



**POINT BROADCASTING RADIO TOWER
MODIFIED CONDITIONAL USE PERMIT (CUP)
CASE NO. PL22-0148**

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Minor Modification to an existing Conditional Use Permit (CUP) be granted to authorize the continued use, operation, and maintenance of an existing wireless communication facility (WCF) for an additional 10-year period.
2. **Applicant:** Point Broadcasting LLC., 2319 Alameda Avenue, Suite 1D, Ventura, CA 93003
3. **Property Owners:** John F. Barnard, Henry O. Eversole III, Trustee of the Eversole Trust - Dated 0412511987, Alexandra Eversole, Edward M. Lee, Jr., Trustee of the Constance Blanford Trust, Melina Montoya, John C. Corey, George R. Corey, Helena Eversole, Susan Corey, Henry O. Eversole III, Trustee of the Lucy Mason Clark Trust, Henry O. Eversole III, Petrarch Capital LLC, Mansard Holdings, Inc., Gillian E. Servais, Imperial Oil Company
4. **Applicant's Representative:** Erik Nagy c/o Jensen Design and Survey, 1672 Donlon Street, Ventura, CA, 93003
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 120-acre project site is located off Anlauf Canyon Road, near the City of Santa Paula, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that comprises the project site is 040-0-070-085.
7. **Project Site Land Use and Zoning Designations:**
 - 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:**

| Location in Relation to the Project Site | Zoning | Land Uses/Development |
|--|-----------|-----------------------|
| North | OS-160 ac | Oil Operations |
| East | OS-160 ac | Oil Operations |

| Location in Relation to the Project Site | Zoning | Land Uses/Development |
|--|--|-----------------------|
| South | AE-40ac/HCWC (Agricultural Exclusive, 40-acre minimum lot size/Habitat Connectivity and Wildlife Corridor) | Open Space |
| West | AE-40 ac | Oil Operations |

9. History: The subject property is currently used for oil production operations. The requested CUP would authorize the continued use, operation, and maintenance of an existing WCF.

CUP LU11-0136 was issued on October 3, 2012 for the construction, operation, and maintenance of a new radio communications facility for a 10-year time period. The WCF consists of a 105-foot-tall triangular lattice tower with antennas mounted at various heights and associated equipment located in an equipment shelter. This permit had an expiration date of October 3, 2022.

Permit Adjustment (PAJ) PL13-0009 was issued on May 22, 2013 for the addition of a 72-inch microwave dish antenna mounted on a separate pad at 11 feet above grade level.

10. Project Description: The applicant requests that a Modified Conditional Use Permit (CUP) be granted to authorize the continued use, operation, and maintenance of a radio communications facility for an additional 10-year time period. The existing WCF is owned and operated by Point Broadcasting.

The existing WCF is installed within a 7.5-acre lease area. The lease area is enclosed within a 6-foot-high chain link fence. The WCF site includes:

- 110-foot-tall triangular lattice tower;
- 10 radio communication antennas;
- 400 square foot equipment building;
- One emergency backup generator.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day, 365 days per year. Access to the facility is available from private Anlauf Canyon Road and up a private dirt roadway. Water service is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed.

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.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project includes the continued use, operation, and maintenance of an existing WCF. The proposed project qualifies for Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

Therefore, this project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

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 4 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 Open Space (OS) zone district with the granting of a CUP/Modified CUP. Upon the granting of the Modified CUP, the Permittee will be in compliance with the requirements of the Ventura County NCZO.

The proposed WCF 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? |
|--|--|
| <p>Section 8107-45.4(f)(5)(c)(ii), Maximum Antenna Height:</p> <p><i>The applicant demonstrates that the minimum height required for adequate service, coverage, or capacity area cannot be achieved with one or more shorter facilities.</i></p> | <p>Yes, the design of the proposed project involves the continued use and operation of a non-stealth facility at the minimum height required for adequate service.</p> |
| <p>Section 8107-45.4(n), Accessory Equipment:</p> <p><i>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.</i></p> | <p>Yes, none of the accessory equipment is visible from offsite.</p> |

Table 1 – Special Use Standards Consistency Analysis

| Special Use Standard | Complies? |
|--|--|
| <p>Section 8107-45.4(o), Colors and Materials:</p> <p><i>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</i></p> | <p>Yes, the facility is grey in color to blend in with the background. No reflective materials will be used.</p> |
| <p>Section 8107-45.4(p), Noise:</p> <p><i>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.</i></p> | <p>Yes, the WCF will always be operated and maintained to comply with the Ventura County noise standards.</p> |
| <p>Section 8107-45.4(r), Security:</p> <ol style="list-style-type: none"> 1. <i>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.</i> 2. <i>All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</i> | <p>Yes, the facility is enclosed within a chain link fence surrounding the equipment area which prevents access and vandalism to the project site.</p> |
| <p>Section 8107-45.4(s), Lighting:</p> <ol style="list-style-type: none"> 1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i> 2. <i>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.</i> | <p>Yes, the existing WCF is not illuminated.</p> |
| <p>Section 8107-45.4(t), Signage:</p> <p><i>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</i></p> | <p>Yes, the existing WCF is surrounded by a fence with signage indicating all necessary information related to the operation of the facility.</p> |

Table 1 – Special Use Standards Consistency Analysis

| Special Use Standard | Complies? |
|--|---|
| <p><i>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.</i></p> | |
| <p>Section 8107-45.4(u), Access Roads:</p> <ol style="list-style-type: none"> 1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i> 2. <i>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 Department District.</i> | <p>Yes, the proposed WCF is accessed by an existing private road to a private dirt roadway, maintained by the property owner, to the WCF location. No new roads are proposed with this project.</p> |

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a 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 [§ 8111-1.2.1.1.a].**

Based on the information and analysis presented in Exhibit 4 and Section D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

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

The existing facility includes a 110-foot-tall lattice tower and ancillary equipment. The WCF is located on an existing oil field with numerous oil wells and related oil production equipment. The tower and equipment are located on a portion of the lease area to eliminate public views from nearby roadways.

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

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

The facility produces minimal noise with the operation of electrical equipment. The proposed emergency generator will be located within the lease area and will only be operable if the site loses power.

The existing WCF would also not involve the storage of hazardous materials, except for the diesel fuel for the emergency generator. The minor volume of fuel would be stored in accordance with County and State regulations. The facility would be entirely contained within the fenced lease area with none of its components prominently discernible from outside viewpoints.

In summary, no aspect of the project has been identified that would be obnoxious or harmful or impair the use of adjacent property.

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

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

No adverse effect of the proposed project on the environment or the use of adjacent properties has been identified. Similarly, no effect of the project has been identified that would be detrimental to the public interest, health, safety, or welfare.

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 [§ 8111-1.2.1.1.e].

The existing facility includes a non-stealth, 110-foot-tall lattice tower and ancillary equipment housed in a small equipment area. The tower and equipment are located on a portion of the lease area to eliminate public views from nearby roadways. The remote and secluded location of the existing facility serves to minimize the potential effect on the existing and potential visual character of the general area.

Given the Open Space designation of the area and the oil operations on the project site, a future change in land use in the area is not foreseeable at this time. Thus, the proposed WCF will be compatible with potential land uses in the general area.

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

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

The legal lot on which the proposed development will occur is described as the South half of the Southwest quarter of Section 13, Township 4 North, Range 21 West, San Bernardino Meridian (a portion of APN 040-0-070-085). The lot was legally created as evidenced by a Certificate of Compliance (legal lot certificate) recorded November 16, 2011, Document 20111116-0017396-0, of Official Record of Ventura County.

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.

The CUP modification involves the continued use of an existing WCF on the subject property. The project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

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

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

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 this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.

3. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section D of this staff report and the entire record;
4. **GRANT** Modified CUP Case No. PL22-0148, subject to the conditions of approval (Exhibit 5).
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 Thomas Chaffee at (805) 654-2406 or thomas.chaffee@ventura.org.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

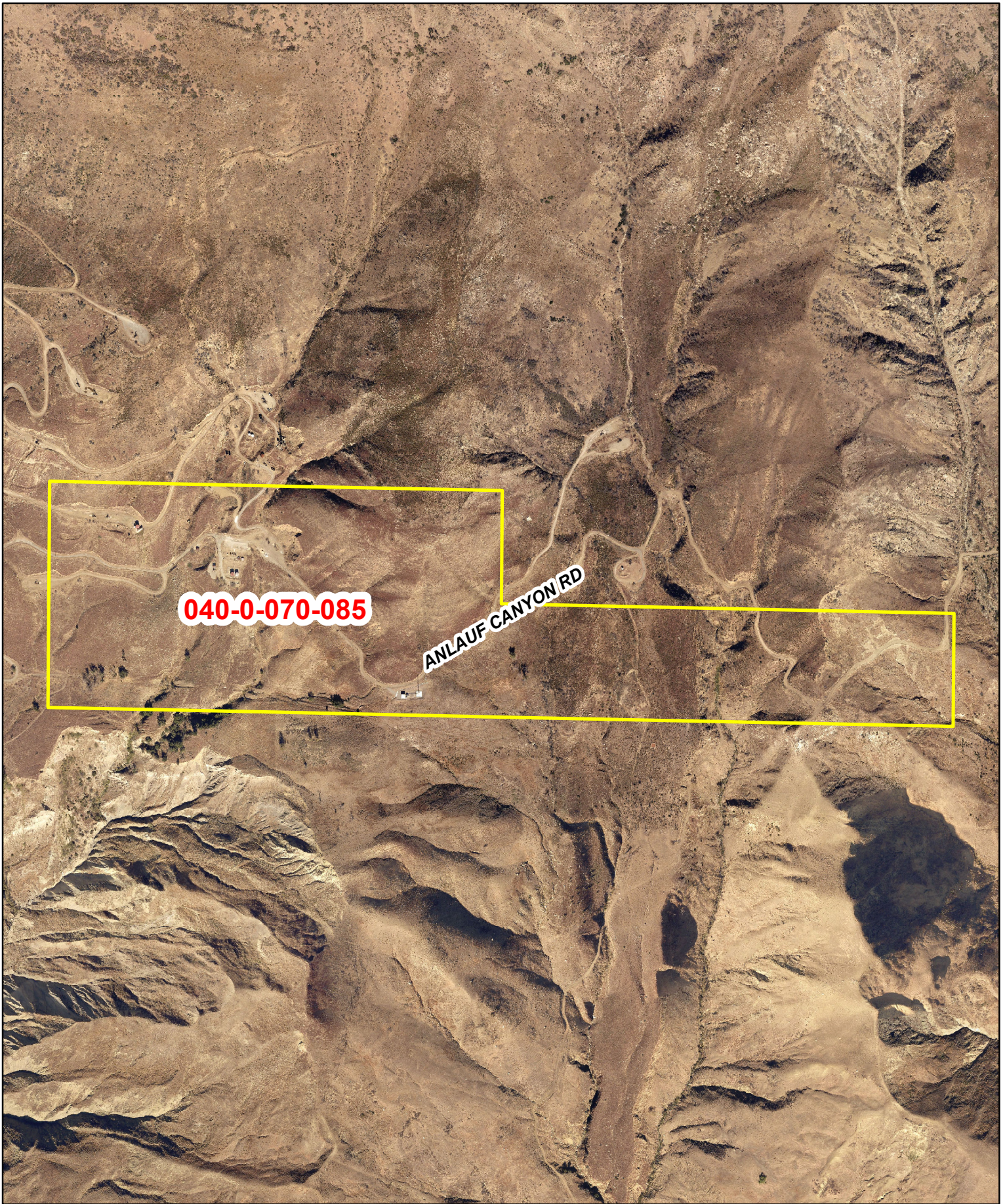
Reviewed by:

M. Fogg

Mindy Fogg, Manager
Commercial/Industrial Permits Section
Ventura County Planning Division

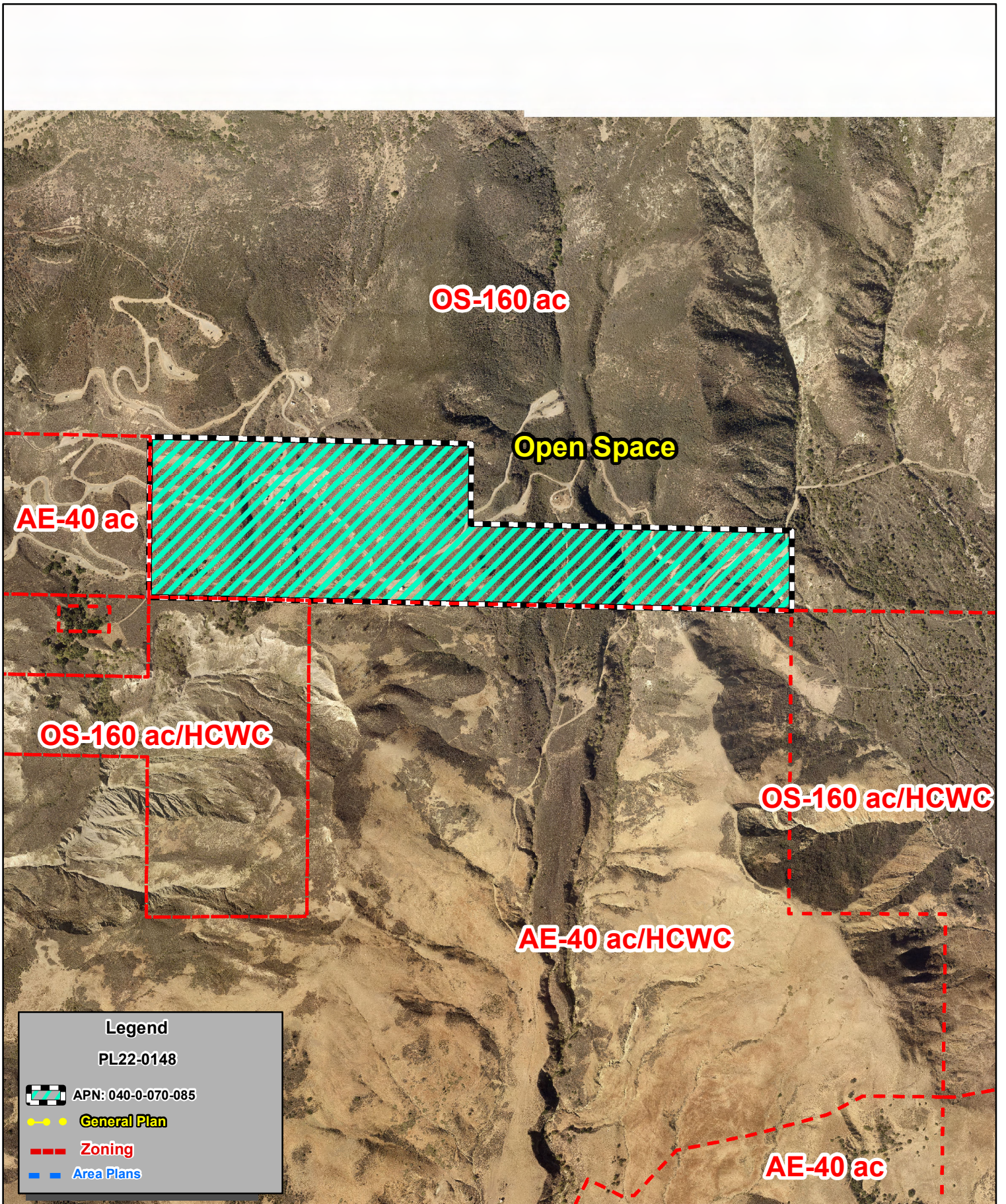
EXHIBITS

- Exhibit 2 – Maps
- Exhibit 3 – Site Plans
- Exhibit 4 – General Plan Consistency
- Exhibit 5 – Conditions of Approval



040-0-070-085

ANLAUF CANYON RD



OS-160 ac

Open Space

AE-40 ac

OS-160 ac/HCWC

OS-160 ac/HCWC

AE-40 ac/HCWC

AE-40 ac

Legend

PL22-0148

APN: 040-0-070-085

General Plan

Zoning

Area Plans



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 1-26-2023
This aerial imagery is under the
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Source: Pictometry, 2019



**County of Ventura
Planning Director Hearing
PL22-0148
General Plan & Zoning Map**



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does 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.





site



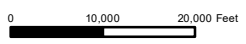
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) 2012 OpenStreetMap contributors, and the GIS User Community



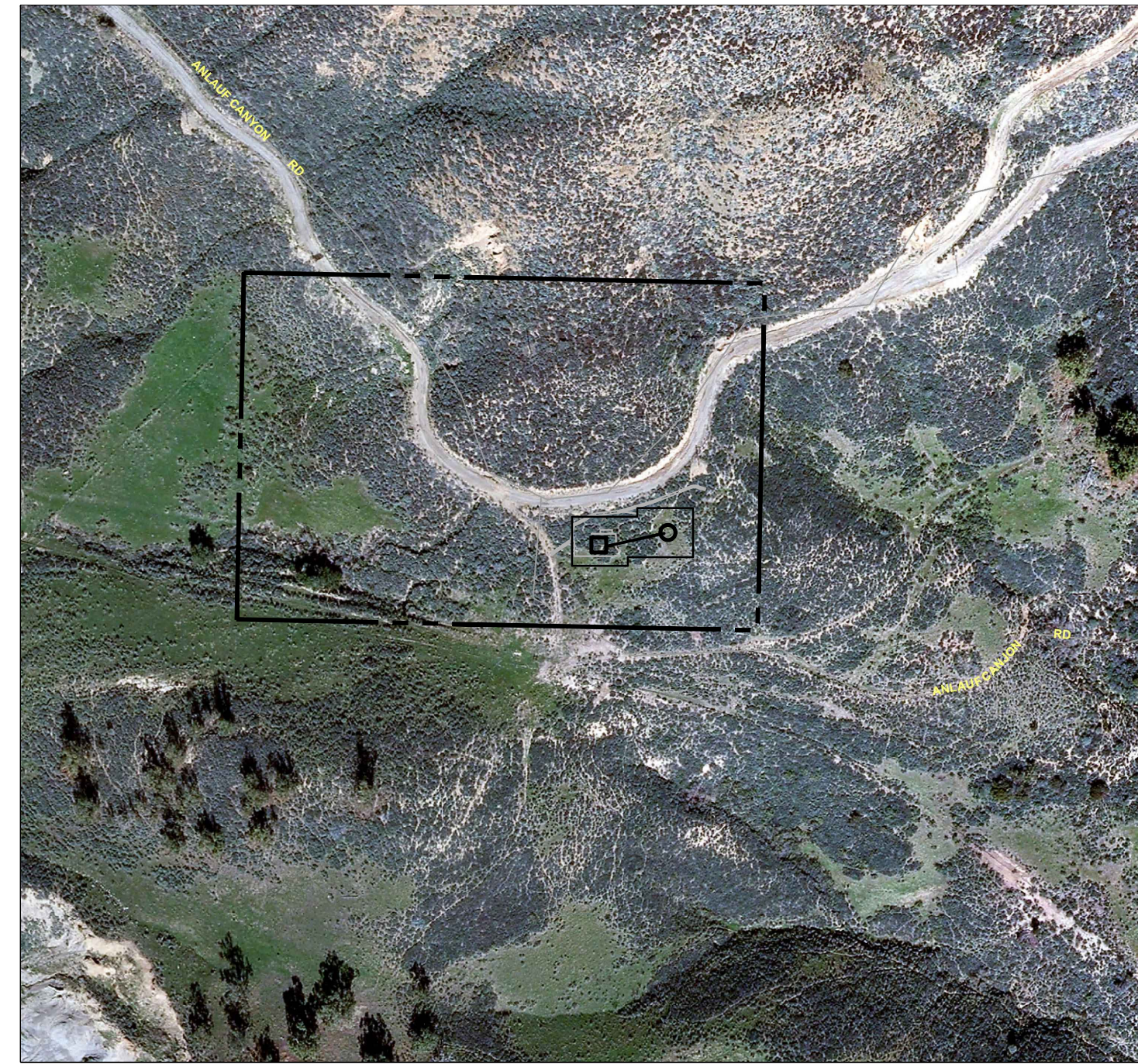
Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 1-26-2023



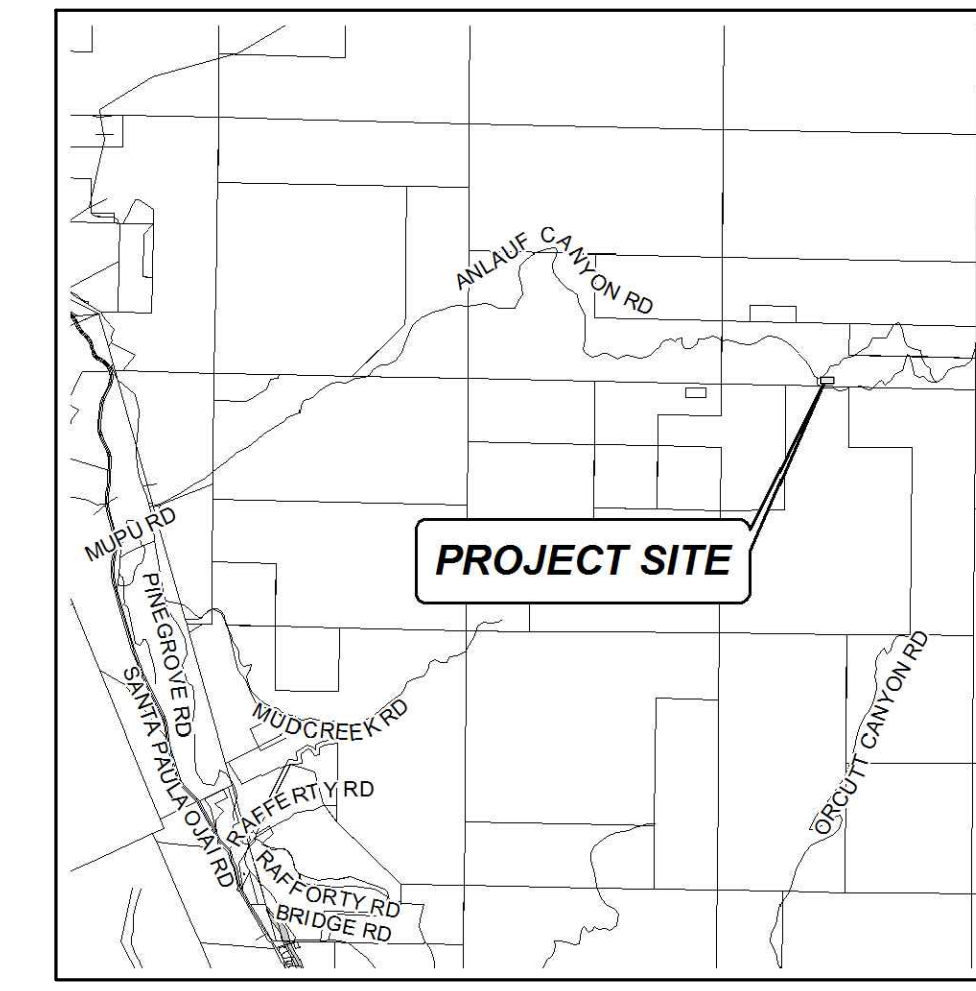
**County of Ventura
Planning Director Hearing
PL22-0148
Location Map**



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



AERIAL PHOTO
SCALE: 1"=200'



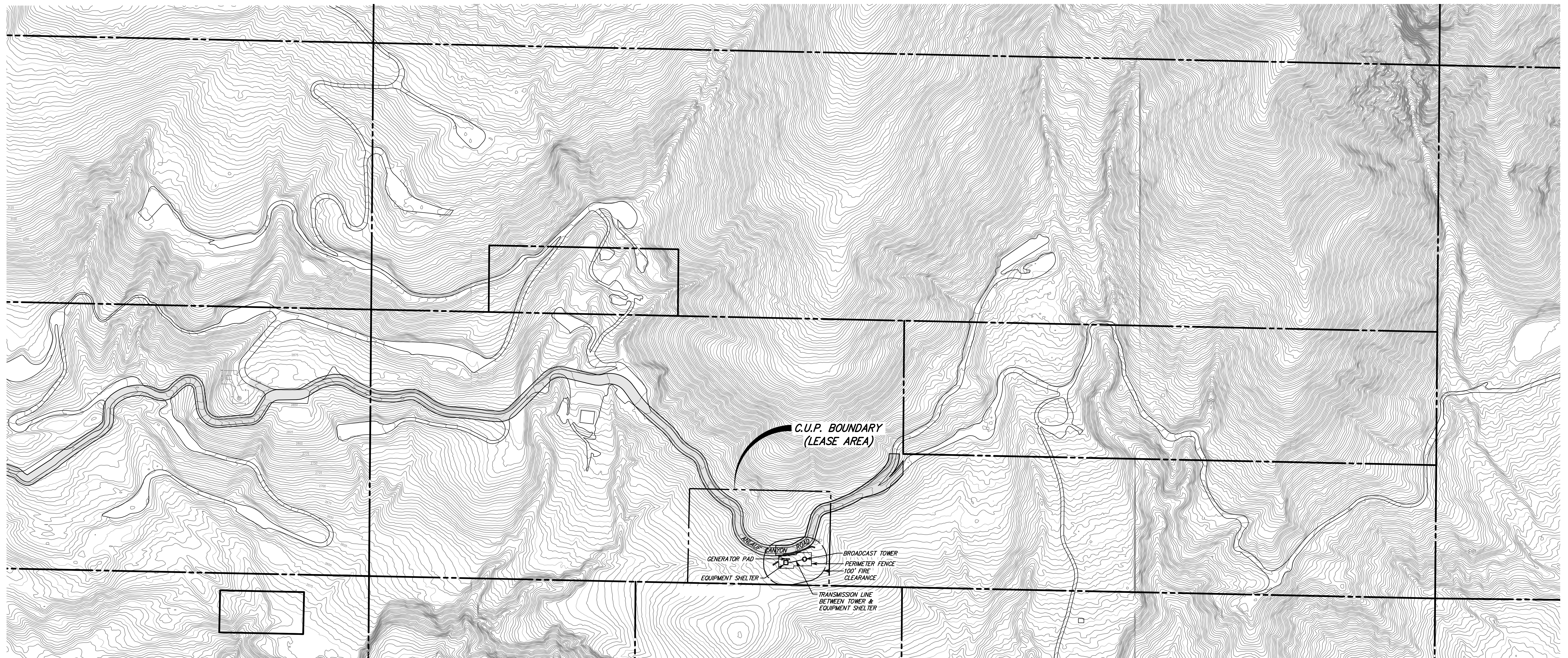
VICINITY MAP
SCALE: 1"=4,000'

PRELIMINARY LAND USE DATA

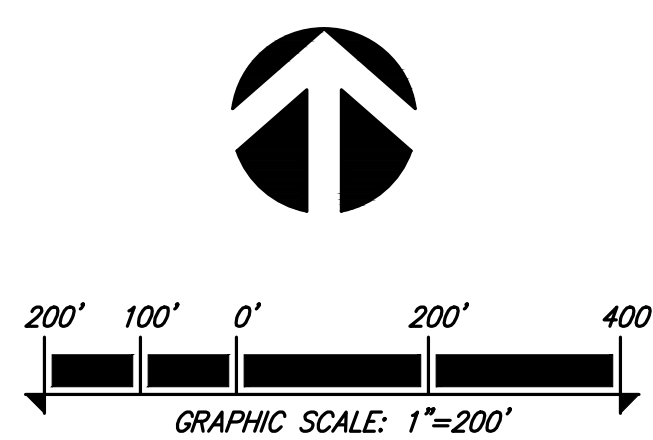
| | |
|---|----------|
| APN: 040-0-070-085 | |
| GENERAL PLAN: OS-160 AC | |
| ZONING: AE-40 AC | |
| A. PARCEL AREA | 120 AC |
| B. COMMUNICATIONS FACILITY C.U.P. BOUNDARY LEASE AREA | 7.5 AC |
| C. UTILITY & ACCESS EASEMENT | 9.7 AC |
| D. EQUIPMENT AND TOWER PADS | 1,424 SF |
| E. LOT COVERAGE | 0.03% |
| F. PROVIDED PARKING | 2 SPACES |
| G. BROADCAST TOWER DATA | |
| NAD 83 COORDINATES | |
| LAT: N 34°25'20" LONG: W 119°02'08" EL: 2870.7 | |
| NAD 27 COORDINATES | |
| LAT: N 38°04'15" LONG: W 103°12'37" EL: 2870.7 | |

NOTE

NO PROPOSED CHANGES TO ORIGINALLY APPROVED LU 11-0136.



County of Ventura
Planning Director Hearing
Case No. PL22-0148
Exhibit 3 - Site Plans



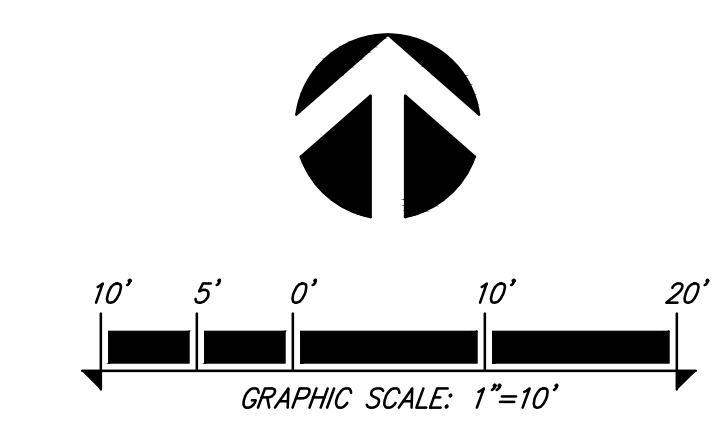
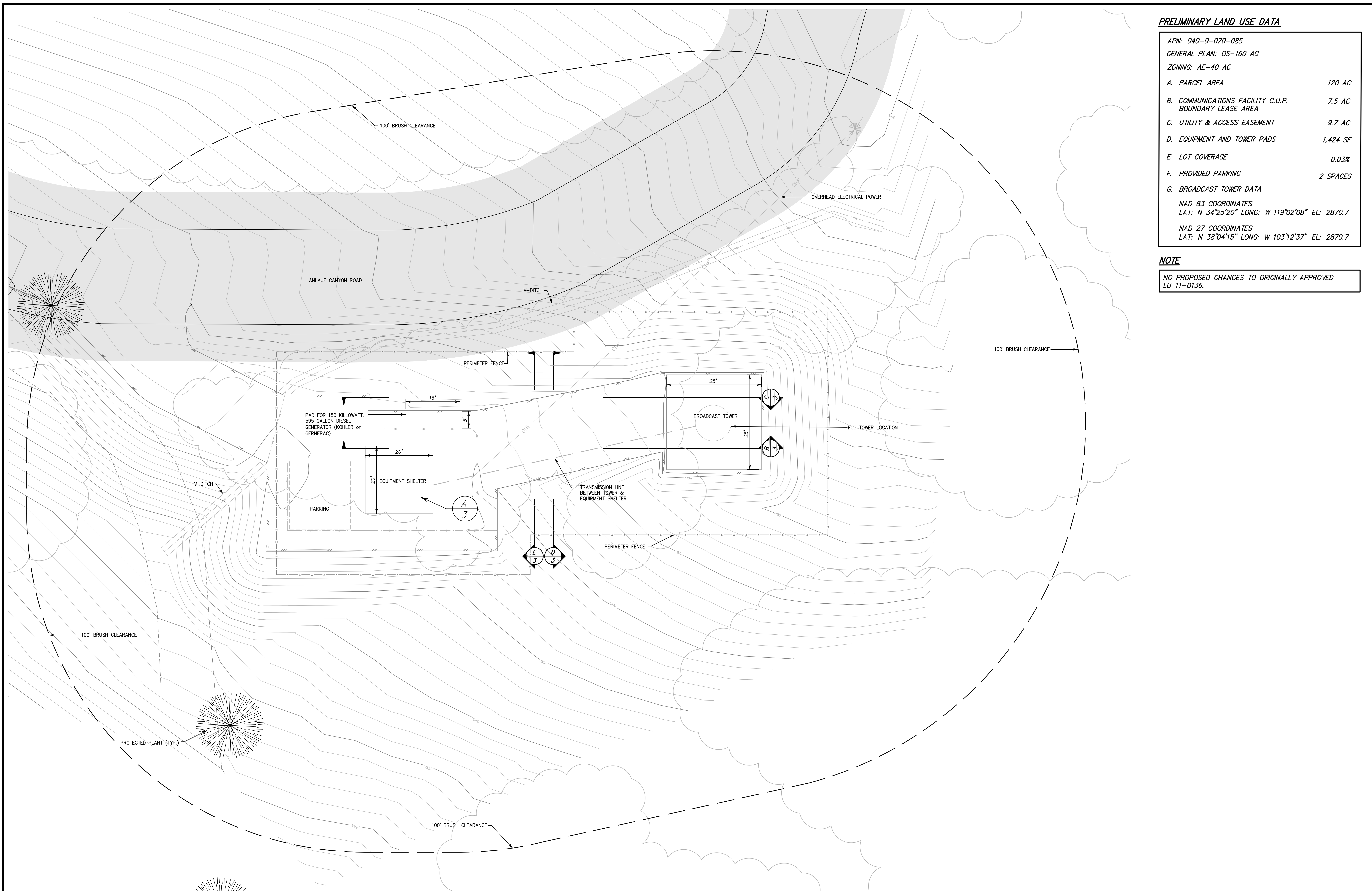
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|--|---|---|-----------------------------|
| | 1672 DONLON STREET VENTURA, CALIF. 93003 PHONE 805/654-6977 FAX 805/654-6979 | SITE PLAN FOR POINT BROADCASTING LLC RADIO TOWER | SHEET 1 OF 3 |
| | SCALE: 1"=200' DATE: JUL 26, 2022 | | |

PRELIMINARY LAND USE DATA

| | |
|---|----------|
| APN: 040-0-070-085 | |
| GENERAL PLAN: OS-160 AC | |
| ZONING: AE-40 AC | |
| A. PARCEL AREA | 120 AC |
| B. COMMUNICATIONS FACILITY C.U.P. BOUNDARY LEASE AREA | 7.5 AC |
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JENSEN DESIGN & SURVEY, INC.
 1672 DONLON STREET
 VENTURA, CALIF. 93003
 PHONE 805/654-6977
 FAX 805/654-6979
 www.jdsurvey.com

SCALE: 1"=10'
 DATE: JUL 26, 2022

J.N.: GOL74069
 DWG. NAME: 040-0-070-085

SITE PLAN / ELEVATIONS FOR POINT BROADCASTING LLC RADIO TOWER

APN 040-0-070-085
 ORCUTT CANYON, VENTURA COUNTY
 COUNTY OF VENTURA STATE OF CALIFORNIA

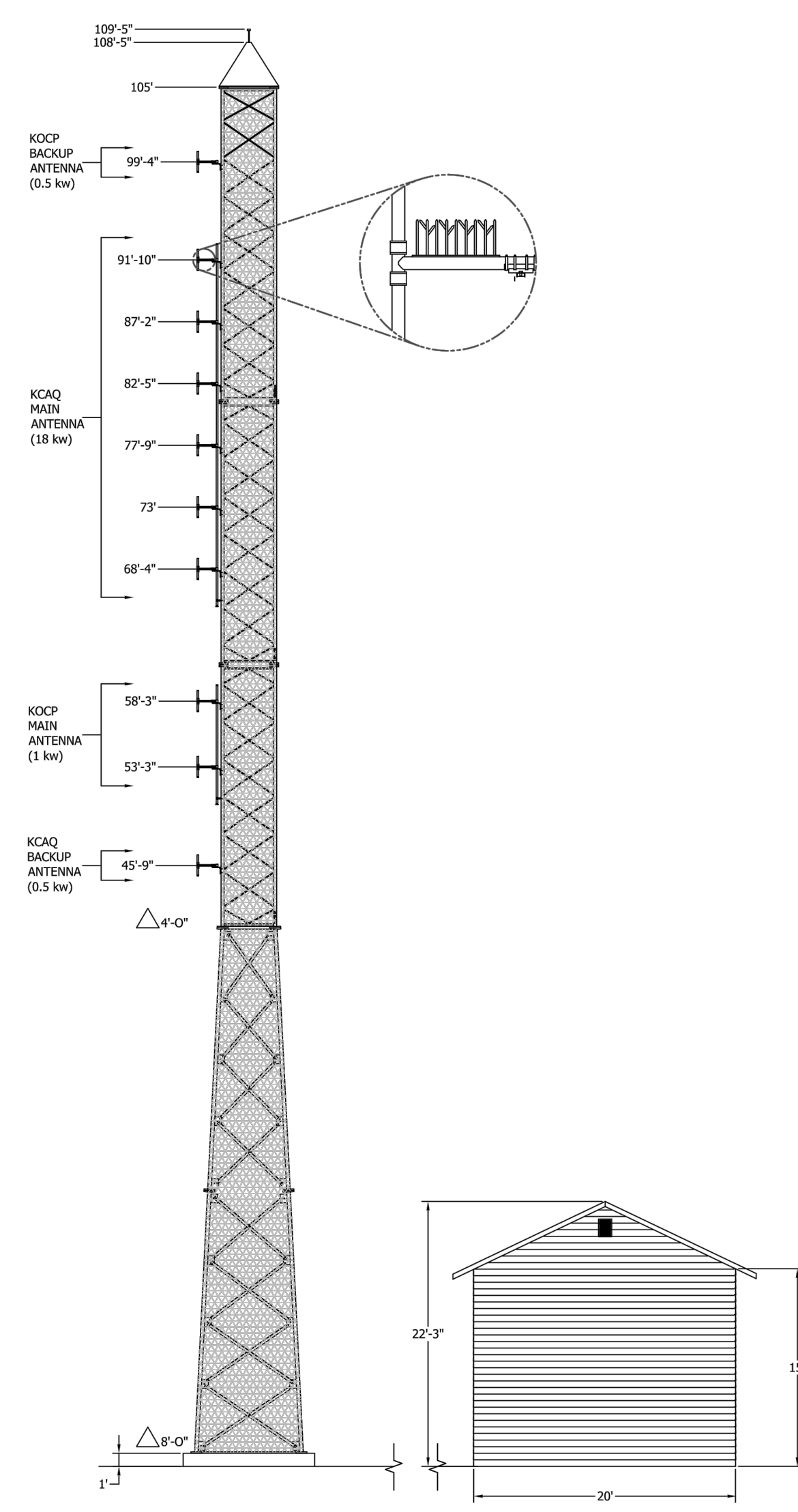
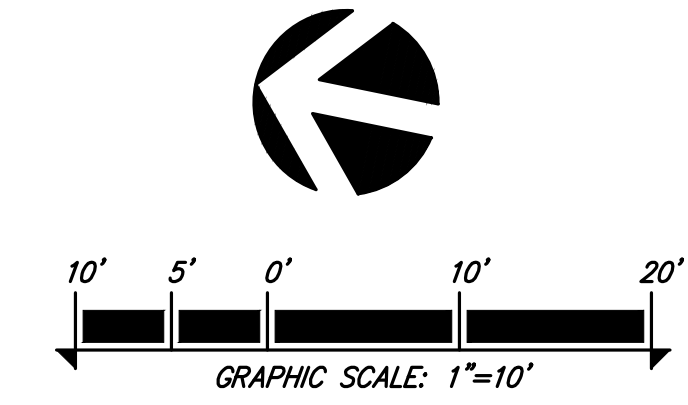
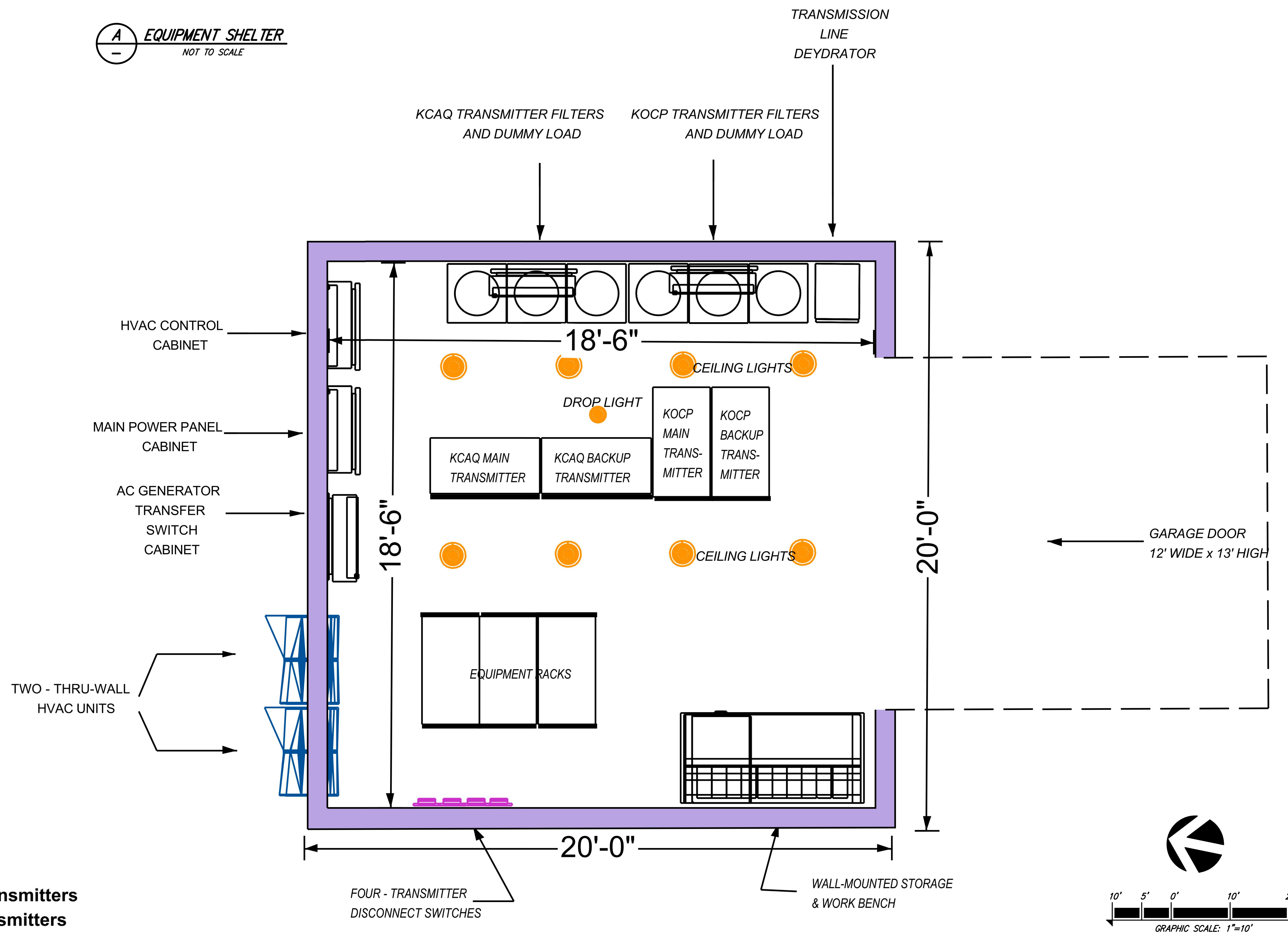
SHEET 2 OF 3

I:\040-0-070-085\040-0-070-085-01-19 CUP TIME EXTENSION\040-0-070-085 CUP SITE PLAN-02.dwg Jul 26, 2022, 5:10pm kcorneil

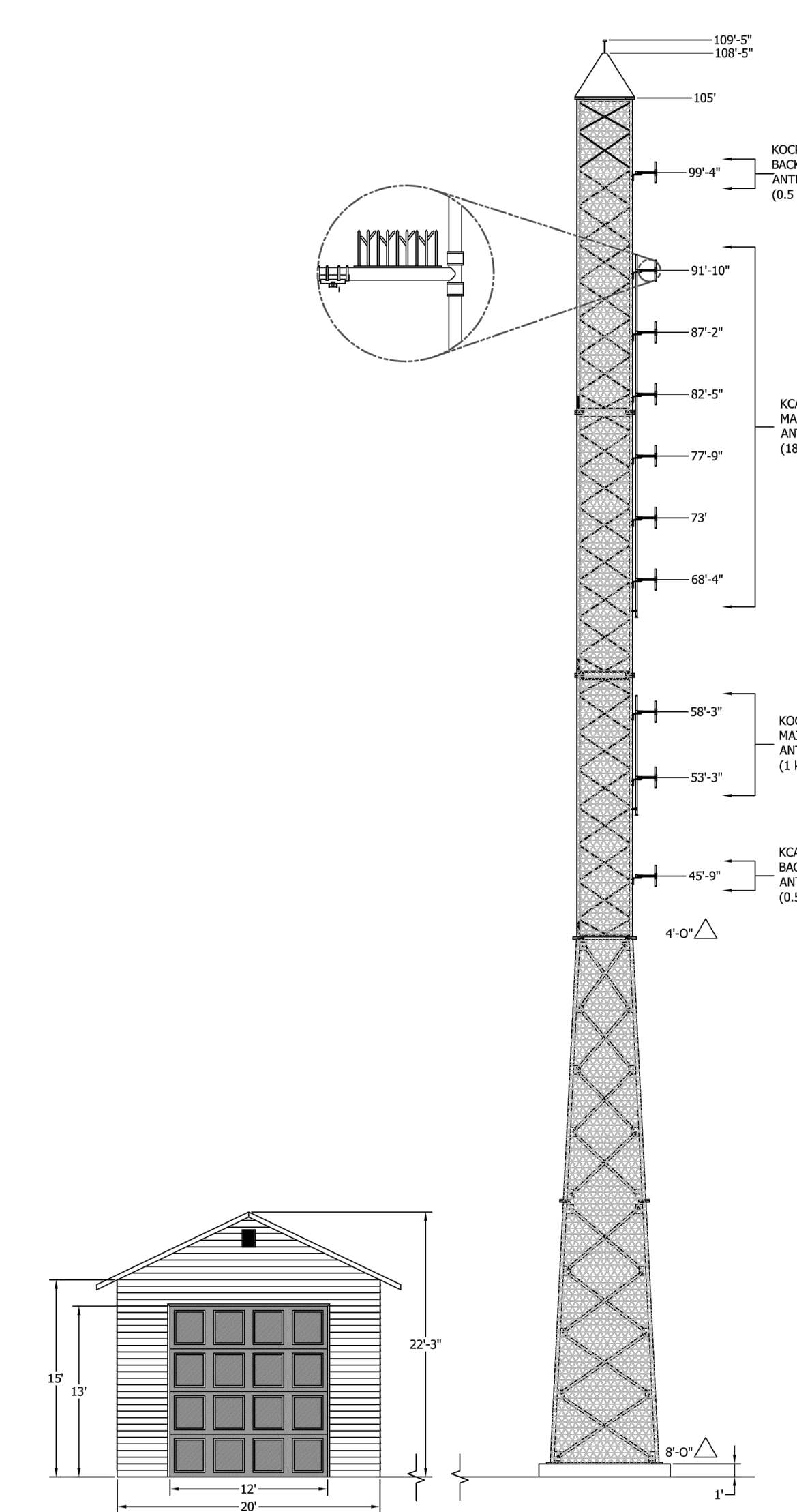
Anlauf Site Equipment List - KCAQ / KOCP

| Item | Station | Qty. | Description |
|------|---------|------|--|
| 1 | BOTH | 1 | Burk ARC Plus Remote Control |
| 2 | BOTH | 1 | Burk Plus-X 300 Ethernet Interface |
| 3 | BOTH | 1 | Monitor Keyboard |
| 4 | BOTH | 1 | Computer CPU |
| 5 | BOTH | 1 | Cisco 8016 Router |
| 6 | BOTH | 1 | Dial telephone panel |
| 7 | BOTH | 1 | Building Alarm Panel |
| 8 | BOTH | 1 | USB KVM |
| 9 | BOTH | 1 | Cisco Internet Modem |
| 10 | BOTH | 1 | APC SmartUPS 3000 |
| 11 | KCAQ | 1 | Burk Plus-X Relay Control |
| 12 | KCAQ | 2 | Burk Plus-X Integrated Input Unit |
| 13 | KCAQ | 1 | Control/Telemetry Wiring Panel |
| 14 | KCAQ | 1 | Moseley StarLink Q9003L 950 STL |
| 15 | KCAQ | 2 | Tiernan ABR-202A Satellite Receiver |
| 16 | KCAQ | 1 | TunWall Transmitter/ Controller |
| 17 | KCAQ | 1 | Program Audio Switcher |
| 18 | KCAQ | 1 | Audio Monitor Amplifier |
| 19 | KCAQ | 1 | Bird 3129 RF Power Monitor |
| 20 | KCAQ | 1 | Modulation Monitor / Silence Sensor |
| 21 | KCAQ | 1 | Aphex 2020 Audio Processor |
| 22 | KOCP | 1 | Burk Plus-X Relay Control |
| 23 | KOCP | 2 | Burk Plus-X Integrated Input Unit |
| 24 | KOCP | 1 | Control/Telemetry Wiring Panel |
| 25 | KOCP | 1 | Moseley StarLink Q9003L 950 STL |
| 26 | KOCP | 2 | Tiernan ABR-202A Satellite Receiver |
| 27 | KOCP | 1 | TunWall Transmitter Controller |
| 28 | KOCP | 1 | Program Audio Switch |
| 29 | KOCP | 1 | Audio Monitor Amplifier |
| 30 | KOCP | 1 | Bird 3129 RF Power Monitor |
| 31 | KOCP | 1 | Modulation Monitor / Silence Sensor |
| 32 | KOCP | 1 | Aphex 2020 Audio Processor |
| 33 | KCAQ | 2 | Broadcast Electronics FM-1S/Fxi-250 Main / backup Transmitters |
| 34 | KOCP | 2 | Broadcast Electronics FM-3/Fxi-250 Main / backup Transmitters |

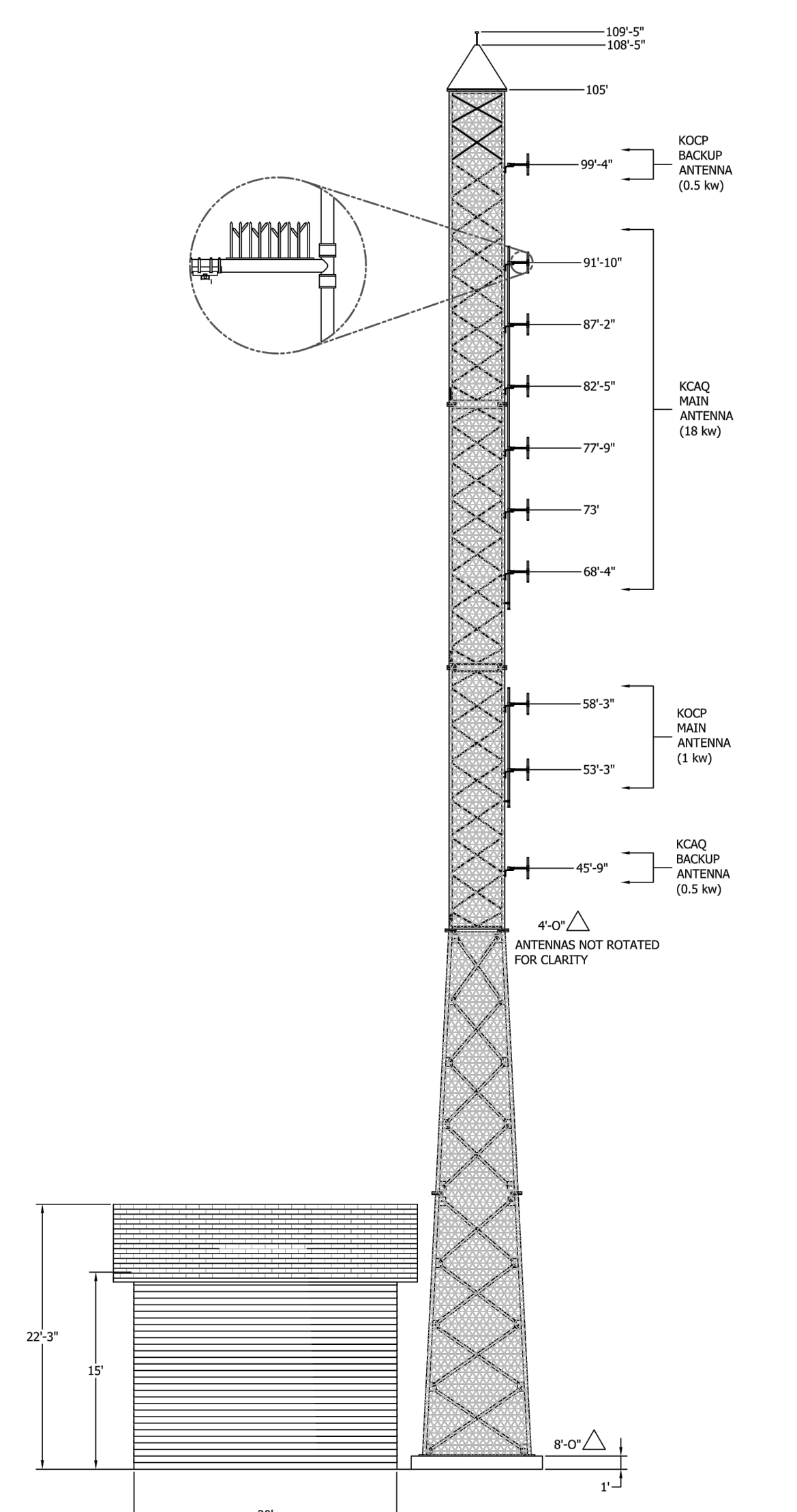
A EQUIPMENT SHELTER
NOT TO SCALE



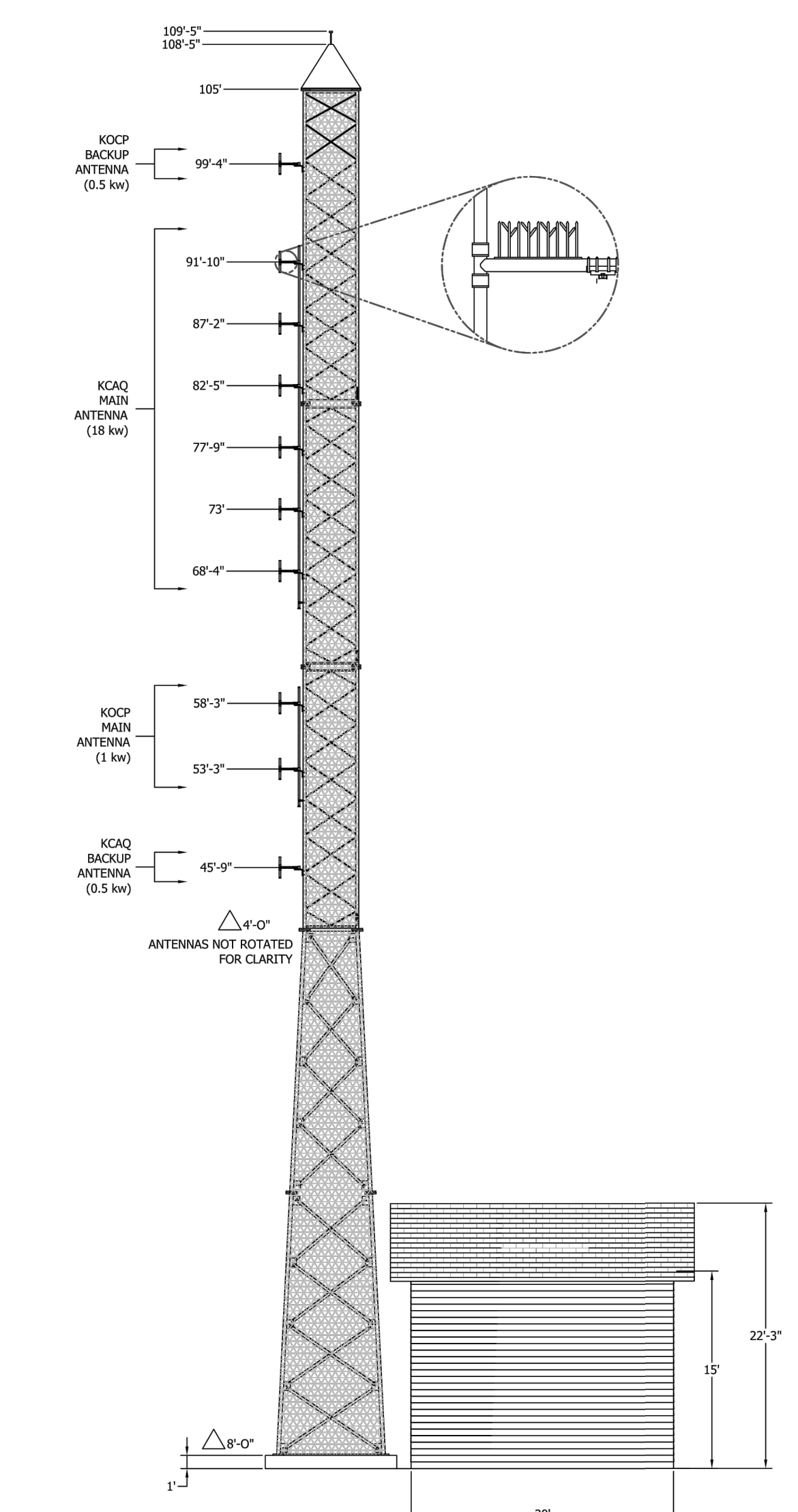
B NORTH ELEVATION
SCALE: 1"=10'



C SOUTH ELEVATION
SCALE: 1"=10'



D EAST ELEVATION
SCALE: 1"=10'



E WEST ELEVATION
SCALE: 1"=10'

| | | | |
|---|---|--|--|
| <p>JENSEN DESIGN & SURVEY, INC. www.jdsdvl.com</p> | <p>1672 DONLON STREET VENTURA, CALIF. 93003 PHONE: 805/654-6977 FAX: 805/654-6979</p> | <p>Floor Plan/North, South, East & West Elevations FOR POINT BROADCASTING LLC EQUIPMENT SHELTER</p> | <p>SHEET 3 OF 3</p> |
| | <p>SCALE: 1"=10' DATE: Jul 19, 2022</p> | <p>J.N.: GQL 4069 DWG. NAME: 2022-07-18 4069-01-CIP.dwg</p> | |

J:\2022\0718\4069\CIP\2022-07-18 4069-01-CIP.dwg Jul 19, 2022, 9:18am keemal



Exhibit 4

POINT BROADCASTING PL22-0148 CONSISTENCY WITH THE GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

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 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.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

- 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 existing facility is designed to have the least amount of visual impact while ensuring the adequate provision of public facilities and services. The WCF will provide radio telecommunication services to the surrounding area and is compatible with the neighboring uses.

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

- 2. LU-16.2 Urban Design Standards for Commercial and Industrial Development:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

The existing radio communication support structure is designed and sited to minimize land use conflicts and helps maintain a high standard of urban design and environmental quality. The secluded location of the facility and location minimizes land use conflicts and will have no impact on traffic congestion.

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Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.2.

- 3. LU-16.10 Visual Access for Rural Development:** *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

The existing WCF is located within an active oil drilling parcel on an already developed piece of the property. The project is designed to help maintain a high standard of urban design and environmental quality. The design of the facility and location minimizes land use conflicts and maintains the existing views of the hillsides.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.10.

- 4. 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.*

The existing WCF will ensure that mobile communications infrastructure is provided for adequate services throughout the unincorporated area. The location of the facility is located appropriately to blend seamlessly into the surrounding environment. The facility is not prominently visible from any public viewpoints.

Based on the above discussion, the proposed project is consistent with General Plan Policy PFS-7.1.

- 5. COS-1.4 Consideration of Impacts to Wildlife Movement:** *When considering proposed discretionary development, County decision-makers shall consider the development's potential project-specific and cumulative impacts on the movement of wildlife at a range of spatial scales including local scales (e.g., hundreds of feet) and regional scales (e.g., tens of miles).*

The existing WCF is located on an already denuded piece of property near an existing dirt roadway. The only portion of the existing facility that is gated is the small equipment area to prevent vandalism and the fence does not include barbed wire. No project specific or cumulative impacts to wildlife movement will be generated from the implementation of the proposed project.

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

- 6. COS-1.5 Development Within Habitat Connectivity and Wildlife Corridors:** *Development within the Habitat Connectivity and Wildlife Corridors overlay zone and Critical Wildlife Passage Areas overlay zone shall be subject to the applicable provisions and standards of these overlay zones as set forth in the Non-Coastal Zoning Ordinance.*

The existing WCF meets all applicable provisions of the Habitat Connectivity and Critical Wildlife Passage Areas overlay zones. The fenced lease area is at the minimum practical size to accomplish the goal of keeping people safe and limiting vandalism. No portion of the existing fence has barbed wire and there are no outdoor lights on site. No impacts to habitat connectivity or wildlife corridors will be generated from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-1.5.

- 7. COS-3.1 Scenic Roadways:** *The County shall protect the visual character of scenic resources visible from state of County designated scenic roadways.*

The existing WCF is not prominently visible from any County designated scenic roadways. No new visual impacts will be generated from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.1.

- 8. 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 activity.*

The existing WCF is located on an already developed portion of the subject lot and is blends in with the existing oil uses on site. The location of the facility is lower in elevation than the surrounding hilltops and below significant ridgelines. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.5.

- 9. 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 existing WCF does not conflict with the scenic open space character of the surrounding area. The antennas are mounted on an existing lattice tower, and all ground mounted equipment is located within an equipment area surrounded by a chain link fence. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.6.

10. COS-9.1 Open Space Preservation: *The County shall preserve natural open space resources through:*

- *The concentration of development in Urban Areas and Existing Communities;*
- *Use of cluster or compact development techniques in discretionary development adjacent to natural open space resources;*
- *Maintaining large lot sizes in agricultural areas, rural, and open space areas;*
- *Discouraging conversion of lands currently used for agricultural production or grazing;*
- *Limiting development in areas constrained by natural hazards; and*
- *Encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production or grazing.*

The existing WCF will not conflict with the adjacent open space designated lands or uses of those lands. The facility is located in an already denuded area of the property. The proposed time extension will not have any adverse effects on the preservation of the natural open space resources. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-9.1.

11. HAZ-1.1 Fire Prevention Design and Practices: *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

HAZ-1.2 Defensible Space Clear Zones: *The County shall require adherence to defensible space standards, or vegetation “clear zones,” for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

The existing WCF will meet all Ventura County Fire Protection District standards. The Fire Protection District has conditioned the project to comply with all requirements. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy HAZ-1.1 and HAZ-1.2.

EXHIBIT 5

DRAFT CONDITIONS OF APPROVAL Conditional Use Permit No. PL22-0148 (Minor Modification of CUP LU11-0136)

Point Broadcasting Radio Tower

RESOURCE MANAGEMENT AGENCY CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on, and limited to, compliance with the project description stated in this condition, Exhibits 1-4 of the Planning Director hearing on March 9, 2023, and the remaining conditions of approval set forth below. Together, these conditions and documents describe the "Project."

Any deviations from the Project must first be reviewed by the County to determine if they conform to the conditions of approval of CUP PL22-0148. Project deviations may require a modification of this permit and further environmental review pursuant to the California Environmental Quality Act (CEQA). Any deviation from the Project that is implemented without the required County approval constitutes a violation of this permit and applicable law.

The Project description is as follows:

This CUP authorizes the continued use, operation, and maintenance of a WCF for an additional 10-year time period. The existing WCF is owned and operated by Point Broadcasting.

The WCF is installed within a 7.5-acre lease area. The lease area is enclosed with a 6-foot-high chain link fence. The WCF site includes:

- 110-foot-tall triangular lattice tower;
- 10 radio communication antennas;
- 400 square foot equipment building;
- One emergency backup generator.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day, 365 days per year. Access to the facility is available from Anlauf Canyon Road and up a private dirt roadway. Water service

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is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed.

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

2. CUP Modification Review

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 in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

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

3. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and all applicable federal, state, and local laws and regulations.

4. Time Limits

a. Use Inauguration:

- (1) The decision to grant this CUP becomes effective upon the expiration of the 10-day appeal period following the date of decision, or when any appeals of the decision are finally resolved. Once the decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition of Approval No. 1.
- (2) This CUP shall expire and become null and void if the Zoning Clearance for Use Inauguration has not been issued within one year from the date the CUP becomes effective (See *Ventura County Non-Coastal Zoning Ordinance* [2010, § 8111-4.7]). The Planning Director may grant a one-year extension of the deadline to obtain the Zoning Clearance for Use Inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the expiration of the one-year period.
- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid or submitted in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Expiration:

This CUP will expire on **TBD**.

The uses authorized by this CUP may be temporarily extended beyond the CUP expiration date when an application for permit renewal is actively under consideration. In accordance with § 8111-2.10 of the *Ventura County Non-Coastal Zoning Ordinance*, permits being processed for renewal shall remain in full force and effect until the renewal request is acted on when:

- (1) An application for a permit modification (renewal) is filed and accepted as “complete” by the Planning Division prior to expiration of the permit (§ 8111-6); and
- (2) The Permittee is in compliance with all terms and conditions of the original permit at the time the application for renewal is filed.

5. Documentation of Compliance with Other Agencies' Requirements

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the project that is the subject of this CUP.

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

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

Timing: Copies of all correspondence, reports, or information related to issues covered by this permit, which are received by the Permittee from, or sent by the Permittee to, other Federal, State, or local jurisdictions or agencies shall be provided to the Planning Division within 30 days of their receipt/issuance. The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction or as dictated by the respective agency.

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

6. Notice of CUP Requirements and Retention of CUP Conditions on the Project Site

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

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

Timing: Prior to issuance of a Zoning Clearance, the documentation of notification shall be provided. Evidence of ongoing notification shall be maintained as a public record by the Permittee for the life of the permit.

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

7. Recordation of Notice of Land Use Entitlement

Purpose: To ensure compliance with applicable permit conditions and regulations pursuant to § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance*.

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division, for the tax assessor’s parcel that is subject to this CUP. The notice shall describe the responsibilities of the Property Owner and Permittee for compliance with all applicable permit conditions and regulations.

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the “Notice of Land Use Entitlement” shall be recorded.

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

8. 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, 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. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
- (1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in Condition 8a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
 - (2) An executed reimbursement agreement, 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 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 prior to payment.

9. Defense and Indemnity

- 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 of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.

- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

10. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid 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 any significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

11. Consultant Review and Contracting

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions may 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 such cases, the hiring of the consultant will be at the Permittee's expense.

12. Relationship of CUP Conditions, Laws and Other Permits

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 is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP 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/maintain a business tax certificate for the operation of the wireless communications facility. The certificate shall be prominently displayed at the Permittees' facility's business office for the life of the permit.

13. 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 of

Approval No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description and approved site uses shall be stored on the site during the life of this permit.

Documentation: The Permittee shall maintain the Project site in compliance with Condition of Approval 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 of Approval 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*.

14. Contact Person

Purpose: To facilitate the resolution of any complaints involving the facility or its operations under this CUP.

Requirement: In order to facilitate the resolution of complaints, a contact person that represents the Permittee shall be designated. The designated contact person shall be available, via telecommunication, 24 hours a day.

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's agent(s) for the project file.

Monitoring and Reporting: The Planning Division shall maintain the contact information provided by the Permittee in the respective project file. If the address or phone number of the Permittee's agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change. 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 this project:

- a. 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.
- b. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County may initiate enforcement actions pursuant to *§ 8114-3 of the Non-Coastal Zoning Ordinance*.

16. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property within the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file.

17. Change of Permittee and/or Property Owner

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

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

Documentation: The initial notice must be submitted with the new Property Owner's and/or Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer, and a letter signed by the new Property

Owner(s), lessee(s), and/or operator(s) 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 shall maintain notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

18. Removal of Facility for Abandonment of Use and/or Expiration of Permit

Purpose: In compliance with § 8111-2.8 and § 8111-6.2 of the *Ventura County Non-Coastal Zoning Ordinance* and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned. The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Requirement: Upon the expiration of this permit, or abandonment of the use, the Property Owner shall:

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

Documentation: Photos of the site after restoration is completed shall be provided to the County Planning Division.

Timing: The Property Owner shall complete the notification, removal, and restoration activities within 60 days of the expiration of this permit, 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. Future Co-location of Wireless Communication Facilities and Equipment

Purpose: To minimize the potential environmental impacts associated with the development of wireless communication facilities through co-location of facilities and equipment, in compliance with § 8107-45.4 of the *Ventura County Non-Coastal Zoning Ordinance*.

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

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

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

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

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

20. Lighting Restrictions

Any new exterior lighting shall be hooded, and no unobstructed beam of exterior light of lighting glare shall be directed over or beyond property lines or directed toward any area along any adjoining roadway.

21. California Condor Protection BMPs

Purpose: To avoid significant impacts during use, operation, and maintenance and ensure compatibility with conservation efforts outlined in the *Recovery Plan for California Condor* (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) for facilities within the range of the California Condor in Ventura County (USFWS, 2013).

Requirement: During use, maintenance, and operation, the Permittee shall adhere to the following USFWS recommended California condor Best Management Practices (BMPs):

Landing Deterrents

- a. All power lines, poles, and guy wires shall be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors. Landing deterrents (e.g. Daddi Long Legs or porcupine wire) shall be attached to all facilities.
- b. All surface structures which are identified by the County-approved qualified biologist or County as a risk to California condors, shall be modified (e.g. to include installation of raptor guards, anti-perching devices, landing deterrents).

Microtrash

- c. All construction debris, food items, and other trash including micro-trash (e.g. small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site at the end of each day or prior to periods when workers are not present at the site.
- d. All equipment and work-related materials (including, but not limited to, loose wires, open containers, rags, hoses, or other supplies or materials) shall be contained in closed containers either in the work area or placed inside vehicles.
- e. Prior to issuance of a Zoning Clearance for Use Inauguration, informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, shall be posted at the site.
- f. Prior to conducting work on-site, employees and contractors shall be made aware of the California condor, and how to avoid impacts on them. Special emphasis shall be placed on keeping the well pad site free of micro-trash and other hazards.
- g. The project site shall be inspected closely for micro-trash on each visit to the site.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless waived by USFWS or a County-approved qualified biologist in consultation with USFWS, California Department of Fish and Wildlife (CDFW), and the Planning Division. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs.

Documentation: The application shall prepare photo documentation of the complete installation of the above BMPs.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee must take the following actions:

- Install signage.
- Submit photo-documentation of the installation of the signage and landing deterrents to the Planning Division.

Prior issuance of a Zoning Clearance for Use Inauguration, the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

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

35. Additional California Condor Protection BMPs

Purpose: To avoid significant impacts during use, maintenance, and operation and ensure compatibility with conservation efforts outlined in the *Recovery Plan for California Condor* (April 19, 1996) and direction provided by United States Fish and Wildlife Service (USFWS) within the range of the California Condor in Ventura County (USFWS, 2013).

Requirement: During use, maintenance, and operation, the Permittee shall adhere to the following additional USFWS recommended California condor Best Management Practices (BMPs):

- a. All food items and associated refuse shall be placed in covered containers that preclude access or use by California condors.
- b. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies) will be placed in closed containers or inside vehicles.

- c. No dogs or other potentially predatory domesticated animals shall be allowed on the site unless on a leash or otherwise contained at all times.
- d. All construction equipment, staging areas, materials, and personnel shall remain within the perimeter of the disturbed area authorized under the applicable permit.
- e. The discharge of firearms at the project site or vicinity by any employee or contractor of the Permittee shall be prohibited.
- f. Feeding of wildlife by any employee or contractor of the Permittee shall be prohibited.
- g. Access to the project site shall be made available to the representatives of the State and Federal wildlife agencies (California Department of Fish and Wildlife, U.S. Fish and Wildlife Service) upon reasonable notice to the Permittee and compliance with all required measures. Access to the site shall be provided within 24 hours of the receipt of the notice.

The Permittee shall implement the BMPs listed above throughout the entire life of the project, unless waived by USFWS or a County-approved qualified biologist in consultation with USFWS, California Department of Fish and Wildlife (CDFW), and the Planning Division. A County-approved qualified biologist shall confirm and photo-document the installation of the BMPs. The Permittee shall place signage on the project site to inform personnel and visitors of the above requirements.

Documentation: The application shall prepare photo documentation of the complete installation of the signage and implementation of the above BMPs.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee must take the following actions:

- Install signage.
- Submit photo-documentation of the installation of the signage to the Planning Division.

Prior issuance of a Zoning Clearance for Use Inauguration, the Permittee must provide the Planning Division with photo documentation of the implementation of the above requirements.

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