

EXHIBIT 5 - CONSISTENCY WITH THE GENERAL PLAN FOR SHOALS ENERGY STORAGE CONDITIONAL USE PERMIT, CASE NO. PL24-0024

The 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 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 applicant requests a Conditional Use Permit (CUP) for the construction and use of a Battery Energy Storage System (BESS) for a 30-year period. This use is classified as "Energy Production from Renewable Sources and Energy Storage" pursuant to Section 8105-4 of the Ventura County Non-Coastal Zoning Ordinance (NCZO).

Evaluated below is the consistency of the 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.*

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 project involves the construction and use of a BESS, taking siting advantage of an adjacent and existing SCE Santa Clara 220 Kilovolt transmission line that is directly connected to the SCE Santa Clara Substation. Properties in the immediate vicinity of the project site are used for agriculture and related facilities (e.g. greenhouses, packing facilities, storage, etc.). Approximately 0.54 miles to the east of the project site is the City of Oxnard boundary and single-family residential development (Victoria Estates). Further east (approximately 0.75 miles) is Oxnard High School. There is no development west of the project site along Gonzales Road to the ocean (approximately 1.25 miles) with land predominantly used for agriculture.

Prominent visual characteristics of the area include agricultural crops, some windrows, greenhouses or other related agricultural structures, and the overhead and existing SCE Santa Clara and Mandalay 220 Kilovolt transmission lines and related infrastructure (power poles, towers, etc.). Visual impacts of the development are addressed through design features. Structures related to the project will be setback approximately 90 feet from Gonzales Road and screened from public view by productive agriculture and vine-covered fencing that will integrate the project into the surrounding agricultural setting (Exhibit 4, Condition No. 20).

The project is compatible with surrounding agricultural operations. In a memo dated March 8, 2024, the Ventura County Department of Agriculture / Weights & Measures (AWM) determined the project would not have a significant impact on Agricultural Resources pursuant to the criteria set forth in the Ventura County Initial Study Assessment Guidelines Section 5b – Land Use Incompatibility (Exhibit 9). Additionally, the facility is unmanned (with the exception of monthly maintenance visits) and remotely monitored, so there will be no impacts related to employees or traffic. Finally, the project is conditioned to ensure compatibility with surrounding agricultural operations. These conditions of approval include requirements to:

- Prepare a decommissioning and site restoration plan, and post a financial security, to ensure the site is restored and agricultural activities can resume upon the abandonment of use or expiration of the CUP (Exhibit 4, Condition Nos. 29 and 30);
- Carry insurance that will ensure funds are available to compensate surrounding property owners for the damage of crops related to an emergency at the site (Exhibit 4, Condition No. 31); and
- Designate a facility point of contact to prevent the entry of service technicians or other facility personnel to the permitted site during a pesticide application (Exhibit 4, Condition No. 47).

The project includes the use of LFP batteries which have the potential to result in overheating, smoke, swelling, electrolyte leakage, venting, fires, thermal runaway, and explosion. Despite the potential risks of using LFP batteries, incidents are rare when proper measures are taken to assure the quality of BESS engineering, construction, maintenance, and the design and manufacture of the battery modules themselves (see discussion in Item 5 of Exhibit 16). Based upon the Hazards Analysis dated October 31, 2024, prepared by Ramboll (Exhibit 16), as reviewed and analyzed by Ascent Environmental (Exhibit 17) and County staff, the following project design features and regulatory requirements document that the project is compatible with all neighboring uses.

- The project will use Tesla MegaPack 2 XL equipment that include a battery management system, a thermal management system, and an explosion control system. The battery management system provides information on

performance, voltage, current, and state of charge. It reacts to fault conditions such as over-temperature and over-voltage, which can prevent thermal runaway from occurring in the cell or prohibit propagation of thermal runaway to adjacent cells. The battery management system would isolate an affected battery module temporarily or permanently disconnect the module. The thermal management system contains a closed-loop liquid cooling system that circulates coolant throughout the power electronics and battery modules to maintain an optimum operating temperature. The explosion control system includes sparkers designed to ignite flammable gases during a thermal runaway event before these gases accumulate within the enclosure, reducing the risk of an explosion hazard.

- The project would comply with requirements set forth in the California Fire Code, National Fire Protection Association (NFPA), and International Fire Code (IFC). This suite of legislation related to fire hazards require that the batteries are stored in containers that are encased with a non-combustible coating (Section 1207.3.5 of the California Fire Code), spaced appropriately to reduce the spread of a fire (Section 1207.5.1 of the IFC), and incorporate alarm and monitoring technologies (NFPA), among other requirements (see Item 6.1 of Exhibit 16).
- The project is conditioned to require an Emergency Response and Emergency Action Plan, as required by Senate Bill 38 (Exhibit 4, Condition No. 33). The plan would establish the response procedures for an equipment malfunction or failure; develop procedures to ensure the safety of surrounding residents, properties, emergency responders, and the environment; create notification and communication procedures between the facility and local emergency management agencies; and be developed in consultation with the local emergency management agencies.

Finally, Oxnard High School and residences in the Victora Estates community are sited more than 0.5 miles from the predicted hazard threat zones (see discussion in Item 8 of Exhibit 16). A thermal runaway or fire event could trigger an emergency response from trained first responders. The Ventura County Office of Emergency Services (OES) would serve as the emergency response lead, tasked with preparing a site and hazard specific response. This may involve coordinated evacuation or shelter-in-place orders that would be communicated through the County's mass notification system (text, call, email) and first responder canvassing. Additionally, the OES would serve as the liaison between all responding agencies, coordinate the initial response, communication with the public, and cleanup procedures as may be required by local and state authorities.

Based on the discussion above, the project is consistent with General Plan Policies LU16.1 and COS-3.6.

- 2. PFS-1.7 Public Facilities, Services, and Infrastructure Availability:** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

PFS-4.1 Wastewater Connections Requirement: *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

PFS-5.3 Solid Waste Capacity: *The County shall require evidence that adequate capacity exists within the solid waste system for the processing, recycling, transmission, and disposal of solid waste prior to approving discretionary development.*

PFS-7.4 Discretionary Development Utility Service Line Placement: *The County shall require discretionary development to place new utility service lines underground if feasible. If undergrounding is determined by the County to be infeasible, then new utility service lines shall be placed in parallel to existing utility rights-of-way, if they exist, or sited to minimize their visual impact.*

WR-1.11 Adequate Water for Discretionary Development: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

WR-F Discretionary Development Review for Adequate Water and Wastewater: *The County shall verify that all discretionary development proposals demonstrate an adequate long-term supply of water, adequate methods for sewage disposal, provide adequate drainage to avoid flooding, prevent erosion, and prevent contamination of local water.*

CTM-2.3 County Road Access: *The County shall require discretionary development with access onto a County road to have the access point(s) designed and built to County standards.*

Sewage disposal is provided by portable restrooms that will be serviced regularly in accordance with standards specified by the Ventura County Environmental Health Division (EHD) (Exhibit 4, Condition No. 35). Water, including supply for irrigation of the agricultural screening and fire suppression, is supplied by an existing private well situated on the project site. Solid waste will be handled by a County-franchised waste hauler as required by the Ventura County Public Works Agency Integrated Waste Management Division (IWMD) (Exhibit 4, Condition No. 38). City of Oxnard Fire Station 4 is located approximately 4 miles from the project

site and would be the likely first responder for a fire event. Ventura County Sheriff's Headquarters is approximately 4.3 miles from the project site. The project was reviewed by the Public Works Agency Water Quality Section (WQS) and conditioned to ensure compliance with all water quality provisions set forth by applicable local, regional, and state authorities (Exhibit 4, Condition Nos. 41 through 43). The project was reviewed by the Public Works Agency Roads and Transportation Department (VCPWA-RT) and conditioned to ensure the driveway exiting to Gonzales Road is designed and constructed in accordance with County standards (Exhibit 4, Condition No. 44). The required utility infrastructure for the project, including the required connections to the Southern California Edison powerlines, will be undergrounded as detailed in the project description (Exhibit 4, Condition No. 1).

Based on the discussion above, the project is consistent with General Plan Policies PFS-1.7, PFS-4.1, PFS-5.3, PFS-7.4, WR-1.11, WR-F, and CTM-2.3.

- 3. 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 to 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.*

HAZ-5.8 Siting Criteria for Hazardous Waste Generators: *The County shall require commercial or industrial uses which generate, store, or handle hazardous waste and/or hazardous materials to locate, operate, and maintain hazardous waste and/or hazardous materials in a manner that does not endanger public health and safety and is located based on objective criteria that do not disproportionately impact Designated Disadvantaged Communities.*

The project involves the storage and use of lithium iron phosphate (LFP) batteries. Pursuant to EHD's recommendation, the project is conditioned to ensure that the storage, handling, and disposal of batteries or other hazardous materials associated with BESS complies with applicable state and local regulations (Exhibit 4, Condition No. 34). The project is sited in an area surrounded by agricultural fields and conditioned to ensure the Permittee carries insurance that will ensure funds are available to compensate surrounding property owners for the damage of crops related to an emergency at the site (Exhibit 4, Condition No. 31). The project is not located in a Designated Disadvantaged Community.

Based on the discussion above, the project is consistent with General Plan Policy HAZ-5.2 and HAZ-5.8.

4. HAZ-9.2 Noise Compatibility Standards: *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

1. *New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
2. *New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A).*
3. *New noise sensitive uses proposed to be located near airports:*
 - a. *Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*
 - b. *Shall be permitted in the Community Noise Equivalent Level (CNEL) 60 dB to CNEL 65 dB noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 dB or less.*
4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*
 - a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*
 - b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*
 - c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*
5. *Construction noise and vibration shall be evaluated and, if necessary, mitigated in accordance with the Construction Noise Threshold Criteria and Control Plan (Advanced Engineering Acoustics, November 2005)*

The closest noise sensitive use is a single-family home located approximately 1,500 feet to the north of the project site across Gonzales Road at Assessor Parcel Number 138-0-190-490. At this distance, noise generated by the project is not anticipated to exceed the thresholds established by Ventura County General Plan Policy HAZ-9.2

Based on the discussion above, the project is consistent with General Plan Policy HAZ-9.2.

- 5. WR-1.2 Watershed Planning:** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

WR-1.12 and WR-2.2: Water Quality Protection for Discretionary Development: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

WR-3.3 Low-Impact Development: *The County shall require discretionary development to incorporate low impact development design features and best management practices, including integration of stormwater capture facilities, consistent with County's Stormwater Permit.*

The project is located in the Oxnard Coastal Watershed and sited approximately 3,000 feet from the Doris Drain, a Public Works Agency Watershed Protection District (WPD) jurisdictional redline channel. Water, including supply for irrigation of the agricultural screening and fire suppression, is supplied by an existing private well situated on the project site. Pursuant to a memorandum dated August 9, 2024, by the WPD, the proposed project would have a less than significant impact on Hydraulic Hazards – FEMA (Item 17b) and Flood Control Facilities / Watercourses – Watershed Protection District (Item 31a) (Exhibit 13). Additionally, the project will be subject to conditions of approval that the Public Works Agency Water Quality Section (WQS) recommended to ensure the facility is constructed and operated in accordance with local, regional, and state requirements related to water quality (Exhibit 4, Condition Nos. 41 through 43). As part of Condition No. 43 (County Stormwater Management Ordinance), the Permittee will be required to prepare and operate the facility in conformance with a WQS-approved post-construction stormwater management plan (PCSMP) that describes how runoff is retained/treated from the new impervious surfaces. Finally, the WQS will require integration of stormwater capture facilities, if feasible, and other low impact design and best management practices consistent with the County's Stormwater Permit.

Based on the discussion above, the project is consistent with General Plan Policies WR-1.2, WR-1.12, WR-2.2, and WR-3.3.

- 6. 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.*

PFS-12.3 Adequate Water Supply, Access, and Response Times for Firefighting Purposes: *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

PFS-12.4 Consistent Fire Protection Standards for New Development: *The County, in coordination with local water agencies and the Fire Protection District, shall require new discretionary development to comply with applicable standards for fire flows and fire protection.*

PFS-Q Adequate Fire Flow - New Development: *The County shall continue to review all new development to ensure that an adequate level of water for fire flow and fire protection can be provided.*

CTM-2.28 Emergency Access: *The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

As depicted on the Fire Access Exhibit of the site plans for the project, access roads are proposed throughout the development to allow for emergency vehicle access. Furthermore, two 90,000-gallon water tanks and fire hydrants are required in accordance with applicable standards. Finally, pursuant to the Ventura County Fire Protection District's (VCFPD) recommendations, the project will be subject to conditions of approval that will ensure final access roads are provided in accordance with applicable VCFPD standards and that the proposed water supply is sufficient for firefighting purposes (Exhibit 4, Condition Nos. 49 through 57, 59, 60, and 65).

Based on the discussion above, the project is consistent with General Plan Policies PFS-11.4, PFS-12.3, PFS-12.4, PFS-Q, and CTM-2.28.

- 7. AG-1.2 Agricultural Land Use Designation:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

AG-1.8 Avoid Development on Agricultural Land: *The County shall ensure that discretionary development located on land identified as Important Farmland on the State's Important Farmland Inventory shall be conditioned to avoid direct loss of Important Farmland as much as feasibly possible.*

COS-5.1 Soil Protection: *The County shall strive to protect soil resources from erosion, contamination, and other effects that substantially reduce their value or lead to the creation of hazards.*

The project is sited on land designated as Agricultural by the Ventura County General Plan and identified as Prime Farmland on the State's Important Farmland Inventory. While the project will displace 19.61 acres of current agricultural production, the remaining 65.36 acres will continue to be used for crop production. Additionally, the project is consistent with the terms of Land Conservation Act (LCA) Contract No. 29-1.10, the LCA Guidelines, and the Williamson Act including the utilization requirements set forth in Table 1 of LCA Guidelines Section V.A.5 (see discussion in Item 3 of Exhibit 6). Additionally, the project will be screened with 5.44-acres of productive agriculture that will continue to preserve agricultural production on the project site (Exhibit 4, Condition No. 20). Furthermore, the project is sited adjacent to existing SCE powerlines that allows for a reduced development footprint when compared to alternative sites that may be located further from existing SCE infrastructure. To minimize impacts on topsoil, the Permittee is required to prepare a decommissioning and site restoration plan, and post a financial security, to ensure the site is restored and agricultural activities can resume upon the abandonment of use or expiration of the CUP (Exhibit 4, Condition Nos. 29 and 30). Finally, the Permittee is required to establish an Agricultural Conservation Easement that ensures the protection of offsite farmland at a 1:1 ratio (acres preserved: acres converted) to compensate for the direct and indirect loss of Prime Farmland and Farmland of Statewide Importance ("Classified Farmland") from the project (Exhibit 4, Condition No. 27).

Based on the discussion above, the project is consistent with General Plan Policies AG-1.2, AG-1.8, and COS-5.1.

- 8. AG-2.1 Discretionary Development Adjacent to Agriculturally Designated Lands:** *The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.*

LU-6.1 Agricultural Buffer: *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

The project will not conflict with surrounding agricultural uses. In a memo dated March 8, 2024, the Ventura County Department of Agriculture / Weights &

Measures (AWM) determined the project would not have a significant impact on Agricultural Resources pursuant to the criteria set forth in the Ventura County Initial Study Assessment Guidelines Section 5b – Land Use Incompatibility (Exhibit 9). Additionally, the facility is unmanned (with the exception of maintenance visits) and remotely monitored, so there will be no impacts related to employees or traffic. Furthermore, the BESS structures and related infrastructure are sited on 19.61 acres of the 84.97-acre project site and will be located behind productive agriculture and project fencing (Exhibit 4, Condition No. 20). Finally, the project is conditioned to ensure compatibility with surrounding agricultural operations. These conditions of approval include requirements to:

- Prepare a decommissioning and site restoration plan, and post a financial security, to ensure the site is restored and agricultural activities can resume upon the abandonment of use or expiration of the CUP (Exhibit 4, Condition Nos. 29 and 30);
- Carry insurance that will ensure funds are available to compensate surrounding property owners for the damage of crops related to an emergency at the site (Exhibit 4, Condition No. 31); and
- Designate a facility point of contact to prevent the entry of service technicians or other facility personnel to the permitted site during a pesticide application (Exhibit 4, Condition No. 47).

Based on the discussion above, the project is consistent with General Plan Policies AG-2.1 and LU-6.1.

9. LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation:

The County shall ensure that land designated as Agricultural is used for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.

The proposed use, Energy Production from Renewable Sources and Energy Storage, is a compatible use with agriculture as defined in Section V.A.4.b of the Ventura County LCA Guidelines (see discussion in Item 2 of Exhibit 6). Furthermore, the proposed screening is 5.44 acres of productive agriculture which uses a portion of the project site in a manner consistent with adjacent agriculture.

Based on the discussion above, the project is consistent with General Plan Policy LU-8.2.

10.AG-1.1 Agricultural Land Production and Preservation: *The County shall continue to protect and preserve agricultural land by directing growth away from productive agricultural lands into cities, unincorporated urban areas, or existing communities and by supporting the acquisition or voluntary dedication of agriculture conservation easements.*

AG-O Establish an Agricultural Conservation Easement: *Discretionary projects that would result in direct or indirect loss of Important Farmland in exceedance of the acreage loss thresholds listed in the table below shall ensure the permanent protection of offsite farmland of equal quality at a 1:1 ratio (acres preserved: acres converted) through the establishment of an offsite agricultural conservation easement. "Offsite" means an area that is outside of the project's permit boundaries if applicable, would not be disturbed by the project with respect to agricultural soils or production, and that otherwise complies with the below-stated requirements. Discretionary projects to develop and provide housing for use by farmworkers and their families are not subject to this agricultural conservation easement requirement.*

General Plan Land Use Designation	Important Farmland Inventory Classification	Acres Lost
Agricultural	Prime/Statewide	5
	Unique	10
	Local	15
Open Space/ Rural	Prime/Statewide	10
	Unique	15
	Local	20
All Land Use Designations	Prime/Statewide	20
	Unique	30
	Local	40

If the Planning Division, in consultation with the Agricultural Commissioner, determines that a discretionary project would result in direct or indirect loss of Important Farmland in exceedance of the acreage loss thresholds listed in the table above, the project applicant shall prepare and submit a report for the review and approval of the Planning Division in consultation with the Agricultural Commissioner which identifies a minimum of one proposed potential mitigation site suitable for ensuring the permanent protection of offsite farmland of equal quality at a 1:1ratio (acres preserved: acres converted) through the establishment of one or more offsite agricultural conservation easements. The preservation of more than one site agricultural conservation easement may be considered in order to meet the required number of acres. The applicant shall also deposit funds with the County to contract with a qualified third-party agricultural economic consultant to review and advise the Planning Division and Agricultural Commissioner regarding the establishment and implementation of the agricultural conservation easement(s). The contents of the report shall be determined, reviewed, and approved by the Planning Division in consultation with the Agricultural

Commissioner (hereafter referred to as the “reviewing agencies”), and shall include information necessary for the reviewing agencies and a qualified entity responsible for holding the conservation easement (e.g., a land trust organization) to determine the viability of the proposed mitigation site(s) for the establishment of a permanent agricultural conservation easement.

Among the factors necessary for approval by the reviewing agencies, the proposed mitigation site(s) shall be located in the County of Ventura unincorporated area, must not already have permanent protection, must be equivalent to or greater than the type of Important Farmland (e.g., Unique farmland) that would be converted by the project, and must be of sufficient size to be viable for long term farming use as determined by the County. Among other terms that may be required by the reviewing agencies in consultation with a qualified entity, the terms of an agricultural conservation easement shall include a requirement that it run with the land. There must also be a provision for annual monitoring by the qualified entity or its representative to ensure adherence to the terms of the conservation easement. Project applicants are responsible for all costs incurred by the County and the qualified entity to successfully implement this mitigation measure. Proof of the successful establishment of an agricultural conservation easement shall be provided to the Planning Division prior to issuance of a zoning clearance for inauguration of the project.

The Permittee is required to establish an Agricultural Conservation Easement(s) totaling 19.61 acres in accordance with the Ventura County General Plan Agriculture Element Implementation Program O (Exhibit 4, Condition No. 27).

Based on the discussion above, the project is consistent with General Plan Policy AG-1.1 and Agricultural Element Implementation Program O.

11.HAZ-10.2 Air Quality Management Plan Consistency: *The County shall prohibit discretionary development that is inconsistent with the most recent adopted Air Quality Management Plan (AQMP), unless the Board of Supervisors adopts a statement of overriding considerations.*

HAZ-10.3 Air Pollution Control District Rule and Permit Compliance: *The County shall ensure that discretionary development subject to Ventura County Air Pollution Control District (VCAPCD) permit authority complies with all applicable APCD rules and permit requirements, including the use of Best Available Control Technology (BACT) as determined by the VCAPCD.*

HAZ-10.11 Air Quality Assessment Guidelines: *In evaluating air quality impacts, the County shall consider total emissions from both stationary and mobile sources, as required by the California Environmental Quality Act [CEQA]. The County shall evaluate discretionary development for air quality impacts using the Air Quality Assessment Guidelines as adopted by the Ventura County Air Pollution*

Control District (APCD), except that emissions from APCD-permitted sources shall also be included in the analysis. The County shall revise the Initial Study Assessment Guides to implement this policy.

HAZ-10.13 Construction Air Pollutant Best Management Practices: *Discretionary development projects that will generate construction-related air emissions shall be required by the County to incorporate best management practices (BMPs) to reduce emissions. These BMPs shall include the measures recommended by VCAPCD in its Air Quality Assessment Guidelines or otherwise to the extent applicable to the project.*

HAZ-Y Construction Air Pollutant Best Management Practices: *Discretionary development projects that will generate construction-related air emissions shall be required to include the following types of emission reduction measures and potentially others, as recommended by VCAPCD in its Air Quality Assessment Guidelines or otherwise, to the extent applicable to the project as determined by the County: maintaining equipment per manufacturer specifications; lengthening construction duration to minimize number of vehicle and equipment operating at the same time during the summer months; use of Tier 3 at a minimum, or Tier 4 if commercially available diesel engines in all off-road construction diesel equipment; and, if feasible using electric-powered or other alternative fueled equipment in place of diesel-powered equipment.*

HAZ-Z Fugitive Dust Best Management Practices Discretionary: *Development projects that will generate construction-related fugitive dust emissions shall be required by the County to include dust reduction measures recommended by VCAPCD in its Air Quality Assessment Guidelines, or otherwise, such as:*

- *The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.*
- *The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excess amounts of dust.*
- *Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of watering (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.*
- *Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:*
- *All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.*
- *All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily*

be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.

- Graded and/or excavated inactive areas of the construction site shall be monitored by (indicate by whom) at least weekly for dust stabilization. Soil stabilization methods, such as water and roll-compaction, and environmentally-safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be seeded and watered until grass growth is evident, or periodically treated with environmentally-safe dust suppressants, to prevent excessive fugitive dust.*
- Signs shall be posted on-site limiting traffic to 15 miles per hour or less.*
- During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by on-site activities and operations from being a nuisance or hazard, either off-site or on-site. The site superintendent/supervisor shall use his/her discretion in conjunction with VCAPCD when winds are excessive.*
- Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.*
- Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.*

The proposed project in operation will not generate dust or pollutants in exceedance of the standards set forth in the AQMP. Pursuant to the VCAPCD's recommendations, the proposed project will be subject to conditions of approval to ensure that the project's construction activities comply with applicable VCAPCD rules and permit requirements (Exhibit 4, Condition Nos. 45 and 46).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-10.2, HAZ-10.3, HAZ-10.11, HAZ-10.13 and the Hazards and Safety Element Implementation Programs HAZ-Y and HAZ-Z.

12.COS-4.2 (a) Cooperation for Cultural, Historical, Paleontological, and Archaeological Resource Preservation: *The County shall cooperate with cities, special districts, appropriate organizations and private landowners to identify known cultural, archaeological, historical, and paleontological resources to preserve identified resources within the county.*

COS-4.2 (b) Cooperation for Tribal Cultural Resource Preservation: *For discretionary projects, the County shall request local tribes contact information from Native American Heritage Commission, to identify known tribal cultural resources. If requested by one or more of the identified local tribes, the County shall engage in consultation with each local tribe to preserve, and determine appropriate handling of, identified resources within the county.*

COS-4.4 Discretionary Development and Tribal, Cultural, Historical, Paleontological, and Archaeological Resource Preservation: *The County shall require that all discretionary development projects be assessed for potential tribal, cultural, historical, paleontological, and archaeological resources by a qualified professional and shall be designed to protect existing resources. Whenever possible, significant impacts shall be reduced to a less-than-significant level through the application of mitigation and/or extraction of maximum recoverable data. Priority shall be given to measures that avoid resources.*

COS-HH Cultural Records Search: *As part of a discretionary application process, project applicants (Ventura County for County projects) shall initiate a records search and Sacred Lands File search with the South Central Coastal Information Center.*

COS-II Cultural, Historical, Paleontological, and Archaeological Resource Assessment Procedures *For discretionary projects, the County shall require the following:*

- *Projects shall be designed to protect existing resources and shall avoid potential impacts to the maximum extent feasible¹.*
- *If determined necessary by the County, an archaeological or paleontological and/or Native American monitor shall be retained to monitor ground-disturbing activities during construction.*
- *If any materials or artifacts are discovered during ground disturbance and/or construction activities, construction shall halt until a qualified archaeologist, paleontologist, or Native American monitor can access the discovery. A report or memorandum shall be prepared by the qualified monitor documenting any findings and identifying recommendations for protection or avoidance of discovered resources. Recommendations or mitigation identified by the qualified monitor shall be implemented prior to commencing.*

¹ "Feasible" means that this mitigation measure shall be applied to future discretionary projects under the 2040 General Plan when and to the extent it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" as determined by the County in the context of such future projects based on substantial evidence. This definition is consistent with the definition of "feasible" set forth in CEQA (Pub. Res. Code, § 21066.1) and the CEQA Guidelines (§ 15164). The County shall be solely responsible for making this feasibility determination in accordance with CEQA, or continuing project activities and/or construction.

The project was submitted to the South Central Coastal Information Center (SCCIC). On August 23, 2024, the SCCIC provided a memo stating the project area had not been surveyed and that archaeological sensitivity of the project site was unknown. Thus, the SCCIC recommended that a Phase I archaeological survey should be completed for the project. On September 23, 2024, the Permittee provided a Phase I prepared by Envicom Corporation that determined the record searches of the SCCIC and the California Native American Heritage Commission (NAHC) were negative for cultural resources within or adjacent to the project survey area. Historical map and aerial photograph databases were also negative for potential older historical cultural resources being located within or near the project survey area. Finally, the systematic pedestrian survey was negative for cultural resources.

The project was also submitted to the NAHC to obtain a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the project in accordance with Public Resources Code section 21080.3.1(c). On September 30, 2024, the project was submitted to the contacts provided on the NAHC list via email and certified mail, requesting that those tribes interested in consultation request consultation from the County within 30 days of the notice pursuant to Government Code Section 21080.3.1 and 21080.3.2. As of the date of the public hearing for the project, only Chairman Gabriel Frausto with the Coastal Band of the Chumash Nation requested a consultation. Following consultation with the Coastal Band of the Chumash Nation, the presence of potential archeological resources within the project site was identified. Therefore, the Permittee has agreed to archaeological monitoring of development below 12 inches in depth to avoid impacting any potential resources (Exhibit 4, Condition No. 23). Finally, the project is conditioned to require that the Permittee stops work and analyzes any paleontological or archaeological finds should they be discovered during ground disturbance (Exhibit 4, Condition Nos. 23 and 24).

Based on the discussion above, the project is consistent with General Plan Policies COS-4.2 (a), COS-4.2 (b), and COS-4.4 and the Conservation and Open Space Element Implementation Programs COS-HH and COS-II.

13.EV-4.2 Green Economy: *The County shall support the development of industries and businesses that promote and enhance environmental sustainability, greenhouse gas reductions, decarbonization, climate change adaptation, resiliency, and renewable energy generation, storage, and transmission, including solar power, wind power, wave energy and other appropriate renewable sources. The County shall promote the efforts of existing businesses that meet green business criteria; job training in green building techniques and regenerative farming; and strive to build green technologies into and decarbonize existing government buildings and facilities.*

EV-4.3 Sustainable Business Development: *The County shall encourage the development and expansion of businesses that advance social equity, environmental quality, and economic sustainability, as well as capitalize on key industry strengths. Economic sustainability includes planning and preparation for disaster response and long-term resiliency of businesses and economic assets in the county.*

EV-4.4 Renewable Energy Facilities: *The County shall identify appropriate locations to allow for development of renewable energy generation and storage facilities and encourage the development of innovative approaches to renewable energy deployment, including solar power, wind power, wave energy, distributed power systems and micro-grids, and other appropriate renewable sources and storage and distribution systems.*

COS-8.1 Reduce Reliance on Fossil Fuels: *The County shall promote the development and use of renewable energy resources (e.g., solar, thermal, wind, tidal, bioenergy, hydroelectricity) to reduce dependency on petroleum-based energy sources.*

COS-8.8 Renewable Energy Features in Discretionary Development *The County shall encourage the integration of features that support the generation, transmission, efficient use, and storage of renewable energy sources in discretionary development.*

COS-8.10 Battery Energy Storage Systems *The County shall encourage battery energy storage systems as an option for optimizing the management of electricity generated by renewable resources.*

On September 26, 2023, December 19, 2023, and May 22, 2024, the Board of Supervisors heard staff presentations on options for regulatory amendments to address policy and programs related to BESS. After deliberation, the Board adopted Ordinance 4630 that included NCZO amendments to the definition of "Energy Production from Renewable Sources" to include "and Energy Storage" and limited Energy Storage on OS (Open Space), AE (Agricultural Exclusive), and RA (Rural Agriculture) zoned land to a total of 100 acres (Exhibit 11). The adoption of Ordinance 4630 is part of the Board-directed Renewable Energy Program that encourages the development of renewable energy and energy storage to help grow the County's green economy while conserving the characteristics of areas with open space and agriculture.

The BESS will be charged from the regional grid primarily during low-demand hours (typically between 9am and 3pm), and discharged back to the grid during high-demand hours (typically an hour before sunset to 10pm). As of the May 25, 2023, California Energy Commission press release titled, "New Data Shows Growth in California's Clean Electricity Portfolio and Battery Storage Capacity," 37

percent of the state's electricity came from Renewables Portfolio Standard (RPS)-eligible sources². Furthermore, pursuant to Senate Bill 100, the state is anticipated to use 60 percent clean energy by 2030, 90 percent clean energy by 2035, and 100 percent clean energy by 2045. Thus, the BESS facility will be storing and distributing clean energy to the local power grid throughout the life of the project. The BESS will also discharge electricity, as needed by California ISO and/or SCE, to stabilize grid voltage in the event of system emergencies.

Based on the discussion above, the project is consistent with General Plan Policies EV-4.2, EV-4.3, EV-4.4, COS-8.1, COS-8.8, and COS-8.10.

- 14. HAZ-2.6 Recordation of a Notice of Dam Inundation Hazard:** *The County shall require the recordation of a Notice of Dam Inundation Hazard with the County Recorder for new discretionary entitlements (including subdivisions and land use permits) within areas subject to flooding from a dam breach as identified by the California Department of Water Resources Dam Inundation Maps. Evidence of a federally held flowage easement can be used as well.*

The project is located within an area subject to dam inundation pursuant to the California Department of Water Resources Division of Safety and Dams Dam Breach Inundation Maps and therefore conditioned to require the Permittee to record a Notice of Dam Inundation Hazard with the Ventura County Recorder (Exhibit 4, Condition No. 25).

Based on the discussion above, the project is consistent with General Plan Policy HAZ-2.6.

- 15. HAZ-4.8 Seismic Hazards:** *The County shall not allow development of habitable structures or hazardous materials storage facilities within areas prone to the effects of strong ground shaking, such as liquefaction, landslides, or other ground failures, unless a geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

HAZ-4.14 Development in Seiche Hazard Areas: *The County shall not allow development in potential seiche hazard areas unless a geotechnical engineering investigation is performed and appropriate and sufficient safeguards, based on this investigation, are incorporated into the project design.*

HAZ-4.15 Subsidence Hazard – Extraction Wells: *The County shall require that potential ground surface subsidence be evaluated prior to approval of new oil, gas,*

² <https://www.energy.ca.gov/news/2023-05/new-data-shows-growth-californias-clean-electricity-portfolio-and-battery>

water or other extraction well drilling permits and appropriate and sufficient safeguards are incorporated into the project design and facility operation.

HAZ-4.16 Subsidence and Hydroconsolidation Hazard – Structural Design:
Structural design of buildings and other structures shall recognize the potential for subsidence and hydroconsolidation and provide mitigation recommendations for structures that may be affected.

The Public Works Agency analyzed the project for consistency with the applicable General Plan Policies and determined, “The property will be subject to moderate to strong ground shaking from seismic events on local and regional fault systems. A geotechnical engineering investigation prepared by Krazan & Associates, Inc. (dated February 6, 2024) was initially submitted and resubmitted with additional liquefaction mitigation addenda (dated April 8, 2024, and May 15, 2024) for the proposed water storage tanks and modified BESS site layout. The report and addenda address the site being located within a liquefaction hazard zone and provides mitigation recommendations for the proposed structures. The County of Ventura Building Code adopted from the California Building Code, dated 2022, Chapter 16, Section 1613 requires structures be designed to withstand this ground shaking.

The project site could be potentially located within an area of known potential subsidence hazards. A subsidence hazard to an area may be caused by the removal of oil, gas and/or water such that the overburden load that the liquid used to support is placed on the rock or sediment structure and this material becomes compressed producing a net loss in volume and a depression in the land surface. Groundwater extraction in the Oxnard Subbasin is regulated by the Fox Canyon Groundwater Management Agency (FCGMA). Per the Sustainable Groundwater Management Act (SGMA), FCGMA was required to submit to the Department of Water Resources (DWR) a Groundwater Sustainability Plan (GSP) for the Subbasin. The GSP was submitted to DWR in 2020 and subsequently approved. The GSP requires FCGMA to implement measures to reduce undesirable results, inclusive of subsidence from groundwater extractions. The project does not propose the construction of new extraction wells and any new wells must be permitted through FCGMA and the County Groundwater Section. According to CalGEM records, an idle oil and gas well (API 0411100832) and three active oil and gas wells (APIs 0411100835, 0411100834 and 0411100833) are located adjacent to the proposed project. These wells have extracted from the Sespe Formation at depths in excess of 10,000 feet below ground surface (bgs). At these depths within a consolidated bedrock formation, it is unlikely that past or future extractions would contribute to shallow or surficial subsidence (Policy HAZ-4.14, HAZ-4.15, and HAZ-4.16).”

Based on the discussion above, the project is consistent with General Plan Policies HAZ-4.8, HAZ-4.14, HAZ-4.15, and HAZ-4.16.

16.LU-19.4 Consultation with State and Federal Agencies: *The County shall continue to consult with applicable state and federal regulatory agencies during project review and permitting activities.*

HAZ-8.3 Military Compatibility and Renewable Energy Development: *The County shall require that new larger-scale commercial renewable energy development is consistent with Joint Land Use Study (JLUS) policies and regulations and that Naval Base Ventura County (NBVC) and the Department of Defense (DOD) Siting Clearinghouse are included in the development review process.*

HAZ-8.5 Light and Glare Control: *The County shall coordinate and consult with Naval Base Ventura County (NBVC) when reviewing applications for commercial alternative energy facilities (e.g., wind, solar, tidal) to ensure the systems do not impact flight or test operations.*

PFS-2.7 Department of Defense Siting Clearinghouse Coordination: *When processing commercial renewable energy development applications, the County shall comply with Department of Defense Siting Clearinghouse requirements and standards published in Title 32, Code of Federal Regulations, Part 211.*

The project was submitted to the Department of Defense (DoD) Siting Clearinghouse and the Naval Base Ventura County for review because the project is considered a commercial renewable energy development project. Pursuant to the DoD response dated September 13, 2024, the project will have a minimal impact on military operations conducted in the area (Exhibit 14). As of the date of the hearing, the Naval Base Ventura County has not responded to multiple Planning Division requests to review and comment on the project and related consistency with the Naval Base Ventura County Joint Land Use Study.

Based on the discussion above, the project is consistent with General Plan Policies LU-19.4, HAZ-8.3, HAZ-8.5, and PFS-2.7.

17.PFS-U Review Future Projects for Incorporation of Law Enforcement Security Measures: *Future discretionary projects shall be reviewed by the County Sheriff's Department to determine whether the project includes adequate security measures and access so as not to exacerbate the need for new law enforcement/emergency services. Security measures considered adequate include but are not limited to: nighttime security lighting; cameras; alarms; fencing; window and door locks; private security patrols or special event security assistance; treatment of vulnerable surfaces with community supported murals (e.g. endorsed via petition by neighbors), anti-graffiti coating, or landscaping; removal of graffiti within a specified time period and/or other design measure to create defensible space.*

The project was distributed to the Ventura County Sheriff's Department for review on October 15, 2024. Pursuant to an email dated October 16, 2024, from Sergeant Kevin Kipp, security concerns were raised surrounding agricultural property theft and burglaries related to persistent transient activity in the area. Thus, it was recommended that the Permittee consider providing a full-time security guard for the site. In response, the Permittee prepared a detailed preliminary security plan that requires the Permittee to engage with a third-party security company for security support. Additional proposed security measures include a security system for remote monitoring, installation a seven-foot-tall, chain-link, vine-covered, perimeter fence topped with barbed wire, and use of remotely monitored security cameras (Exhibit 15).

Based on the discussion above, the project is consistent with General Plan Public Facilities, Services, and Infrastructure Element Implementation Program PFS-U.

18.AG-1.3 Greenbelt Agreements: *The County shall preserve agricultural land by retaining and expanding existing Greenbelt Agreements and encouraging the formation of additional Greenbelt Agreements.*

The project site is located in the Ventura-Oxnard Greenbelt. Section 6 of the Ventura-Oxnard Greenbelt Agreement allows for land uses consistent with the General Plan and zoning ordinance. The proposed project has been classified as Energy Production from Renewable Sources and Energy Storage and is an allowed use with a Planning Commission issued CUP in the AE zone.

Based on the discussion above, the project is consistent with General Plan Policy AG-1.3.

19.COS-6.5 Mineral Resource Land Use Compatibility: *The County shall ensure that discretionary development is compatible with mineral resources extraction and processing if the development is to be located in areas identified on the Mineral Resource Zone Maps prepared by the California State Geologist or in County identified mineral resource areas. The County shall:*

- 1. Require an evaluation to ascertain the significance of the mineral resources deposit located in the area of a discretionary development and to determine if the use would significantly hamper or preclude access to or the extraction of mineral resources.*
- 2. Require discretionary development proposed to be located adjacent to existing mining operations to provide a buffer between the development and mining operations to minimize land use incompatibility and avoid nuisance complaints.*

3. *Establish a buffer distance based on an evaluation of noise, community character, compatibility, scenic resources, drainage, operating conditions, biological resources, topography, lighting, traffic, operating hours, and air quality.*

The project is located within an MRZ-1 zone, an area with little likelihood for the presence of significant construction aggregate resources, and an MRZ-3 zone, an area of undetermined mineral resource significance, as shown in Figure 8-9 of the Background Report for the Ventura County General Plan. Mineral resource extraction (oil and gas) has occurred on the lot since 1958 when CUP 718 was issued that authorized the construction and use of four oil (4) wells. Three (3) of these wells remain active and extract oil from depths of in excess of 10,000 feet below ground surface (see discussion in Item 15). At these depths, the project is unlikely to impact existing and future mineral extraction. Furthermore, the project's BESS components are sited behind agricultural screening and secure fencing that will ensure the existing oil operations are not impacted. Finally, it is estimated the project site has been farmed since at least 1985 (the earliest available imagery on Google Earth). Thus, it is unlikely that additional mineral resources exist onsite within the project footprint that could be impacted by this project.

Based on the discussion above, the project is consistent with General Plan Policy COS-6.5.