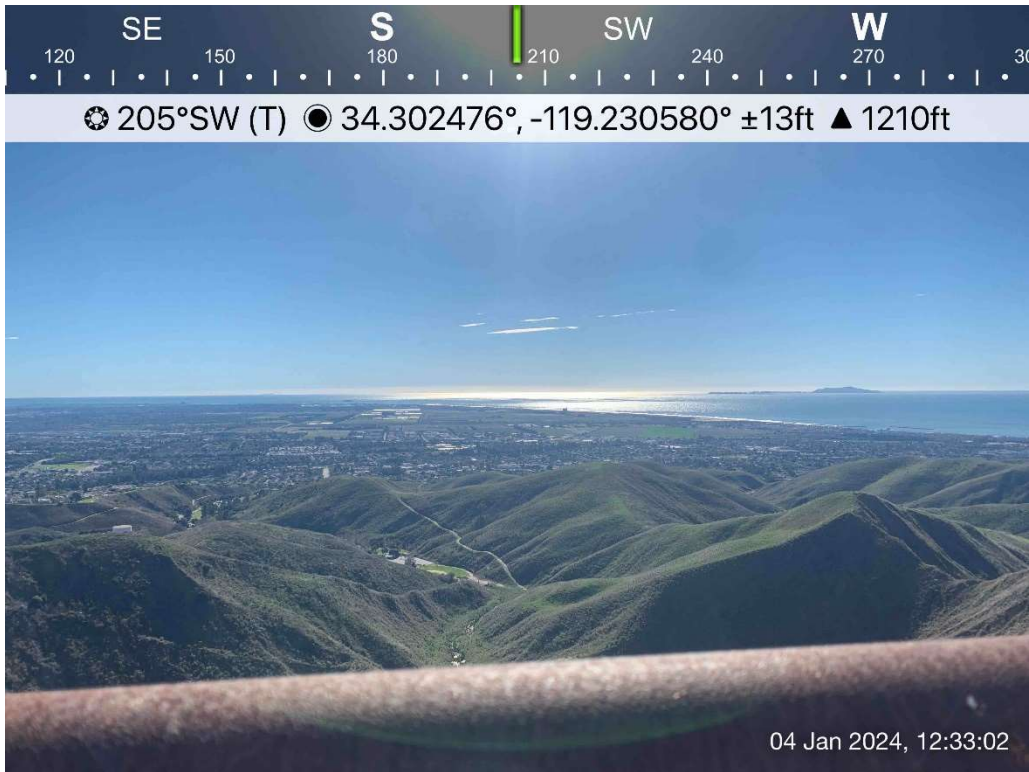
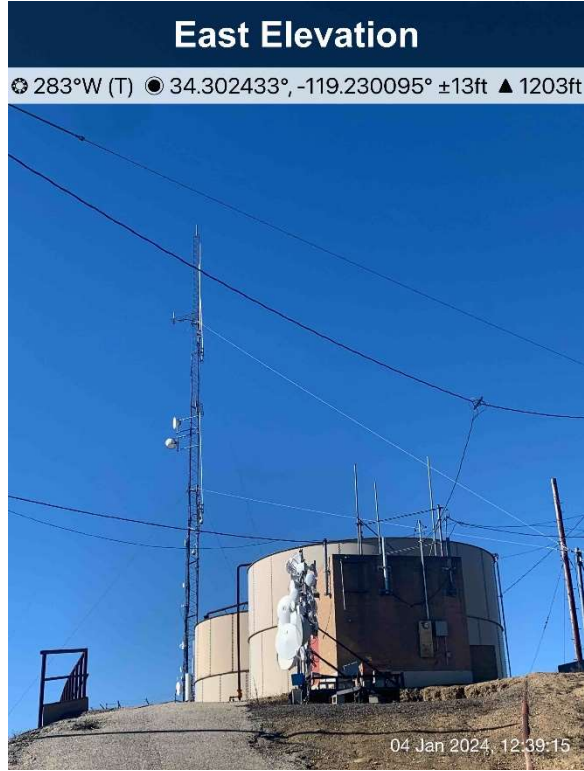
ATC SITE 8029 PERMIT 13-0172 RENEWAL

PHOTO'S EVIDENCING CURRENT SITE CONDITIONS

Ventura County Planning Director Hearing
Case No. PL24-0006
May 2, 2024
Exhibit 4 - Photos







FROM SITE SHOWING ITS REMOTE LOCATION

**CONSISTENCY WITH THE GENERAL PLAN FOR AMERICAN TOWER: WILLIS PEAK
WIRELESS COMMUNICATION FACILITY MINOR MODIFICATION TO CONDITIONAL
USE PERMIT 4555 AS MODIFIED BY PL13-0172, CASE NO. PL24-0006**

The 2040 Ventura County General Plan (2020, page 1-1) states:

California law requires that every county and city adopt a general plan “for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” (Gov. Code, § 65300.) A general plan serves as the jurisdiction’s “constitution” or “blueprint” for future decisions concerning a variety of issues including land use, health and safety, and resource conservation. All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County’s General Plan.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The project includes a request for a Minor Modification of Conditional Use Permit (CUP) 4555, as modified by PL13-0172, to authorize the continued operation of an existing Wireless Communication Facility (WCF) for a 10-year period (Case No. PL24-0006).

Evaluated below is the consistency of the proposed project with the applicable policies of the 2040 General Plan.

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

The proposed project allows for the continued operation of an existing WCF. The WCF is not prominently visible from public viewpoints, including Foothill Road, Victoria Avenue, Arroyo Verde Park, and the Arroyo Verde Park Hiking Trails (Exhibit 10, Viewshed Analysis) (Exhibit 6, Condition No. 17). Additionally, no physical or operational changes are proposed with this project. The surrounding development includes undeveloped open space, agricultural uses, and single-family residential development. The single-family residential development is located within the City of Ventura, approximately 4,000 feet from the subject WCF. The WCF would continue to provide telecommunication services, including critical infrastructure for the City of Ventura Police Department, to the surrounding area and remain compatible with the neighboring land uses. Therefore, this existing WCF is compatible with neighboring uses.

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

2. **HAZ-5.2 Hazardous Materials and Waste Management Facilities:** *The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

The Department of Environmental Health (EHD) reviewed the project application. Pursuant to EHD's recommendation, the CUP for the WCF would be subject to a condition of approval to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations (Exhibit 6, Condition No. 20).

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

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

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

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

The WCF will continue to provide service throughout the unincorporated Ventura County area, including access to high quality cellular mobile communications. The continued use of the facility ensures that residents and businesses in the coverage area receive a high quality of service. Additionally, the WCF includes critical telecommunication infrastructure for the City of Ventura Police Department that is essential for public safety.

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

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

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

The proposed project involves the continued operation of a WCF located on Willis Peak. The WCF is sited so the topography and surrounding vegetation effectively screen the WCF from public viewpoints (Exhibit 10, Viewshed Analysis) (Exhibit 6, Condition No. 17). This ensures undisturbed views of Barlow and Sexton Canyon from local roadways, including Foothill Road and North Victoria Avenue.

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

- 5. PFS-11.4 Emergency Vehicle Access:** *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

The WCF was constructed and maintained in accordance with the Ventura County Fire Protection District (VCFPD) conditions of approval for CUP 4555 and PL13-0172 that required brush removal surrounding the structure and access roads which allowed for adequate emergency vehicle access. The proposed project was reviewed and conditioned by the VCFPD to ensure that all grass and brush is removed within 100 feet of any structure, 10 feet of any access roads / driveways, and 30 feet from cell site communication towers which would allow for continued access for emergency vehicles (Exhibit 6, Condition No. 22).

- 6. HAZ-1.4 Development in High Fire Hazard Severity Zones and Hazardous Fire Areas Policy:** *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 (CAL FIRE).*

**General Plan Consistency for Minor Modification
of CUP 4555, Case No. PL24-0006**

Date of Public Hearing: May 2, 2024

Permittee: American Towers, LLC

Location: 2977 Sexton Canyon Road, near
Ventura

Date of Approval: TBD

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The proposed project is located within a Very High Fire Severity Zone. Therefore, the proposed project will be subject to a condition of approval to require the applicant to record a Notice of Fire Hazard for the subject property with the County Recorder (Exhibit 6, Condition No. 19).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-1.4.

**DRAFT - CONDITIONS OF APPROVAL FOR AMERICAN TOWER: WILLIS PEAK
WIRELESS COMMUNICAITON FACILITY (WCF) MINOR MODIFICATION TO
CONDTIONAL 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 [REDACTED]. 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 [REDACTED]; 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.

**MITIGATED NEGATIVE DECLARATION (MND) ADDENDUM FOR AMERICAN
TOWER: WILLIS PEAK WIRELESS COMMUNICAITON FACILITY (WCF) MINOR
MODIFICATION TO CONDNTIONAL 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:

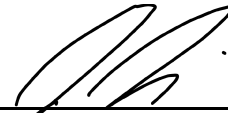
Pursuant to the CEQA Guidelines [§ 15164(c)], this addendum to the MND does not need to be circulated for public review, and shall be included in, or attached to, the adopted MND.

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.

* * * * *

CONDITIONS FOR: CUP-4555

APPLICANT: Absolutely Great Radio, Inc.

HEARING DATE: July 14, 1989

PAGE: 5

APPROVAL DATE: July 19, 1989

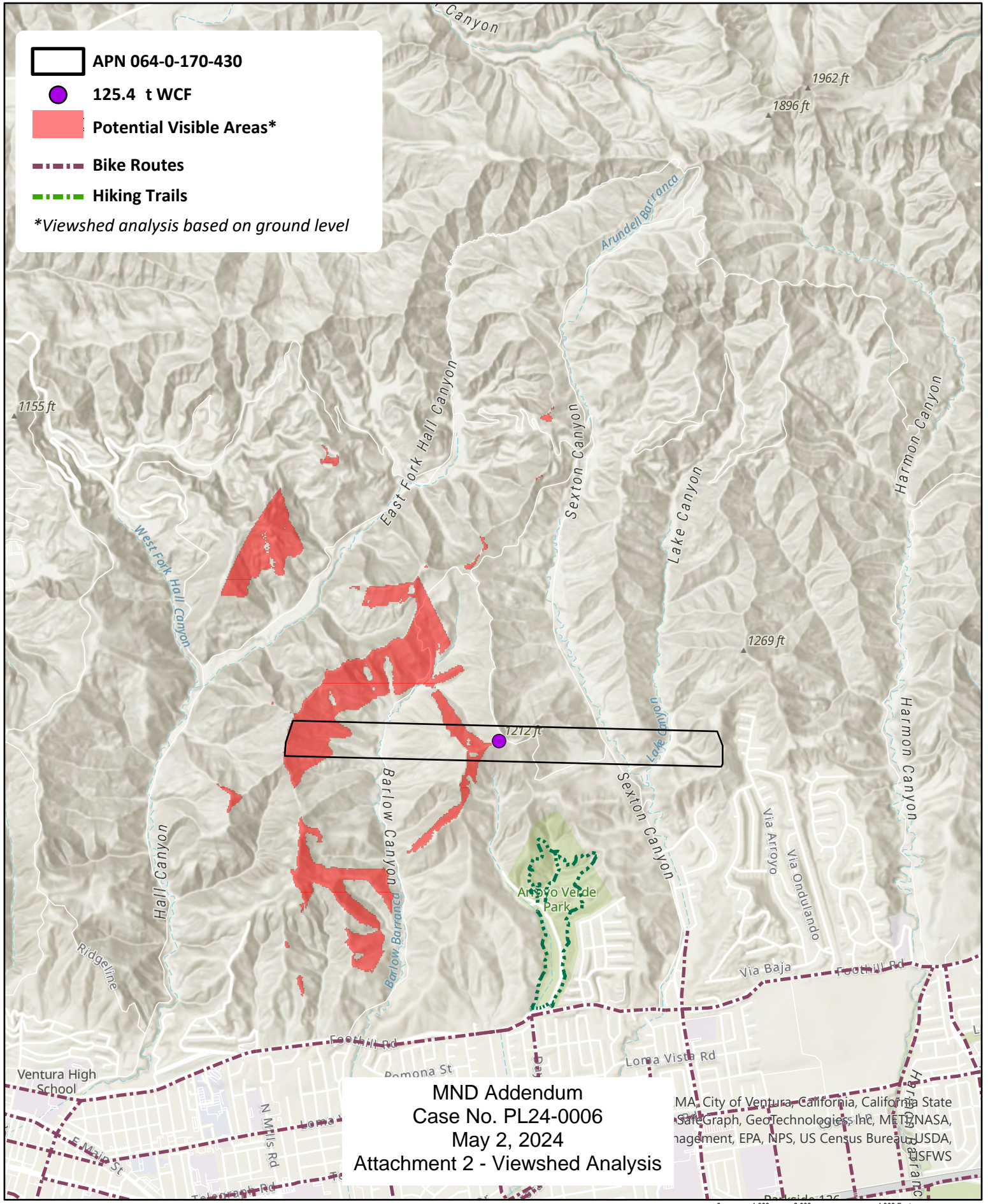
ACCEPTANCE OF CONDITIONS

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

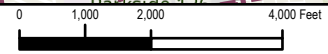
MA, City of Ventura, California, California State
 SafeGraph, GeoTechnologies Inc, METI, NASA,
 Management, EPA, NPS, US Census Bureau, USDA,
 and USFWS



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



**DRAFT - CONDITIONS OF APPROVAL FOR AMERICAN TOWER: WILLIS PEAK
WIRELESS COMMUNICAITON FACILITY (WCF) MINOR MODIFICATION TO
CONDNTIONAL 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 [REDACTED]. 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 [REDACTED]; 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.

MITIGATED NEGATIVE DECLARATION

Ventura County Planning Director Hearing
Case No. PL24-0006
May 2, 2024
Exhibit 8 - MND for CUP 4555

A. PROJECT DESCRIPTION:

1. Entitlement: Conditional Use Permit 4555
2. Applicant: Absolutely Great Radio (Jim Sylvester)
3. Location: (see attached map): Willis Peak, 1.3 miles north of Foothill Road off Sexton Canyon Road.
4. Assessor Parcel No(s): 64-170-33
5. Parcel Size: 123.20 acres (Permit area is 600 square feet)
6. General Plan Designation: Open Space
7. Existing Zoning: Open Space/160 acres
8. Project Description: Installation of a 137.5 foot antenna tower and a 144 square foot accessory (transmitter) building.
9. Responsible Agencies: None

B. STATEMENT OF ENVIRONMENTAL FINDINGS

California State law requires that an Initial Study (environmental evaluation) be conducted to determine if this project could significantly affect the environment. An Initial Study was conducted by the Planning Division to evaluate the potential effect of this project on the environment. Based on the findings contained in the attached Initial Study it has been determined that this project could have a significant effect on the environment. Therefore, a Mitigated Negative Declaration has been prepared, pursuant to the provisions of California Environmental Quality Act (Sec. 15073). The potentially significant effects identified can be reduced to a level less than significant if the proposed Mitigation Measures are adopted as Conditions of Approval.

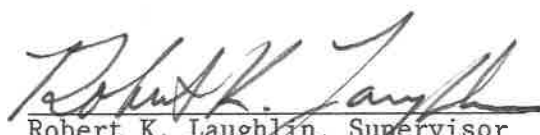
C. LISTING OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED
(See Initial Study Section Note for Mitigation Measures)

Initial Study Issue #22, Visual Effects

D. PUBLIC REVIEW:

1. Legal Notice Method: Direct mailing to property owners within 300 feet of proposed project boundary.
2. Document Posting Period: June 7 - June 20
3. Environmental Report Review Committee Hearing Date: June 21, 1989
4. Place: Hall of Administration, Multi-Purpose Room, Room 344, Third Floor.
5. Time: 1:30 p.m.

Prepared by: John Bencomo
Case Planner

Reviewed by: 
Robert K. Laughlin, Supervisor
Commercial/Industrial Land Use
Section

County of Ventura
Planning Director Hearing
Case No. PL24-0006
Exhibit 8 - 1989 MND for CUP 4555

The Environmental Report Review Committee recommends that the decision-making body find that the above environmental document has been completed in compliance with the California Environmental Quality Act.

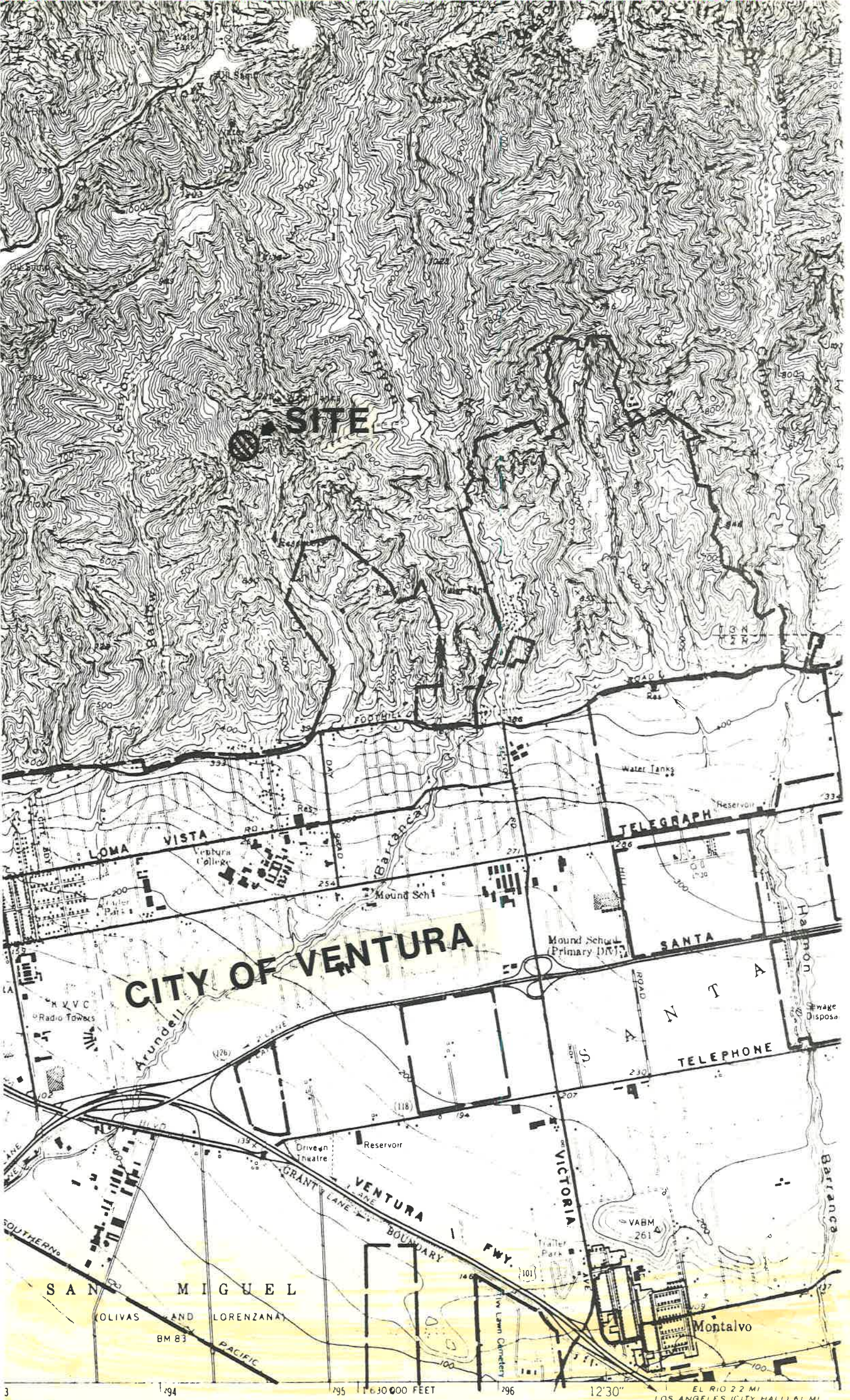
Bruce Smith

Chair, Environmental Report
Review Committee

8/31/89

Date

RKL:j/E370



INITIAL STUDY

A. PROJECT INFORMATION

1. Project No.: Conditional Use Permit No. 4555
2. Name of Applicant: Absolutely Great Radio, Inc.
3. Project Location: Willis Peak, above the City of Ventura in a N/E direction.
4. Project Description: Installation of a 137.5 foot antenna tower and a 144 square foot accessory (transmitter) building.

B. ENVIRONMENTAL IMPACT CHECKLIST

		<u>Impact?</u>			<u>Significant?</u>		
		<u>Yes</u>	<u>Maybe</u>	<u>No</u>	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>PLANNING DIVISION</u>							
1.	<u>Land Use</u>						
	Will the project, individually or cumulatively, alter the planned land use of an area?	_____	_____	X	_____	_____	_____
2.	<u>Growth Inducement</u>						
	Will the project, individually or cumulatively, induce growth in an area?	_____	_____	X	_____	_____	_____
3.	<u>Housing</u>						
	Will the project, individually or cumulatively, affect existing housing, or create a demand for additional housing?	_____	_____	X	_____	_____	_____
4.	<u>General Plan Consistency</u>						
	Will the project, individually or cumulatively, conflict with any environmental goal, objective, policy or program of the General Plan?	_____	_____	X	_____	_____	_____
5.	<u>Mineral and Oil Resources</u>						
	Will the project, individually or cumulatively, result in:						
	a. The depletion of mineral or oil resources?	_____	_____	X	_____	_____	_____
	b. Hampering or precluding access to or the extraction of, mineral or oil resources?	_____	_____	X	_____	_____	_____
6.	<u>Solid Waste Facilities</u>						
	Will the project, individually or cumulatively, have an effect upon solid waste disposal facilities?	_____	_____	X	_____	_____	_____

AIR POLLUTION CONTROL DISTRICT

7. Air

a. Will the project, individually or cumulatively, result in:

(1) Deterioration of regional ambient air quality? _____ X _____

(2) Localized air quality impacts? _____ X _____ X

(3) Objectionable odors? _____ X _____

b. Will the project be impacted by:

(1) Air pollutants from a nearby emission source? _____ X _____

(2) Objectionable odors? _____ X _____

PUBLIC WORKS AGENCY

8. Earth

Will the project, individually or cumulatively, result in or be impacted by:

a. Unstable earth conditions or changes in geologic substructures? _____ X _____

b. Disruptions, displacements, compaction or overcovering of the soil? _____ X _____ X

c. Change in topography or ground surface relief features? _____ X _____ X

d. The destruction, covering or modification of any unique geological or physical features? _____ X _____

e. An increase in wind or water erosion of soils, either on or off the site? _____ X _____

f. Changes to the deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? _____ X _____

g. Geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards? _____ X _____

9. Transportation/Circulation

Will the project, individually or cumulatively, result in:

a. The generation of additional vehicular movement? _____ X _____

b. An effect on existing parking facilities, or demand for new parking? _____ X _____

c.	An impact upon existing transportation systems?	_____	_____	X	_____	_____	_____
d.	Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	X	_____	_____	_____
e.	Alterations to rail traffic?	_____	_____	X	_____	_____	_____
f.	An increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	X	_____	_____	_____
10.	<u>Flood Control</u>						
	Will the project, individually or cumulatively, result in or be impacted by:						
a.	Changes to absorption rates, drainage patterns, or the route and/or amount of surface water runoff?	X	_____	_____	_____	_____	X
b.	The alteration to the course or flow of flood waters?	_____	_____	X	_____	_____	_____
c.	The exposure of people, property or unique natural resources to hazards such as flooding or tsunami?	_____	_____	X	_____	_____	_____
d.	An effect on a channel or stream regulated by the Flood Control District?	_____	_____	X	_____	_____	_____
e.	Changes in currents, or the course of direction of water movements, in any body of water?	_____	_____	X	_____	_____	_____
f.	A flood plain indicated on the Ventura County Flood Insurance Rate Maps?	_____	_____	X	_____	_____	_____
11.	<u>Water Resources</u>						
	Will the project, individually or cumulatively, result in or be impacted by:						
a.	A decrease of surface water quantity?	_____	_____	X	_____	_____	_____
b.	The degradation of surface water quality?	_____	_____	X	_____	_____	_____
c.	A decrease of groundwater quantity?	_____	_____	X	_____	_____	_____
d.	The degradation of groundwater quality?	_____	_____	X	_____	_____	_____
e.	A high groundwater table?	_____	_____	X	_____	_____	_____
<u>ENVIRONMENTAL HEALTH DIVISION</u>							
12.	<u>Sanitation</u>						
	If the project will utilize an individual sewage disposal system, can the sewage generated by the project create an adverse health impact?	_____	_____	X	_____	_____	_____

13. Water Supply

Will the project not be provided with a long-term water supply of adequate quantity and quality?

_____ X _____

14. Risk of Upset

Does the project, individually or cumulatively, involve a risk of releasing hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset condition?

_____ X _____

15. Human Health

Will the project, individually or cumulatively, result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

_____ X _____

b. Exposure of people to potential health hazards?

_____ X _____

FIRE PROTECTION DISTRICT

16. Will the project, individually or cumulatively, result in impacts on fire protection due to:

a. The distance/response time from nearest fire station?

_____ X _____

b. The availability of personnel or equipment?

_____ X _____

c. The location in a high fire hazard area?

_____ X _____

d. The design of roads and circulation?

_____ X _____

e. The water supply and distribution system?

_____ X _____

f. The hazardous nature of the project?

_____ X _____

SHERIFF'S DEPARTMENT

17. Will the project, individually or cumulatively, result in impacts on law enforcement due to:

a. The design of the project?

_____ X _____

b. The design of roads and circulation?

_____ X _____

c. The location of the project?

_____ X _____

GENERAL SERVICES AGENCY

18. Recreation

Will the project, individually or cumulatively, result in impacts on recreational opportunities or facilities?

_____ X _____

19. Harbors

Will the project, individually or cumulatively, result in an impact on harbors?

_____ X _____

AIRPORTS DEPARTMENT

20. Will the project, individually or cumulatively, result in impacts on:

a. Air traffic safety?

_____ X _____

b. Existing airport facilities?

_____ X _____

AGRICULTURAL DEPARTMENT

21. Agricultural Resources

Will the project, individually or cumulatively, result in:

a. The conversion of prime agricultural land to other uses?

_____ X _____

b. The loss of productive crop land or soils?

_____ X _____

c. An adverse effect on adjacent agricultural land?

_____ X _____

AREAS TO BE COMPLETED BY THE AGENCY RESPONSIBLE FOR ADMINISTERING THE PROJECT

22. Visual Effects

Will the project, individually or cumulatively, result in the obstruction of a scenic resource or view open to the public, or will the project result in the creation of an aesthetically offensive site open to public view?

_____ X _____ X _____

23. Light and Glare

Will the project, individually or cumulatively, produce light or glare?

_____ X _____

24. Noise and Vibrations

Will the project, individually or or cumulatively, result in the exposure of people to increased noise or vibrations?

_____ X _____

25. Public Facilities and Utilities

Will the project, individually or cumulatively, have an effect upon, or result in a need for new or altered services in any of the following areas:

- | | | | | | |
|------|---|---|--|--|--|
| a. | Sewers or sewage treatment plants? | X | | | |
| b. | Water mains or storage facilities? | X | | | |
| c. | Electrical transmission facilities? | X | | | |
| d. | Natural gas facilities? | X | | | |
| e. | Communication facilities? | X | | | |
| f. | Educational facilities? | X | | | |
|
 | | | | | |
| 26. | <u>Energy</u> | | | | |
| | Will the project: | | | | |
| a. | Result in an increase in demand upon existing sources of fuel or energy? | X | | | |
| b. | Use fuel or energy in a wasteful manner? | X | | | |
|
 | | | | | |
| 27. | <u>Cultural/Ethnic Resources</u> | | | | |
| | Will the project, individually or cumulatively, result in: | | | | |
| a. | Disruption, alteration, destruction, or adverse effect on a prehistoric or historic archaeological site or paleontological site? | X | | | |
| b. | Disruption or removal of burials or cemetery? | X | | | |
| c. | Inducement to trespass, vandalism, or desecration of cultural resources? | X | | | |
| d. | The potential to cause a physical change which would affect unique values of an ethnic or social group? | X | | | |
| e. | The potential to conflict with or restrict existing religious, scientific, or educational uses of the area? | X | | | |
| f. | Adverse physical or aesthetic effects to any historic structure or feature, or to any structure or feature eligible for designation as a county landmark? | X | | | |
|
 | | | | | |
| 28. | <u>Biological Resources</u> | | | | |
| | Will the project, individually or cumulatively, result in: | | | | |
| a. | Change in the diversity of species, or numbers of any locally sensitive or unique plant species. | X | | | |

- | | | | | | |
|----|--|---|--|--|--|
| b. | Disturbance or reduction in the numbers of any State or Federally listed rare, threatened or endangered plant species or their habitats? | X | | | |
| c. | Introduction of new plant species into an area, or the introduction of a barrier to the normal replenishment of existing species? | X | | | |
| d. | Change in the diversity of species, numbers or habitat of any animal species which are locally sensitive or unique? | X | | | |
| e. | Disturbance or reduction in the numbers of any State or Federally listed rare, threatened or endangered animal species or their habitats? | X | | | |
| f. | Introduction of new animal species into an area? | X | | | |
| g. | Introduction of barriers to movement of any resident or migratory fish or wildlife species? | X | | | |
| h. | Introduction of factors adverse to the existing ecological balance? | X | | | |
| i. | Introduction of substances, human activity, structures or other factors that would damage, change or hamper an existing locally sensitive or unique ecosystem? | X | | | |

C. DISCUSSION OF RESPONSES TO CHECKLIST

(Agency responses are attached here.)

D. MANDATORY FINDINGS OF SIGNIFICANCE

- 1. Does the project have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____ X _____

- 2. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future). _____ X _____

- 3. Does the project have impacts which are individually limited, but cumulatively considerable? (Several projects may have relatively small individual impacts on two or more resources, but the total of those impacts on the environment is significant.) X _____ _____

- 4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? _____ _____ X _____

E. DETERMINATION OF ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

- I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measure(s) described in Section C of the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.*

John Bencoso
Signature of Person Responsible
for Administering the Project

2 May 1989
Date

SECTION C TO INITIAL STUDY CHECKLIST
DISCUSSION OF RESPONSES
Conditional Use Permit No. 4555
(Absolutely Great Radio, Inc. - Radio Tower)

PLANNING DIVISION

1. This proposed Conditional Use Permit requested is consistent with the existing General Plan and zoning in terms of use, and, thus, will not have an impact upon the planned land use of this area. The zoning designation of the subject parcels (Open Space, 160 acre minimum) is consistent with the General Plan Use Map designation of the County's General Plan. The proposed use, a communications facility, is conditionally permitted in the "Open Space" zone; and, therefore, would be consistent with the intended land use designations of the General Plan. No significant land use impacts should occur as a result of the requested use.
2. The proposed project, one unmanned equipment building and tower, will not result in the removal of any impediments to growth. Therefore, no impacts to growth inducement are expected.
3. This project will not, individually or cumulatively, affect existing housing or create a demand for additional housing. No impacts should occur.
4. The project will not prove inconsistent with the environmental policies of the County's General Plan. No significant impacts are anticipated.
5. a. & b. The proposed project will not involve the extraction of mineral or oil resources, nor is it located on or adjacent to an area containing sand and gravel, or oil resources.
6. The proposed project will not generate solid waste.

AIR POLLUTION CONTROL DISTRICT

7. a.(1) The Air Pollution Control District (APCD) comments that, based on the criteria contained in Ventura County's Guidelines for the Preparation of Air Quality Impact Analyses, the subject project will not have an impact on regional air quality.
a.(2) APCD comments that, based on information contained in the project description questionnaire, the project is not expected to result in any long-term localized air quality impacts. However, construction activities may result in temporary dust impacts. The amount of dust generated depends on such factors as the type of soil, moisture content of the soil, amount of activity, and wind direction and speed. Watering the construction site during grading and excavation operations should reduce any dust impacts to an insignificant level.
a.(3) APCD comments that, based on information contained in the project description questionnaire, the project is not expected to result in objectionable odors.
b.(1) APCD comments that, based on information presented in the project description questionnaire, the subject project will not be impacted by nearby emission sources.
b.(2) APCD comments that, based on information presented in the project description questionnaire, the subject project will not be impacted by objectionable odors.

PUBLIC WORKS AGENCY

8. a., d., & g. The Public Works Agency comments that, pursuant to the Geological Reconnaissance Study, prepared by D.I.A.L. Services, dated November 30, 1988, the proposed project site is believed to be free from faulting; and concludes no evidence of any onsite faults was encountered.

b. & c. Site preparation, by clean-up, compacting loose surface soils, and grading, very likely will eliminate the loose surface condition. The changes in topography or ground surface relief features are synonymous with site development. Grading will be accomplished in accordance with the Ventura County Building Code, Chapter 70 of the Uniform Building Code. Therefore, mitigation will not be required.

e. & f. The Public Works Agency comments that the proposed project is not in the proximity of any river, stream, channel, or body of water. Therefore, the proposed project would not impact, nor be impacted by, erosion or deposition of beach sand.

9. a.- f. The proposed project will not generate additional traffic on the local private access roads, according to the Project Description.

10. a., b., d., & e. The Public Works Agency comments that the proposed project will not significantly alter the drainage patterns, or the route of surface water run-off, for the ultimate development. The potential changes in drainage will be incorporated in the site development and road improvement plans, and accomplished in accordance with the County of Ventura's Building Code, Chapter 70 of the Uniform Building Code.

c. People, property, or unique natural resources will not be subject to flooding or tsunami, since the proposed project site is not within the proximity of any water.

f. The proposed project site is not within the flood plain of any body of water.

11. a.- f. The Public Works Agency comments that the proposed project would not impact the quantity nor quality of surface and ground waters, based on reference data previously reviewed by the Agency, and material submitted with the application. No changes, nor impacts, are expected to take place that would have, or be impacted by, the ground water table location.

ENVIRONMENTAL HEALTH DIVISION

12. The Environmental Health Division comments that the proposed project will not utilize an onsite sewage disposal system.

13. The Environmental Health Division comments that the project will not require a domestic water supply.

14. The Environmental Health Division comments that the project will not use or generate hazardous wastes.

15. a. & b. The Environmental Health Division comments that the project will not involve or result in the creation of any environmental health hazards.

FIRE PROTECTION DISTRICT

16. a.- f. The Fire Prevention Bureau comments that this project will not result, individually or cumulatively, in any impacts upon, or due to, these fire related issues. County and State ordinances for construction and public safety will be required to be met, which will result in no impacts.

SHERIFF'S DEPARTMENT

17. a.- c. The Sheriff's Department comments that this project will not, individually or cumulatively, result in impacts upon, or due to, these law enforcement related items.

GENERAL SERVICES AGENCY

18. This project is not anticipated to create any new, or additional impacts, on recreational needs.

19. Because of its nature and its location, no harbors will be affected, cumulatively or individually, by this project.

AIRPORTS DEPARTMENT

20. a. & b. This project is not located within, or near, any existing flight paths of airports.

AGRICULTURAL DEPARTMENT

21. a.- c. This project will not result in the loss of prime agricultural land.

FURTHER ITEMS TO BE COMPLETED BY THE PLANNING DIVISION

22. The proposed project may have a significant cumulative visual impact because:
- a. The site is located on the more prominent western slope of the hillside area, and may be very visible from several vantage points near and about the City of Ventura;
 - b. The existing land uses on the site include: one 100 foot antenna tower, fourteen 50 foot tall telephone poles, two 16 foot tall water tanks, and three 100 square foot, 10 foot tall accessory buildings housing equipment;
 - c. The Agency (County of Ventura) recently approved CUP-4529, which is located in close proximity to the proposed site and includes the construction of an additional radio tower 95 feet in height and an accessory transmitter building approximately 100 square feet;
 - d. The approval of yet another prominent structure (i.e., radio tower and transmitter building), will serve to compound the obtrusive visual impacts of the currently established series of structures within the crest of said site. The City of Ventura has raised this concern in their letter of April 11, 1989.

MITIGATION: In recognition of some of the inherent technical constraints related to the siting for the proposed use, the following improvements will be employed in an effort to offset the cumulative visual impacts culminating from the construction of said use:

- o 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.

With the incorporation of these improvements into the permit conditions of approval, any significant project specific visual impacts will be reduced to less than significant.

23. Based upon the information presented in the project description questionnaire, this project will not result in any creation of additional light and glare upon surrounding properties.
24. The only noise impacts associated with this project would be short-term impacts during construction. As this impact is temporary, they are less than significant.
25. a.- f. The proposed project does not utilize a water system, public sewers, nor does it require any additional utilities. The project will not employ any workforce and therefore will not have an impact on educational facilities.
26. This project will not increase demand for fuel or energy nor utilize it in a wasteful manner.

27. a.- f. A record search was completed regarding the subject property by UCLA Staff Archaeologist John Parker on December 16, 1988. Dr. Parker states that no cultural/ethnic resource sites have been recorded within two miles of the project area.
28. a.- g. The UMS Map No. 15 shows this parcel as typically carrying sage scrub and grassland. However, prior grading and road construction, and erection of water tanks, power poles and transmitter buildings at the site have removed any naturally occurring vegetation. The proposed project will not introduce any flora or fauna to the area.

JB:bb/D293

COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
800 S. VICTORIA AVENUE
VENTURA, CA 93009

CONSENT AGREEMENT FOR PROPOSED MITIGATION
MEASURES WITH MITIGATED NEGATIVE DECLARATION

COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY

ENTITLEMENT NO.: CUP-4555 (Absolutely Great Radio, Inc.)

I, Jim Sylvestor, the applicant, hereby agree to implement the Mitigation Measures described below which have been developed in conjunction with the preparation of a Mitigated Negative Declaration for my proposed project. I understand that these Mitigation Measures or substantially similar measures must be adopted as conditions of approval with this permit request in order to reduce identified potential environmental impacts to an acceptable level.

The potentially significant environmental issues and the proposed Mitigation Measures are as follows:

- o 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.

Applicant's Signature

Applicant's Address

Date

Jim Sylvestor, President

Absolutely Great Radio, Inc.,

P.O. Box 6395, Ventura, CA. 93006-6395

June 12, 1989

county of ventura

NEGATIVE DECLARATION (ND) ADDENDUM

A. BACKGROUND INFORMATION AND PROJECT DESCRIPTION:

1. **Entitlement:** Conditional Use Permit (CUP) for the continued use of a wireless communication facility (Case No. PL13-0172)
2. **Applicant:** American Tower, 10 Presidential Way, Woburn, MA 01801
3. **Property Owners:** Dabney Lloyd Corp c/o Gary Brummett, 12400 Wilshire Blvd. 1180, Los Angeles, CA 90025
4. **Location:** 2977 Sexton Canyon Road, near the city of Ventura
5. **Assessor's Parcel Numbers:** 064-0-170-331 and 064-0-170-332
6. **Lot Size:** 123.28 acres
7. **General Plan Land Use Designation:** Open Space
8. **Zoning Designation:** OS-160 ac (Open Space, 160 acres minimum lot size)
9. **Project Description:** The applicant requests that a CUP be granted to authorize the continued use of the existing wireless communication facility (WCF) owned and operated by American Tower. The WCF is located within a 289-square foot lease area. The lease area contains one 64-square foot equipment shelter and one 100-foot lattice tower. The lattice tower contains equipment owned and operated by the City of Ventura Police Department. The equipment includes:
 - Two 2-foot microwave dish antennas mounted at 51 feet and 56 feet above the ground;
 - Two 15-foot omni antennas mounted at 76 feet above the ground; and,
 - One 20-foot omni antenna mounted at 42 feet above the ground.

All unused antennas and equipment will be removed from the lattice tower. The WCF will be unmanned and operate 24 hours a day for 365 days per year.

B. STATEMENT OF ENVIRONMENTAL FINDINGS:

On August 21, 1989, the Planning Director certified a Negative Declaration (ND) that evaluated the environmental impacts of the installation of a 137.5-foot antenna tower and a 144-square foot accessory (transmitter) building. The proposed project consists of the continued use of the wireless communication facility (WCF) that currently exists on the project site. The WCF is located within a 289-square foot lease area. The lease area contains one 64-square foot equipment shelter and one 100-foot lattice tower.

Ventura County Planning Director Hearing
Case No. PL24-0006
May 2, 2024
Exhibit 9 - 2014 MND Addendum for PL13-0172



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 ND 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 an Environmental Impact Report (EIR) or subsequent negative declaration have occurred.

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

- 1. Substantial changes are proposed in the project which will require major revisions of the previous ND 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 continued use of the existing wireless communication facility (WCF) would not create new environmental impacts that were not previously analyzed in the ND. The proposed project does not require any additional construction or modification to any existing structure or site plan, any ground disturbance or substantial change in the visual character of the facility. Thus, no new impacts on biological resources, public views of visual resources, or drainage would occur.

In summary, no substantial changes are proposed in the project that requires major revisions of the previous ND.

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

The existing conditions that were used to analyze potential impacts to the environment have not changed to the extent that the proposed revisions to the project description would require substantive revisions to the ND. No new reasonably foreseeable, recently approved, or possible future projects exist within the permit area that either were not analyzed in the ND or would result in the project making a potentially significant contribution to a cumulative impact that was not analyzed in the ND. Furthermore, the project site and surrounding area do not exhibit any previously unknown resources that need to be analyzed as part of this project.

In summary, no substantial changes have occurred in the circumstances under which the project is undertaken which will require major revisions of the previous ND.

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 ND, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous ND [§ 15162(a)(3)(A)];

No new information or mitigation measures that were unknown and could not have been known when the ND was adopted have become available. The environmental conditions that currently exist on-site are substantially the same as those that existed at the time at which the ND was prepared and adopted.

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


C. PUBLIC REVIEW:

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


Prepared by:


Hai Nguyen, Case Planner

Reviewed by:


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

The Planning Director finds that this Addendum has been completed in compliance with the California Environmental Quality Act.


Kim L. Prillhart, Director
Ventura County Planning Division

4-2-14
Date

INITIAL STUDY

A. PROJECT INFORMATION

1. Project No.: Conditional Use Permit No. 4555
2. Name of Applicant: Absolutely Great Radio, Inc.
3. Project Location: Willis Peak, above the City of Ventura in a N/E direction.
4. Project Description: Installation of a 137.5 foot antenna tower and a 144 square foot accessory (transmitter) building.

B. ENVIRONMENTAL IMPACT CHECKLIST

		<u>Impact?</u>			<u>Significant?</u>		
		<u>Yes</u>	<u>Maybe</u>	<u>No</u>	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>PLANNING DIVISION</u>							
1.	<u>Land Use</u> Will the project, individually or cumulatively, alter the planned land use of an area?	_____	_____	X	_____	_____	_____
2.	<u>Growth Inducement</u> Will the project, individually or cumulatively, induce growth in an area?	_____	_____	X	_____	_____	_____
3.	<u>Housing</u> Will the project, individually or cumulatively, affect existing housing, or create a demand for additional housing?	_____	_____	X	_____	_____	_____
4.	<u>General Plan Consistency</u> Will the project, individually or cumulatively, conflict with any environmental goal, objective, policy or program of the General Plan?	_____	_____	X	_____	_____	_____
5.	<u>Mineral and Oil Resources</u> Will the project, individually or cumulatively, result in:						
	a. The depletion of mineral or oil resources?	_____	_____	X	_____	_____	_____
	b. Hampering or precluding access to or the extraction of, mineral or oil resources?	_____	_____	X	_____	_____	_____
6.	<u>Solid Waste Facilities</u> Will the project, individually or cumulatively, have an effect upon solid waste disposal facilities?	_____	_____	X	_____	_____	_____

AIR POLLUTION CONTROL DISTRICT

7. Air

a. Will the project, individually or cumulatively, result in:

- | | | | | | |
|--|-----|-----|-----|-----|-----|
| (1) Deterioration of regional ambient air quality? | ___ | ___ | X | ___ | ___ |
| (2) Localized air quality impacts? | ___ | X | ___ | ___ | X |
| (3) Objectionable odors? | ___ | ___ | X | ___ | ___ |

b. Will the project be impacted by:

- | | | | | | |
|---|-----|-----|---|-----|-----|
| (1) Air pollutants from a nearby emission source? | ___ | ___ | X | ___ | ___ |
| (2) Objectionable odors? | ___ | ___ | X | ___ | ___ |

PUBLIC WORKS AGENCY

8. Earth

Will the project, individually or cumulatively, result in or be impacted by:

- | | | | | | |
|---|-----|-----|-----|-----|-----|
| a. Unstable earth conditions or changes in geologic substructures? | ___ | ___ | X | ___ | ___ |
| b. Disruptions, displacements, compaction or overcovering of the soil? | X | ___ | ___ | ___ | X |
| c. Change in topography or ground surface relief features? | X | ___ | ___ | ___ | X |
| d. The destruction, covering or modification of any unique geological or physical features? | ___ | ___ | X | ___ | ___ |
| e. An increase in wind or water erosion of soils, either on or off the site? | ___ | ___ | X | ___ | ___ |
| f. Changes to the deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake? | ___ | ___ | X | ___ | ___ |
| g. Geologic hazards such as earthquakes, landslides, mudslides, ground failure, liquefaction, or similar hazards? | ___ | ___ | X | ___ | ___ |

9. Transportation/Circulation

Will the project, individually or cumulatively, result in:

- | | | | | | |
|---|-----|-----|---|-----|-----|
| a. The generation of additional vehicular movement? | ___ | ___ | X | ___ | ___ |
| b. An effect on existing parking facilities, or demand for new parking? | ___ | ___ | X | ___ | ___ |

- c. An impact upon existing transportation systems?
- d. Alterations to present patterns of circulation or movement of people and/or goods?
- e. Alterations to rail traffic?
- f. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

10. Flood Control

Will the project, individually or cumulatively, result in or be impacted by:

- a. Changes to absorption rates, drainage patterns, or the route and/or amount of surface water runoff?
- b. The alteration to the course or flow of flood waters?
- c. The exposure of people, property or unique natural resources to hazards such as flooding or tsunami?
- d. An effect on a channel or stream regulated by the Flood Control District?
- e. Changes in currents, or the course of direction of water movements, in any body of water?
- f. A flood plain indicated on the Ventura County Flood Insurance Rate Maps?

11. Water Resources

Will the project, individually or cumulatively, result in or be impacted by:

- a. A decrease of surface water quantity?
- b. The degradation of surface water quality?
- c. A decrease of groundwater quantity?
- d. The degradation of groundwater quality?
- e. A high groundwater table?

ENVIRONMENTAL HEALTH DIVISION

12. Sanitation

If the project will utilize an individual sewage disposal system, can the sewage generated by the project create an adverse health impact?

-

13. Water Supply

Will the project not be provided with a long-term water supply of adequate quantity and quality?

_____ X _____

14. Risk of Upset

Does the project, individually or cumulatively, involve a risk of releasing hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset condition?

_____ X _____

15. Human Health

Will the project, individually or cumulatively, result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

_____ X _____

b. Exposure of people to potential health hazards?

_____ X _____

FIRE PROTECTION DISTRICT

16. Will the project, individually or cumulatively, result in impacts on fire protection due to:

a. The distance/response time from nearest fire station?

_____ X _____

b. The availability of personnel or equipment?

_____ X _____

c. The location in a high fire hazard area?

_____ X _____

d. The design of roads and circulation?

_____ X _____

e. The water supply and distribution system?

_____ X _____

f. The hazardous nature of the project?

_____ X _____

SHERIFF'S DEPARTMENT

17. Will the project, individually or cumulatively, result in impacts on law enforcement due to:

a. The design of the project?

_____ X _____

b. The design of roads and circulation?

_____ X _____

c. The location of the project?

_____ X _____

GENERAL SERVICES AGENCY

18. Recreation

Will the project, individually or cumulatively, result in impacts on recreational opportunities or facilities?

_____ X _____

19. Harbors

Will the project, individually or cumulatively, result in an impact on harbors?

_____ X _____

AIRPORTS DEPARTMENT

20. Will the project, individually or cumulatively, result in impacts on:

a. Air traffic safety?

_____ X _____

b. Existing airport facilities?

_____ X _____

AGRICULTURAL DEPARTMENT

21. Agricultural Resources

Will the project, individually or cumulatively, result in:

a. The conversion of prime agricultural land to other uses?

_____ X _____

b. The loss of productive crop land or soils?

_____ X _____

c. An adverse effect on adjacent agricultural land?

_____ X _____

AREAS TO BE COMPLETED BY THE AGENCY RESPONSIBLE FOR ADMINISTERING THE PROJECT

22. Visual Effects

Will the project, individually or cumulatively, result in the obstruction of a scenic resource or view open to the public, or will the project result in the creation of an aesthetically offensive site open to public view?

_____ X _____ X _____

23. Light and Glare

Will the project, individually or cumulatively, produce light or glare?

_____ X _____

24. Noise and Vibrations

Will the project, individually or cumulatively, result in the exposure of people to increased noise or vibrations?

_____ X _____

25. Public Facilities and Utilities

Will the project, individually or cumulatively, have an effect upon, or result in a need for new or altered services in any of the following areas:

- | | | | | | | | |
|----|-------------------------------------|---|---|---|---|---|---|
| a. | Sewers or sewage treatment plants? | — | — | X | — | — | — |
| b. | Water mains or storage facilities? | — | — | X | — | — | — |
| c. | Electrical transmission facilities? | — | — | X | — | — | — |
| d. | Natural gas facilities? | — | — | X | — | — | — |
| e. | Communication facilities? | — | — | X | — | — | — |
| f. | Educational facilities? | — | — | X | — | — | — |
26. Energy
- Will the project:
- | | | | | | | | |
|----|--|---|---|---|---|---|---|
| a. | Result in an increase in demand upon existing sources of fuel or energy? | — | — | X | — | — | — |
| b. | Use fuel or energy in a wasteful manner? | — | — | X | — | — | — |
27. Cultural/Ethnic Resources
- Will the project, individually or cumulatively, result in:
- | | | | | | | | |
|----|---|---|---|---|---|---|---|
| a. | Disruption, alteration, destruction, or adverse effect on a prehistoric or historic archaeological site or paleontological site? | — | — | X | — | — | — |
| b. | Disruption or removal of burials or cemetery? | — | — | X | — | — | — |
| c. | Inducement to trespass, vandalism, or desecration of cultural resources? | — | — | X | — | — | — |
| d. | The potential to cause a physical change which would affect unique values of an ethnic or social group? | — | — | X | — | — | — |
| e. | The potential to conflict with or restrict existing religious, scientific, or educational uses of the area? | — | — | X | — | — | — |
| f. | Adverse physical or aesthetic effects to any historic structure or feature, or to any structure or feature eligible for designation as a county landmark? | — | — | X | — | — | — |
28. Biological Resources
- Will the project, individually or cumulatively, result in:
- | | | | | | | | |
|----|--|---|---|---|---|---|---|
| a. | Change in the diversity of species, or numbers of any locally sensitive or unique plant species. | — | — | X | — | — | — |
|----|--|---|---|---|---|---|---|

- b. Disturbance or reduction in the numbers of any State or Federally listed rare, threatened or endangered plant species or their habitats? X
- c. Introduction of new plant species into an area, or the introduction of a barrier to the normal replenishment of existing species? X
- d. Change in the diversity of species, numbers or habitat of any animal species which are locally sensitive or unique? X
- e. Disturbance or reduction in the numbers of any State or Federally listed rare, threatened or endangered animal species or their habitats? X
- f. Introduction of new animal species into an area? X
- g. Introduction of barriers to movement of any resident or migratory fish or wildlife species? X
- h. Introduction of factors adverse to the existing ecological balance? X
- i. Introduction of substances, human activity, structures or other factors that would damage, change or hamper an existing locally sensitive or unique ecosystem? X

C. DISCUSSION OF RESPONSES TO CHECKLIST
 (Agency responses are attached here.)

SECTION C TO INITIAL STUDY CHECKLIST
DISCUSSION OF RESPONSES
Conditional Use Permit No. 4555
(Absolutely Great Radio, Inc. - Radio Tower)

PLANNING DIVISION

1. This proposed Conditional Use Permit requested is consistent with the existing General Plan and zoning in terms of use, and, thus, will not have an impact upon the planned land use of this area. The zoning designation of the subject parcels (Open Space, 160 acre minimum) is consistent with the General Plan Use Map designation of the County's General Plan. The proposed use, a communications facility, is conditionally permitted in the "Open Space" zone; and, therefore, would be consistent with the intended land use designations of the General Plan. No significant land use impacts should occur as a result of the requested use.
2. The proposed project, one unmanned equipment building and tower, will not result in the removal of any impediments to growth. Therefore, no impacts to growth inducement are expected.
3. This project will not, individually or cumulatively, affect existing housing or create a demand for additional housing. No impacts should occur.
4. The project will not prove inconsistent with the environmental policies of the County's General Plan. No significant impacts are anticipated.
5. a. & b. The proposed project will not involve the extraction of mineral or oil resources, nor is it located on or adjacent to an area containing sand and gravel, or oil resources.
6. The proposed project will not generate solid waste.

AIR POLLUTION CONTROL DISTRICT

7. a.(1) The Air Pollution Control District (APCD) comments that, based on the criteria contained in Ventura County's Guidelines for the Preparation of Air Quality Impact Analyses, the subject project will not have an impact on regional air quality.

a.(2) APCD comments that, based on information contained in the project description questionnaire, the project is not expected to result in any long-term localized air quality impacts. However, construction activities may result in temporary dust impacts. The amount of dust generated depends on such factors as the type of soil, moisture content of the soil, amount of activity, and wind direction and speed. Watering the construction site during grading and excavation operations should reduce any dust impacts to an insignificant level.

a.(3) APCD comments that, based on information contained in the project description questionnaire, the project is not expected to result in objectionable odors.

b.(1) APCD comments that, based on information presented in the project description questionnaire, the subject project will not be impacted by nearby emission sources.

b.(2) APCD comments that, based on information presented in the project description questionnaire, the subject project will not be impacted by objectionable odors.

PUBLIC WORKS AGENCY

8. a., d., & g. The Public Works Agency comments that, pursuant to the Geological Reconnaissance Study, prepared by D.I.A.L. Services, dated November 30, 1988, the proposed project site is believed to be free from faulting; and concludes no evidence of any onsite faults was encountered.

b. & c. Site preparation, by clean-up, compacting loose surface soils, and grading, very likely will eliminate the loose surface condition. The changes in topography or ground surface relief features are synonymous with site development. Grading will be accomplished in accordance with the Ventura County Building Code, Chapter 70 of the Uniform Building Code. Therefore, mitigation will not be required.

e. & f. The Public Works Agency comments that the proposed project is not in the proximity of any river, stream, channel, or body of water. Therefore, the proposed project would not impact, nor be impacted by, erosion or deposition of beach sand.

9. a.- f. The proposed project will not generate additional traffic on the local private access roads, according to the Project Description.

10. a., b., d., & e. The Public Works Agency comments that the proposed project will not significantly alter the drainage patterns, or the route of surface water run-off, for the ultimate development. The potential changes in drainage will be incorporated in the site development and road improvement plans, and accomplished in accordance with the County of Ventura's Building Code, Chapter 70 of the Uniform Building Code.

c. People, property, or unique natural resources will not be subject to flooding or tsunami, since the proposed project site is not within the proximity of any water.

f. The proposed project site is not within the flood plain of any body of water.

11. a.- f. The Public Works Agency comments that the proposed project would not impact the quantity nor quality of surface and ground waters, based on reference data previously reviewed by the Agency, and material submitted with the application. No changes, nor impacts, are expected to take place that would have, or be impacted by, the ground water table location.

ENVIRONMENTAL HEALTH DIVISION

12. The Environmental Health Division comments that the proposed project will not utilize an onsite sewage disposal system.

13. The Environmental Health Division comments that the project will not require a domestic water supply.

14. The Environmental Health Division comments that the project will not use or generate hazardous wastes.

15. a. & b. The Environmental Health Division comments that the project will not involve or result in the creation of any environmental health hazards.

FIRE PROTECTION DISTRICT

16. a.- f. The Fire Prevention Bureau comments that this project will not result, individually or cumulatively, in any impacts upon, or due to, these fire related issues. County and State ordinances for construction and public safety will be required to be met, which will result in no impacts.

SHERIFF'S DEPARTMENT

17. a.- c. The Sheriff's Department comments that this project will not, individually or cumulatively, result in impacts upon, or due to, these law enforcement related items.

GENERAL SERVICES AGENCY

18. This project is not anticipated to create any new, or additional impacts, on recreational needs.

19. Because of its nature and its location, no harbors will be affected, cumulatively or individually, by this project.

AIRPORTS DEPARTMENT

20. a. & b. This project is not located within, or near, any existing flight paths of airports.

AGRICULTURAL DEPARTMENT

21. a. - c. This project will not result in the loss of prime agricultural land.

FURTHER ITEMS TO BE COMPLETED BY THE PLANNING DIVISION

22. The proposed project may have a significant cumulative visual impact because:
- a. The site is located on the more prominent western slope of the hillside area, and may be very visible from several vantage points near and about the City of Ventura;
 - b. The existing land uses on the site include: one 100 foot antenna tower, fourteen 50 foot tall telephone poles, two 16 foot tall water tanks, and three 100 square foot, 10 foot tall accessory buildings housing equipment;
 - c. The Agency (County of Ventura) recently approved CUP-4529, which is located in close proximity to the proposed site and includes the construction of an additional radio tower 95 feet in height and an accessory transmitter building approximately 100 square feet;
 - d. The approval of yet another prominent structure (i.e., radio tower and transmitter building), will serve to compound the obtrusive visual impacts of the currently established series of structures within the crest of said site. The City of Ventura has raised this concern in their letter of April 11, 1989.

MITIGATION: In recognition of some of the inherent technical constraints related to the siting for the proposed use, the following improvements will be employed in an effort to offset the cumulative visual impacts culminating from the construction of said use:

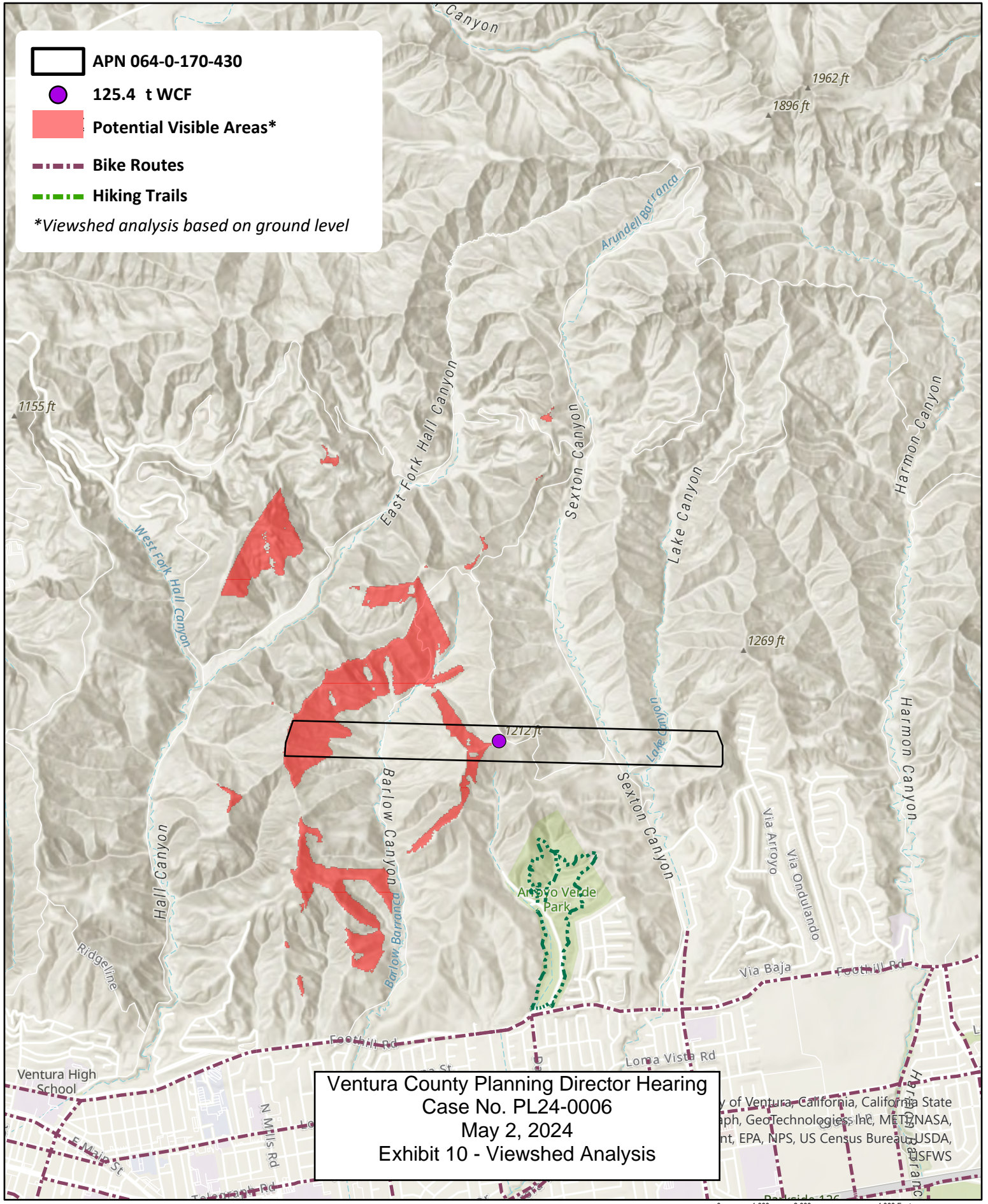
- o That adequate landscaping will be established and maintained around the base of the tower and accessory building to provide a partial visual screening of the proposed antenna development and minimize the additional aesthetic impacts created by the proposed use.

With the incorporation of these improvements into the permit conditions of approval, any significant project specific visual impacts will be reduced to less than significant.

23. Based upon the information presented in the project description questionnaire, this project will not result in any creation of additional light and glare upon surrounding properties.
24. The only noise impacts associated with this project would be short-term impacts during construction. As this impact is temporary, they are less than significant.
25. a. - f. The proposed project does not utilize a water system, public sewers, nor does it require any additional utilities. The project will not employ any workforce and therefore will not have an impact on educational facilities.
26. This project will not increase demand for fuel or energy nor utilize it in a wasteful manner.

27. a.- f. A record search was completed regarding the subject property by UCLA Staff Archaeologist John Parker on December 16, 1988. Dr. Parker states that no cultural/ethnic resource sites have been recorded within two miles of the project area.
28. a.- g. The UMS Map No. 15 shows this parcel as typically carrying sage scrub and grassland. However, prior grading and road construction, and erection of water tanks, power poles and transmitter buildings at the site have removed any naturally occurring vegetation. The proposed project will not introduce any flora or fauna to the area.

JB:bb/D293



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

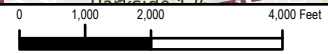
Ventura County Planning Director Hearing
Case No. PL24-0006
May 2, 2024
Exhibit 10 - Viewshed Analysis



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.

