

EXHIBIT 4 – **DRAFT** CONDITIONS OF APPROVAL FOR SHOALS ENERGY STORAGE CONDITIONAL USE PERMIT, CASE NO. PL24-0024

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. 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 below, Exhibits 2 through 17 of the Planning Commission hearing on December 19, 2024, and conditions of approval set forth below. Together, these conditions and documents describe the project. Any deviations from the project must first be reviewed and approved by the County to determine if the project deviations conform to the project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The project description is as follows:

This CUP authorizes 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).

The Shoals Energy Storage Project (“project”) will be operated as a stand-alone resource, with dispatch instructions provided by the California Independent System Operator (CAISO) and/or Southern California Edison (SCE). The BESS consists of arrays of interconnected lithium iron phosphate (LFP) batteries within fully enclosed, California Fire Code compliant, purpose-built containers. 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). The BESS will also discharge electricity, as needed by CAISO and/or SCE, to stabilize grid voltage in the event of system emergencies.

The project will use Tesla-manufactured lithium-ion battery energy storage technology and related equipment. Underground conductors will connect the project’s electrical substations to centrally located SCE switchyard facilities, which in turn directly connect via underground conductors to SCE’s existing Santa Clara 220 Kilovolt transmission line situated adjacent to the project site. The BESS includes bi-directional inverters and transformers, space for future augmentation equipment units, switchgear, and necessary safety equipment specified by SCE for electrical interconnection to the grid. Construction of the project may occur in multiple phases and therefore subject to a construction phasing plan, if applicable (Condition No. 17).

The project is unmanned. Regular maintenance visits will occur weekly and on an emergency basis. Portable restroom and handwashing facilities for service technicians will be provided and maintained in accordance with the conditions of approval set forth by the Ventura County Environmental Health Division (Condition No. 35). Water for fire suppression and irrigation of the agricultural screening is provided by an existing onsite well. Primary access to the site is provided via driveway and secured-gated entrance from Gonzales Road. The project is conditioned to require the Permittee to hold an insurance policy to cover loss or damage to adjacent crops that could occur in the event of an emergency related to the project (Condition No. 31).

Following tribal cultural 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 the condition below for Archeological Resources (Condition No. 23) for monitoring of development below 12 inches in depth to avoid impacting any potential resources.

The site will be fully secured and remotely monitored at all times in accordance with a Security Plan (Exhibit 15 of the Planning Commission Staff Report dated December 19, 2024). The project security features include a security system for remote monitoring and a seven-foot-tall, chain-link, vine-covered, perimeter fence topped with barbed wire. Remotely monitored security cameras will be installed with lighting that is conditioned to minimize on-site and eliminate off-site glare (Condition No. 22). Finally, the site will be screened with productive agriculture to provide visual screening from public roads and adjacent agricultural operations while allowing for continued onsite agricultural production (Condition No. 20).

The CUP boundary totals 25.05 acres of the 84.97-acre lot and includes the following components:

Component	Quantity	Square Feet (each)	Gross Floor Area
Power Blocks	144	900	129,600
Low Voltage Augmentation Equipment	172	144	24,768
Southern California Edison (SCE) Switchyard Foundations and Footings*	N/A	7,767	7,767
Project Substations Foundations and Footings	N/A	13,932	13,932
Storage Containers	8	320	2,560
Water Tanks	2	962	1,924
Fire Pump Equipment Enclosure	1	824	824
Well Pads (outside CUP boundary)	N/A	2,130	2,130
Portable toilet and wash stations	2	11	22
Total square footage authorized by CUP PL24-0024			183,527

*The project is subject to an interconnection agreement between SCE and the Permittee (Condition No. 32). The SCE switchyard may be permitted and constructed by SCE, or developed to SCE standards by the Permittee and deeded to SCE.

2. Required Improvements for CUP

Purpose: To ensure the project site conforms to the plans approved at the Planning Commission hearing in support of the project.

Requirement: The Permittee shall ensure that all required off-site and on-site improvements for the project are completed in conformance with the approved plans stamped as hearing Exhibit 3. The Permittee shall prepare and submit all final building and site plans for the County's review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the project file. The Permittee shall submit additional plans to the responsible agency for review and stamped approval, as detailed throughout the approved conditions of approval, for inclusion in the project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit all final development plans to the Planning Division for review and approval. The Permittee shall maintain the required improvements for the life of the project. If the project is completed in phases, a Zoning Clearance for construction will be required for each phase (see Condition No. 17).

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and Planning Division staff have the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

3. Site Maintenance

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

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

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

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

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and Planning Division staff have the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

4. CUP Modification and Adjustment

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

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

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action, including, but not limited to, as provided in the NCZO (e.g., Articles 11 and 14), which shall include, for example, the following:

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

f. Revocation of this CUP

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

6. Time Limits

a. Use inauguration:

1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Commission rendered the decision on the project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration to initiate the land uses described in Condition No. 1.
2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within two years from the date the approval decision of this CUP becomes effective (NCZO Section 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the project, and the Permittee has requested the time extension in writing at least 30 days prior to the two-year expiration date.
3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on December 19, 2054. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the NCZO prior to December 19, 2054.
2. The County decision-maker grants the requested modification.

Any request for renewal, extension, or modification of the permit term may be made in accordance with the then-existing provisions of the Ventura County NCZO, including any

allowance for the CUP to remain in effect after the expiration date if a timely request has been made.

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

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

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

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

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

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

8. Notice of CUP Requirements

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

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

Documentation: The Permittee shall present to Planning Division staff, the Planning Director, Property Owner, contractors, or all other parties and vendors who regularly conduct activities associated with the project, copies of the conditions, upon request.

Timing: Throughout the life of the project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

9. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

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

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

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

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the NCZO (Section 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 Account: Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee 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 10.a (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 timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities 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 11.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.

12. 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 Commission may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission shall make the determination of adequacy. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

13. Consultant Review of Information and Consultant Work

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

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions

made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the NCZO then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 10 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

14. Relationship of CUP Conditions, Laws, and Other Entitlements

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

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

15. Contact Person

Purpose: To designate a person responsible for responding to complaints.

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

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide

Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of Section 8114-3 of the NCZO.

16. Reporting of Major Incidents

Purpose: To ensure that the applicable County departments and the Planning Director is notified of major incidents associated with, or resulting from, the project.

Requirement: The Permittee shall immediately notify the applicable County department and Planning Director by telephone, email, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the project site.

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 calendar days of receiving the request.

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

17. Construction Phasing Plan

Purpose: To ensure the project conforms with the project description (Condition No. 1) and site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024, throughout all phases of construction.

Requirement: If the project is constructed in multiple phases, the Permittee shall provide a Construction Phasing Plan to the Planning Division detailing the planned phasing for the project. The Permittee shall obtain a Zoning Clearance for construction from the Planning Division prior to each phase of construction. All construction phases detailed in the Construction Phasing Plan shall conform to the project description (Condition No. 1) and site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024. Any changes to the Construction Phasing Plan shall detail the previously constructed areas, planned areas of expansion, and documentation showing conformance with the applicable conditions of approval.

Documentation: If the project is constructed in multiple phases, the Permittee shall provide the Construction Phasing Plan to the Planning Division for review and approval. Any modifications to the Construction Phasing Plan shall be subject to review and approved by the Planning Division consistent with Condition Nos. 1 and 4. A separate Zoning Clearance for construction issued by the Planning Division is required for each phase of construction.

Timing: If the project is constructed in multiple phases, prior to the issuance of the project's initial Zoning Clearance for construction, the Permittee shall provide the Construction Phasing Plan to the Planning Division for review and approval. Prior to the issuance of a Zoning Clearance for construction of each phase, the Permittee shall provide a revised Construction Phasing Plan detailing the previously constructed areas, planned areas of expansion, and documentation showing conformance with the applicable conditions of approval for the Planning Division's review and approval.

Monitoring and Reporting: The Planning Division maintains stamped copies of the approved Construction Phasing Plan in the project file. Planning Division staff have the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

18. Technology and Battery Energy Storage System (BESS) Upgrades

Purpose: To allow for upgrades to technology or the BESS, while ensuring that the project conforms with the project description (Condition No. 1) and site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024.

Requirement: Should the Permittee request modification to the facility to reflect upgrades to technology or the BESS, and said upgrades are consistent with the project description (Condition 1), are in substantial conformance with the site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024, and are in substantial conformance with the technology analyzed in the Hazards Analysis prepared by Ramboll dated October 31, 2024 (Exhibit 16 of the Planning Commission Hearing Staff Report dated December 19, 2024), then the proposed modifications may be subject to the issuance of a Zoning Clearance by the Planning Division. Modification requests that do not meet the above criteria shall be subject to the criteria identified in Condition No. 4 for CUP Modification. Additionally, modifications that meet the above criteria, but may impact adjacent properties, shall be elevated to a modification, as identified in Condition No. 4, at the discretion of the Planning Director. Modifications to the approved site shall require modification to the decommissioning and site restoration plan, and may require additional financial security or insurance as described in Condition Nos. 29, 30, and 31.

Documentation: The Permittee shall submit a revised site plan, details on changes to technology or BESS units, and an analysis of the proposed changes to show consistency with the project description in (Condition 1), substantial conformance with the site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024, and are in substantial conformance with the technology analyzed in the Hazards

Analysis prepared by Ramboll dated October 31, 2024 (Exhibit 16 of the Planning Commission Hearing Staff Report dated December 19, 2024). The Permittee shall also prepare a revised decommissioning and site restoration plan and provide updated financial security, insurance coverage, and other information required by the EHD, if applicable, pursuant to Condition Nos. 29, 30, 31, and 34.

Timing: Prior to the issuance of a Zoning Clearance for construction of any modifications to the technology or BESS as described in the project description (Condition No. 1), or the site plans stamped as hearing Exhibit 3 of the Planning Commission hearing on December 19, 2024.

Monitoring and Reporting: The Planning Division maintains stamped copies of the approved site plan, Hazards Analysis, and Conditions of Approval in the project file. Planning Division staff have the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

19. Change of Permittee/Property Owner

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

Requirement: The Permittee, and or Property Owner shall file, as an initial notice with the Planning Director, the new 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). The Permittee, and or Property Owner shall provide the Planning Director with final notice once the transfer of ownership and/or operational control has occurred.

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

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

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of Section 8114-3 of the NCZO.

20. Agricultural Screening and Cultivation Requirement

Purpose: To screen the project site from Gonzales Road, 5th Street, and adjacent properties and to ensure compatibility with the character of the surrounding development as required by NCZO Section 8111-1.2.1.1a by screening the project site with productive agriculture and vine covered fencing.

Requirement: The Permittee shall prepare a screening plan and install and maintain screening that includes the following components:

1. Incorporates an agricultural commodity(ies) to effectively screen the project site from Gonzales Road, 5th Street, and adjacent properties while substantially conforming to the conceptual screening plan stamped as Planning Commission Hearing Exhibit 3.
2. Irrigation details for a system that is typical for the proposed agricultural commodity(ies) and will ensure the establishment and long-term health of the proposed agricultural commodity(ies) and vines. If available to the project site, the irrigation system shall utilize non-potable sources of water, including stormwater, reclaimed water, and gray water;
3. Planting details to ensure the installed agricultural commodity(ies) reach sufficient height and girth to adequately screen the site within three years of planting;
4. Fencing between the project's internal access roads and the agricultural commodity(ies) that are screened with vines. The vines shall be specified by a landscape architect to ensure they are compatible with the project and adjacent agriculture, planted and spaced at an appropriate distance to ensure adequate coverage of the fence, require minimal amounts of water, reach maturity within three years of planting, and are not listed on the California Invasive Plant Council Invasive Plant Checklist for California Landscaping, as may be amended. Where gaps in the screening are required to facilitate access to the project site, the fence shall be treated with screening mesh;
5. A farming and maintenance plan that describes harvesting cycles and maintenance activities. The plan shall incorporate an executed farming and maintenance agreement to ensure the agricultural commodity(ies) are maintained and cultivated by third-party agricultural professionals for the life of the project; and
6. An annual report detailing the production quantity, income, and operating expenses of the agricultural commodity(ies) used to screen the project site.

Documentation: The Permittee shall submit a draft screening plan, as described above, to the Planning Division and AWM for review and approval. Prior to installation of the agricultural commodity(ies), the Permittee shall provide the farming and maintenance plan for review and approval by the AWM and the Planning Division. After screening installation, the Permittee shall submit to the Planning Division photographic evidence that the Permittee installed all screening as shown on the approved screening plan. Prior to installation of the screening, the Permittee must obtain the Planning Division and AWM's approval of any changes to the screening plans that affect the character or

quantity of the agricultural commodity(ies) or irrigation system design. Finally, the Permittee shall provide the Planning Division an annual report detailing the production quantity, income, and operating expenses of the agricultural commodity(ies) used to screen the project site.

Timing: The Permittee shall submit the screening plan and the farming and maintenance plan to the Planning Division and AWM for review and approval prior to issuance of the initial Zoning Clearance for construction. Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide a copy of the executed farming and maintenance agreement to the AWM and Planning Division for review and approval. Should the Permittee change, modify, or alter the farming and maintenance agreement or change to a new entity for farming and maintenance, the Permittee shall provide an updated and executed farming and maintenance agreement within 30 days of the existing agreement being modified or canceled. The Permittee shall provide the photographic evidence described above to the Planning Division for review and approval prior to the issuance of the Certificate of Occupancy. The screening shall be maintained for the life of the project. Any changes to the screening plan shall be reviewed and approved by the Planning Division and AWM prior to initiating the requested changes. On or before September 15th, the Permittee shall submit an annual report detailing the production quantity, income, and operating expenses of the agricultural commodity(ies) used to screen the project site to the Planning Division's Condition Compliance staff via email Condition.Compliance@ventura.org.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the screening plan, the farming and maintenance plan, farming and maintenance agreement, and the annual report in the project file. The Permittee shall ensure that the screening is maintained according to the approved plan. Monitoring and enforcement shall occur according to the procedures set forth in Section 8114-3 of the NCZO.

21. Sign Plan

Purpose: To ensure signage on the property complies with Article 10 of the NCZO.

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

Documentation: A stamped copy of the approved sign plan.

Timing: The Permittee shall submit the sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction or installation of new signage.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

22. Lighting Plan

Purpose: To ensure lighting on the project site is provided in compliance with NCZO Sections 8106-8.6, and to ensure that project lighting:

- a. Avoids interference with reasonable use of adjoining properties;
- b. Avoids conflicts with landscape features;
- c. Minimizes on-site and eliminates off-site glare, including glare that may impact drivers along Gonzales Road;
- d. Provides adequate on-site lighting for security;
- e. Minimizes energy consumption; and
- f. Includes devices that are compatible with the design of the permitted facility.

Requirement: The Permittee shall submit a lighting plan to the Planning Division for review and approval. The lighting plan must comply with the following:

- a. The lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. The lighting plan shall include a photometric plan and manufacturer's specifications for each light fixture type (e.g., light standards, bollards, and wall mounted packs);
- c. The lighting plan shall provide illumination information for all exterior lighting such as walkways/driveways, internal access roads, and streetscapes proposed throughout the project site;
- d. In order to minimize light and glare at the project site, all exterior structure light fixtures and freestanding light standards must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast light on any adjacent property or roadway;
- e. Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. Lighting shall be kept to a minimum to maintain the normal night-time light levels in the area.

The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Documentation: The Permittee shall submit the lighting plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for construction. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

23. Archaeological Resources

Purpose: In order to mitigate potential impacts to archaeological resources.

Requirement: The Permittee shall implement the following procedures:

- a. For all development below 12 inches, the Permittee shall hire a County-approved archeological monitor to determine whether sensitive native soils are being impacted. The monitor will be able to determine if continued monitoring shall be required for the duration of work between 12 inches and 36 inches in depth.
- b. For all development below three (3) feet in depth, the Permittee shall hire a County-approved archeological monitor to determine whether sensitive native soils are being impacted.
- c. The archaeological monitor will be able to halt construction within 30-feet of any prehistoric or older historical artifact or feature discovery until the discovery can be further assessed by a senior archaeologist. If the discovery is determined by the senior archaeologist to be significant, the Planning Division will be notified and an action plan will be developed with the Planning Division and Permittee. Daily monitoring forms will be produced as proof of compliance. Construction will not resume in the locality of the discovery until consultation between the senior archaeologist, the Permittee's project manager, the Planning Division, and any other concerned parties (such as additional regulatory agencies or Native American Tribal Groups), takes place and reaches a conclusion approved by the Planning Division. If a significant cultural resource is discovered during earth-moving, complete avoidance of the find is preferred and the Permittee shall follow the steps detailed in subsections d. and e. below. All individual reports as a result of any archaeological finds will be submitted to the South Central Coastal Information Center (SCCIC) at the conclusion of the project.
- d. If any archaeological or historical artifacts are uncovered during ground

disturbance or construction activities, the Permittee shall:

- i. Cease operations and assure the preservation of the area in which the discovery was made.
 - ii. Notify the Planning Director in writing, within three days of the discovery.
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format.
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development.
 - v. Implement the agreed upon recommendations.
- e. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
- i. Cease operations and assure the preservation of the area in which the discovery was made.
 - ii. Immediately notify the County Coroner and the Planning Director.
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format.
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site.
 - v. Implement the agreed upon recommendations.

Documentation: For subsections a through c, the Permittee shall provide the Planning Division with the name and qualifications of the proposed archaeological monitor and a copy of the communication plan for review and approval. Daily monitoring reports shall be provided to County staff upon request. For subsections d and e, if archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report. All reports related to archaeological finds will be submitted to the SCCIC.

Timing: Prior to commencing any development as described in subsections a and b above, the Permittee shall obtain the Planning Division's approval of the archaeological consultant and the communication plan. If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Planning Division shall maintain copies of all documentation related to this condition in the project file. The Permittee shall implement any recommendations made in the archaeology report to the satisfaction of the Planning Director.

24. Paleontological Resources Inadvertently Discovered During Grading

Purpose: In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

Requirement: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made.
- b. Notify the Planning Director in writing, within three days of the discovery.
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide recommendations on the proper disposition of the site.
- d. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development.
- e. Implement the agreed upon recommendations.

Documentation: The Permittee shall submit the reports prepared by the paleontologist or geologist. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations set forth in the paleontological report.

Timing: If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the paleontological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide any paleontological report prepared for the project site to the Planning Division to be made part of the project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director.

25. Notice of Dam Inundation Hazard

Purpose: To comply with Ventura County General Plan Policy HAZ-2.6 and to inform existing and future owners of the subject property that the site, in whole or in part, is currently mapped by the California Department of Water Resources (DWR) as being within a dam failure inundation area and subject to a potential flooding hazard.

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

Documentation: A Notice of Dam Inundation Hazard will be prepared by the Planning Division and provided to the Permittee. The Permittee shall record the Notice with the Ventura County Recorder.

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

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

26. Construction Noise

Purpose: To ensure compliance with the Ventura County General Plan Policy HAZ-9.2 and the County of Ventura Construction Noise Threshold Criteria and Control Plan (Amended 2010).

Requirement: The Permittee shall limit construction activity for site preparation and development to the hours between 7:00am and 7:00pm, Monday through Friday, and from 9:00am to 7:00pm Saturday, Sunday, and State holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Permittee shall post a sign stating these restrictions in a location on the project site visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the public. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, in the event that the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

Timing: The Permittee shall install the sign prior to the issuance of a Zoning Clearance for construction. The Permittee shall maintain the signage on-site until all grading and construction activities are complete. If the Planning Director requests the Permittee to submit the "Complaint Log" to the Planning Division, the Permittee shall submit the "Complaint Log" within one day of receiving the Planning Director's request.

Monitoring and Reporting: The Planning Division reviews, and maintains in the project file, the photo documentation of the sign and the "Complaint Log." The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that

the Permittee conducts grading and construction activities in compliance with this condition, consistent with the requirements of Section 8114-3 of the NCZO.

27. Establishment of an Agricultural Conservation Easement

Purpose: To ensure compliance with Ventura County General Plan Agricultural Element Implementation Program O (AG-O) and Policies AG-1.1 and AG-1.8; and to establish an agricultural conservation easement (ACE) 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. Based on the current project description, the project, excluding the agricultural screening areas, is expected to result in the loss of 19.61 acres of Classified Farmland.

Requirement: The Permittee/Property Owner shall identify a total of 19.61 acres of equivalent Classified Farmland, outside the project's CUP boundaries, to be preserved through the establishment of an offsite ACE(s), including documentation to identify how the funding needs of the long-term stewardship of the property under the ACE(s) will be met. Total acreage preserved via the agricultural mitigation site(s) to be encumbered by the conservation easement may be adjusted by the Planning Division if the project is modified, resulting in an increase or decrease in the loss of Classified Soils, prior to the issuance of a Zoning Clearance for construction of any County-approved CUP modification. The proposed mitigation site(s) shall be located in the County of Ventura unincorporated area, must not be encumbered by an existing conservation easement, and must be of sufficient size to be viable for long term farming use as determined by the Planning Director in consultation with the Department of Agriculture / Weights and Measures (AWM). Site(s) identified to be encumbered shall be held under an ACE(s) until such time that the impacted soil for the project is restored to the condition prior to the project. The Permittee/Property Owner may request a reduction in the acreage preserved within the ACE(s), or a cancellation of the ACE(s), only upon restoration of Classified Farmland lost as a result of the project. Restoration of Classified Farmland shall meet the same level of classification identified prior to soil loss, or to a level deemed satisfactory by the AWM.

Documentation: The Permittee shall provide the following documentation to the Planning Division and AWM for review and approval.

- 1) A Soils Report documenting the physical and chemical makeup of the existing soils to be removed by project. The report shall be prepared by a professional with expertise in analyzing soil conditions and utilize criteria established by the United States Department of Agriculture Natural Resources Conservation Service for the designation of Classified Soils. This report shall be used to establish the baseline condition of the existing soils to be removed by the project. At the time the soils have been restored and the Permittee is requesting to cancel the ACE(s), this

report shall be considered by the AWM when determining if the restored soils are of satisfactory quality to warrant the removal of the ACE(s).

- 2) An agricultural report that identifies a minimum of one agricultural mitigation site suitable for protection pursuant to the required ACE(s). The contents of the report shall include a description of mitigation site(s), including a site plan of the location and rationale for site selection, information to determine the viability of the proposed mitigation site(s) for the establishment of an ACE(s), details on how the funding needs of the long-term stewardship of the property shall be met, and the maintenance and monitoring necessary to ensure that each agricultural mitigation site is not developed, rezoned, or subdivided.
- 3) An ACE(s) shall be recorded with the Ventura County Recorder and appear in the chain of title of the encumbered real property, with a copy of the recorded document provided to the Planning Division and Agricultural Commissioner. The ACE(s), which shall be conveyed to and held by a County-approved entity qualified to hold the instrument (such as a public entity or land trust), shall be held until such time that the restoration of Classified Farmland lost as a result of the project has been completed and approved by the AWM. If the Permittee seeks modifications to the approved CUP such as the square footage for buildings and paved areas associated with the approved project that affect Classified Farmland, the Permittee shall submit an application to modify the CUP, and if necessary, the ACE(s).

The Permittee shall bear the full costs of all County staff time, and materials related to the establishment of the easement.

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee shall submit the Soils Report, agricultural report, and ACE(s) (or other proof of Permittee's right to encumber approved lands as accepted by County Counsel) described above to the Planning Director and AWM for review and approval.

Monitoring and Reporting: On or before September 15th, the Permittee shall submit an annual easement monitoring report prepared by the easement holder or its representative to the Planning Division's Condition Compliance staff via email Condition.Compliance@ventura.org. The Planning Division maintains copies of the monitoring reports and the recorded ACE(s) in the project file. The Planning Division and AWM staff have the authority to conduct periodic site inspections at any time to ensure ongoing compliance with this condition. If the Planning Division confirms that the ACE(s) has not been maintained as required, enforcement actions may be enacted in accordance with Section 8114-3 of the NCZO.

28. Color/Material/Manufacture Specifications

Purpose: To ensure that the BESS facility is constructed as illustrated on the approved plans and photo simulations.

Requirement: The Permittee shall:

- a. Construct and maintain the exterior surfaces of all structures of the BESS facility using building materials and colors, as approved by the Planning Division.
- b. Construct and maintain the site in compliance with applicable regulations and the approved plans and photo-simulations; and
- c. Provide photos to the Planning Division to verify that the facility is constructed as approved.

Documentation: The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division for review and approval. Prior to final inspection of the BESS facility, the Permittee shall provide photographs demonstrating that the Permittee constructed the facility in compliance with the approved plans, photo simulations, and materials sample/color board.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the colors and materials of all buildings and structures on the building plans for the Planning Division's review and approval. Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the materials sample/color board that illustrates the proposed colors for the Planning Division's review and approval. Prior to final inspection, the Permittee shall construct and paint the structures according to the approved plans.

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the project file. The Permittee shall provide photos of the constructed facility to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee constructed and painted the facility according to the approved plans, photo simulations, and materials sample/color board. The Planning Division maintains the Permittee's approved plans, photo simulations, materials sample/color board, and (if submitted in lieu of a site inspection) photo documentation in the project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of Section 8114-3 of the NCZO.

29. Decommissioning and Site Restoration

Purpose: To ensure the BESS facility is decommissioned and that the site is restored so that agricultural activities can resume on the project site upon expiration or termination of the CUP or abandonment of the BESS facility use.

Requirement: Upon expiration or termination of the CUP or abandonment of use of the BESS facility, the Permittee or Property Owner shall:

- a. Notify the Planning Division that the Permittee or Property Owner has discontinued the use of the facility;
- b. Remove the facility, concrete and other foundations, appurtenant structures, and project related infrastructure (e.g. access roads, storage structures, transmission equipment, etc.). All facility components shall be disposed of or recycled in accordance with applicable state and local regulations (see Condition Nos. 34 and 38 for additional information); and
- c. Restore the land within the CUP boundary to the conditions existing prior to the issuance of the CUP, including restoration of all impacted soils to the baseline condition as documented in the Soils Report that must be prepared pursuant to Condition No. 27, to the extent feasible as determined by the Planning Director and Ventura County Department of Agriculture / Weights & Measures.

If the Permittee fails to timely perform the required actions listed above in Condition No. 29 a. through c, the Financial Security described in Condition No. 30 may be forfeited to the County to cover the costs of decommissioning and restoring the site. The BESS facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Documentation: The Permittee or Property Owner shall submit a Decommissioning and Restoration Plan prepared by County-approved professional(s) (e.g. agricultural researcher, agronomist, engineer, etc.), to be reviewed and approved by the Planning Division, Ventura County Department of Agriculture / Weights & Measures, and the Ventura County Fire Protection District. In addition to a full description of required decommissioning and restoration activities, the plan shall include an estimate of the total costs of implementation, calculated in accordance with Condition No. 30 below.

Permittee shall prepare and submit to the Planning Division for review and approval a modification to the Decommissioning and Restoration Plan any time Permittee proposes a project modification or new project phase that would materially alter or add to the information contained in the previously approved plan. No such project modification or new phase shall be approved until the Decommissioning and Restoration Plan has been modified to reflect the modification or new phase.

The Permittee or Property Owner shall submit photo evidence that the site has been restored pursuant to the approved Decommissioning and Restoration Plan, and shall likewise authorize the confirmation site visit by County staff as described in "Timing" below.

Timing: The Permittee or Property Owner shall submit the Decommissioning and Restoration Plan to the Planning Division, Ventura County Department of Agriculture / Weights & Measures, and Ventura County Fire Protection District for review and approval prior to the issuance of the Zoning Clearance for construction of the BESS facility. Modification to the Decommissioning and Restoration Plan, including but not limited to

modifications to address project changes or new phases, shall also be approved via Zoning Clearance, after review by the Planning Division, Ventura County Department of Agriculture / Weights & Measures, and Ventura County Fire Protection District.

The Permittee or Property Owner shall commence decommissioning and restoration work on the site within 90 days following expiration or termination of the CUP or abandonment of the BESS facility use, and complete the work within one (1) year thereafter. Once complete, the Permittee or Property Owner shall submit the photo evidence described above to the Planning Division, Ventura County Department of Agriculture / Weights & Measures, and Ventura County Fire Protection District and a site visit by the Planning Division, Ventura County Department of Agriculture / Weights & Measures, and Ventura County Fire Protection District shall be completed prior to confirmation of satisfactory decommissioning and site restoration.

Monitoring and Reporting: The Planning Division, Ventura County Department of Agriculture / Weights & Measures, and Ventura County Fire Protection District has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

30. Financial Security For Decommissioning and Site Restoration

Purpose: To ensure that funds are available for facility decommissioning and site restoration upon expiration or termination of the CUP or abandonment of the BESS facility use.

Requirement: The Permittee shall file, in a form acceptable to the Operations Division of the Resource Management Agency, a surety bond or cash equivalent (collectively, "Financial Security") in an amount equal to the estimated costs to implement the Decommissioning and Site Restoration Plan that Permittee is required to prepare pursuant to Condition No. 29 (collectively, "Restoration Costs").

The Financial Security shall list the County of Ventura as the obligee and shall be maintained with no gap in coverage until the decommissioning and site restoration obligations set forth in Condition No. 29 have been fulfilled. If a surety bond is provided, it shall be issued by an entity listed in the latest version of U.S. Department of Treasury Circular 570 that is authorized to issue bonds in California. If a cash equivalent is provided, it may consist of a letter of credit, cashier's check, or certificate of deposit and must be prepared and issued by a federally insured commercial bank in a form approved by the County.

The Restoration Costs shall be computed using the methodology and addressing all cost items stated on the Financial Assurance Cost Estimate Form for use under the Surface Mining and Reclamation Act as referenced in 14 Code of California Regulations section 3805.1, as may be amended, to the extent applicable to this project's decommissioning and site restoration. For example, in addition to including the direct costs of

decommissioning and restoring the site, the Restoration Costs shall also include costs for project supervision, profit and overhead, contingencies, mobilization, and County administrative costs in accordance with the Financial Assurance Cost Estimate Form. In preparing the Restoration Costs, prevailing wage rates shall be utilized for all labor costs subject to payment of prevailing wages under California law.

The Financial Security shall be conditioned upon the Permittee's or Property Owner's fulfilling and performing the decommissioning and site restoration obligations set forth in Condition No. 29. The Planning Director shall promptly exonerate and release the Financial Security or any remaining portion thereof upon satisfaction of said decommissioning and site restoration obligations.

At each one-year interval after the initial Financial Security is provided, the Financial Security amount shall be inflation indexed (i.e., increased or decreased to account for inflation over the preceding one-year period) based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim. In this regard, no later than one year and three months following submittal of the previous Financial Security, Permittee shall submit a replacement Financial Security to the Operations Division of the Resource Management Agency reflecting the new inflation-adjusted Restoration Costs. Such replacement Financial Security shall be subject to County review and approval as to form and amount.

In addition, Permittee shall prepare a new estimate of Restoration Costs, and shall submit a new Financial Security in such amount, any time Permittee proposes a project modification or seeks to implement a new project phase that materially alters or adds to the information contained in the previously approved Decommissioning and Restoration Plan. Such replacement Financial Security shall be subject to County review and approval as to form and amount.

Documentation: A receipt or memo from the Operations Division shall serve as evidence that the Financial Security or replacement has been submitted and accepted.

Timing: The Permittee shall provide evidence to the Planning Division that the Financial Security has been accepted by the Operations Division prior to the issuance of the project's initial Zoning Clearance for construction, and prior to the issuance of a Zoning Clearance for construction of a new phase or to authorize a project modification. See "Requirements" section above for additional timing requirements.

Monitoring and Reporting: The Planning Division maintains evidence of the Financial Security instruments and submittals in the project file. In case of any failure by the Permittee and Property Owner to perform their obligations under the Financial Security, the Planning Commission shall, after notice to the Permittee and Property Owner and a public hearing, by resolution, determine and declare all or part of the Financial Security forfeited in accordance with its provisions. The surety company and principal shall be jointly and severally obligated to pay forthwith the full amount of the forfeiture to the

County of Ventura. The forfeiture of the Financial Security shall not insulate the Permittee and/or Property Owner from liability in excess of the sum of the security for damages or injury, or expense or liability suffered by the County of Ventura or other parties, from any breach by Permittee and/or Property Owner of any term or condition of this CUP or any other County permit or violation of any applicable law or governmental regulation.

31. Insurance

Purpose: To ensure the project maintains insurance coverage to compensate for potential third-party impacts related to a fire, explosion, or other incident related to the project.

Requirement: Permittee shall, at a minimum, maintain the following insurance coverages with no gap in coverage, pursuant to the following terms and conditions, until full restoration of the site is confirmed by the County pursuant to Condition No. 29 above. At its discretion, the Planning Division may adjust the below-stated minimum coverage limits once every three years to account for inflation based on the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Los Angeles-Long Beach-Anaheim.

- a. General Liability: General Liability, with at least \$1,000,000 each occurrence and \$2,000,000 general aggregate including sudden and accidental pollution.
- b. Excess Liability: Excess Liability with at least \$4,000,000 each occurrence and \$4,000,000 general aggregate including sudden and accidental pollution.
- c. The County of Ventura, its boards, agencies, departments, officers, employees, agents, and volunteers shall be named as additional insureds ("Additional Insureds") as respect to all work done, activities undertaken, and operations conducted by the permittee on all required insurance policies. All required insurance shall be primary coverage with respect to Additional Insureds, and any insurance or self-insurance maintained by Additional Insureds shall be excess of Permittee's insurance coverage and not contribute to it.
- d. Permittee shall immediately inform the Planning Division if any aggregate insurance limit is exceeded in which case the Permittee must obtain additional coverage to meet the requirements of this condition.
- e. Policies shall not be canceled, non-renewed or reduced in scope of coverage until after 30 days written notice, except 10 days for non-payment of premium, has been provided to the Planning Division. Permittee shall provide the Planning Division with certificates of insurance including Additional Insured endorsements demonstrating proof of any new policy with verification that it will be effective on or before the end of the existing policy.

- f. Permittee shall require adequate insurance of its contractors and subcontractors.

Documentation: The Permittee shall submit to the Planning Division a certificate of insurance including Additional Insured endorsement, and other documentation as needed to demonstrate compliance with the minimum insurance requirements of this condition.

Timing: Prior to the issuance of a Zoning Clearance of construction, the Permittee shall provide the above-referenced documentation to the Planning Division. The Permittee shall maintain the required insurance coverages for the life of the permit.

Monitoring and Reporting: The Planning Division maintains a copy of the certificate of insurance and other insurance documents in the project file. The Planning Division may ask for a current certificate of insurance, Additional Insured endorsement, and other insurance documentation at any time to confirm ongoing compliance with this condition.

32. SCE Interconnection Agreement

Purpose: To ensure that the project has the requisite approvals from SCE to connect the project to the SCE grid.

Requirement: The Permittee shall obtain a SCE Interconnection Agreement.

Documentation: An approved SCE Interconnection Agreement.

Timing: Prior to the issuance of a Zoning Clearance of construction, the Permittee shall provide the SCE Interconnection Agreement to the Planning Division for inclusion in the project file.

Monitoring and Reporting: The Planning Division maintains a copy of the SCE Interconnection Agreement in the project file.

33. Public Utility Code Compliance / Emergency Response and Action Plan

Purpose: To ensure the project complies with Public Utility Code section 761.3(g)(1), as may be amended.

Requirement: The Permittee shall prepare an Emergency Response and Action Plan pursuant to the requirements set forth in Public Utility Code section 761.3(g)(1), as may be amended, for the Planning Division's review and approval. Pursuant to Public Utility Code Section 761.3.(g)(2)(B), the Permittee shall prepare the Emergency Response and Action Plan with local emergency management agencies including the Ventura County Fire Protection District and the Ventura County Sheriff's Office of Emergency Services. Furthermore, the Emergency Response and Action Plan shall be prepared in both English

and Spanish and sent to the adjacent agricultural operators. The statute can be found here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB38

Documentation: An approved Emergency Response and Action Plan and documentation showing coordination with the Ventura County Fire Protection District and the Ventura County Sheriff's Office of Emergency Services. Furthermore, the Permittee is required to provide documentation showing the plan was distributed in both English and Spanish to the adjacent agricultural operators.

Timing: Prior to the issuance of a Zoning Clearance of construction, the Permittee shall obtain the Planning Division's approval of the Emergency Response and Action Plan, documentation showing coordination with the Ventura County Fire Protection District and the Ventura County Sheriff's Office of Emergency Services, and documentation that the plan was distributed in both English and Spanish to the adjacent agricultural operators.

Monitoring and Reporting: The Planning Division maintains a copy of the Emergency Response and Action Plan in the project file.

II. Environmental Health Division (EHD)

34. Hazardous Materials / Waste Reporting and Management – Battery Storage

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material associated with battery energy storage systems complies with applicable state and local regulations.

Requirement: Used batteries must be properly disposed of or recycled in accordance with state and local regulations. If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. This threshold shall be calculated as the cumulative total of all batteries on the site. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency (CUPA) website: <https://vcrma.org/cupa>.

Documentation and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by CUPA staff. CUPA staff may request any documentation needed to determine whether a substance is considered a hazardous material. CUPA staff may request a site visit to determine if reportable quantities are being stored at a location and therefore require the submission of a Hazardous Materials Business Plan (HMBP) and issuance of a permit.

Monitoring: CUPA staff respond to issues related to the proper storage and disposal of hazardous materials and wastes. When applicable, the CUPA issues hazardous material and hazardous waste permits and conducts site inspections.

35. Portable Toilet and Handwashing Facilities

Purpose: To comply with California Code of Regulations, Title 14, section 17409.2.

Requirement: Sanitary facilities, consisting of an adequate number of toilets and hand washing facilities (with potable water from an approved source) shall be available to personnel at or in the immediate vicinity of the site as approved by the EHD. Septage from portable toilets must be removed by an EHD-permitted chemical pumper truck and must be properly disposed of at an approved septage disposal site.

Timing: Portable toilet and handwashing facilities shall be maintained as described above for the life of the project.

Monitoring: EHD staff will verify the availability and condition of sanitary facilities during site inspections.

PUBLIC WORKS AGENCY (PWA) CONDITIONS

III. Land Development Services Division

36. Grading Permit

Purpose: To ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Permittee shall submit a grading plan showing existing and proposed elevations to the PWA's Land Development Services Division for review and approval. If a grading permit is required, a civil engineer registered in the State of California must prepare and submit the grading plans, geotechnical and hydrology reports as necessary, to the Land Development Services Division for review and approval. The Permittee must post sufficient surety to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all deposits, fees, and materials detailed on the PWA Grading Permit Submittal Checklist, must be submitted to Land Development Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be submitted for review prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: PWA staff will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. PWA inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

37. Drainage Plan

Purpose: To ensure runoff is discharged in accordance with the Ventura County Building Code and PWA – Watershed Protection District, state, and national standards.

Requirement: The Permittee shall submit drainage plans and hydrologic and hydraulic calculations, which are prepared by a civil engineer registered in the State of California, to the PWA's Land Development Services Division for review and approval.

Documentation: Drainage plans and hydrologic and hydraulic calculations shall address the following: quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, debris basins, detention facilities, and drainage courses and mitigation measures devised to manage the drainage. The hydrologic and hydraulic calculations shall be in compliance with the Ventura County Watershed Protection District's hydrology and design manuals. Detention facilities shall be provided such that proposed developed condition stormwater peak discharge rates do not exceed existing/pre-development conditions. The hydrologic and hydraulic calculations shall demonstrate that structure pads will be protected from flooding based on a 1% annual chance storm.

Timing: All documentation, as specified above, must be submitted for review by PWA prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: PWA staff will review drainage plans and hydrologic and hydraulic calculations for compliance with state and federal laws, as well as Ventura County codes, ordinances and standards. PWA inspectors will monitor the construction to verify that the work is done in compliance with the approved plans and reports.

IV. Integrated Waste Management Division

38. Refuse, Organic Waste, and Recycling Requirement

Purpose: To ensure the project complies with Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code pertaining to the diversion of recyclables and organic waste materials generated by this project from local landfills through recycling, reuse, salvage, or compost.

Requirement: Ventura County Ordinance Code Division 4, Chapter 7, Article 3, Section 4770-4 requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables and organic waste generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublicworks.org/wsd/iwmd/businessrecycling/.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide PWA's Water & Sanitation Department, Integrated Waste Management Division (Water & Sanitation) with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow Water & Sanitation staff to perform a free, on-site, waste audit to verify recyclable materials and organic waste generated by their business are being diverted from the landfill.

39. Construction & Demolition Debris Recycling Plan

Purpose: To ensure the project complies with Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code (VCOC). Section 4773 aligns with the California Green Building Standards Code which requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage.

Requirement: The Permittee must submit a comprehensive recycling plan to the Water & Sanitation for any Covered Project as defined in Division 4, Chapter 7, Article 3, Section 4741-24 of the VCOC, meaning all proposed construction and/or demolition projects that require a building permit, except certain exempted projects as defined in Section 4773-4.

Documentation: A Recycling Plan must be submitted online at Ventura County Citizen Access. For more information and instructions on how to complete the Recycling Plan, please visit www.vcpublishworks.org/cdrecycling.

Timing: Upon Building and Safety Division's issuance of a building permit for the project, the Permittee must submit a Recycling Plan online through Ventura County Citizen Access for approval.

Monitoring and Reporting: The Permittee is required to keep a copy of their approved Recycling Plan until Building and Safety Division's issuance of final permit.

40. Construction & Demolition Debris Reporting

Purpose: Division 4, Chapter 7, Article 3 of the Ventura County Ordinance Code, Section 4773 aligns with the California Green Building Standards Code which requires the Permittee to divert recyclable construction and demolition (C&D) materials generated by their project (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, cardboard, etc.) from local landfills through recycling, reuse, or salvage.

Requirement: The Permittee must upload recycling receipts to their Recycling Plan to Ventura County Citizen Access. Applicants will receive a Final Approval email once the receipts are reviewed and approved. For more information and instructions on how to complete submit recycling receipts, please visit www.vcpublishworks.org/cdrecycling.

Documentation: Recycling receipts and/or documentation of reuse to verify minimum landfill diversion requirements are met.

Timing: Required recycling receipts and/or documentation of reuse, must be submitted to Ventura County Citizen Access at the time of Building and Safety Division's issuance of the final permit.

Monitoring and Reporting: The Permittee is required to keep a copy of their approved Recycling Plan and recycling receipts and/or documentation of reuse until Building and Safety Division's issuance of final permit.

V. Water Quality Section

41. Regional Stormwater Permit Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, NPDES Permit No. CAS004002, Order R4-2010-0108 CA, as may be amended (collectively, the Permit) and Ventura County's Stormwater Quality Management Ordinance (Ventura County Ordinance Code, Ch. 9, Section 6910 et seq), the proposed project will be subject to the construction requirements for surface water quality and storm water runoff set forth in Part 4.F., "Development Construction Program" of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F., "Development Construction Program" of the Permit through the inclusion of an effective combination of construction best management practices (BMPs) during all ground disturbing activities.

Documentation: The Permittee shall submit a completed and signed SW-2 form (Best Management Practices for Construction One Acre and Larger) to the Public Works Agency - County Stormwater Program (CSP) for review and approval, a template for which can be found at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>.

Timing: The above listed item shall be submitted to the CSP for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The CSP will review the submitted materials for consistency with the Permit. Grading permit inspectors will conduct inspections during construction to ensure effective installation of the required BMPs.

42. State Construction Stormwater General Permit

Purpose: To ensure compliance with the water quality requirements and provisions of State Water Resources Control Board NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, NPDES Permit No. CAS000002, Order WQ 2022-0057-DWQ, adopted September 8, 2022, as may be amended (collectively, the CGP) and Ventura County's Stormwater Quality Management Ordinance (Ventura County Ordinance Code, Ch. 9, Section 6910 et seq).

Requirement: Proper filing of all compliance documents required under the CGP.

Documentation: The Permittee shall prepare and submit the following items to the CSP for review:

- I. A current notice of intent, in accordance with the State Water Resources Control Board requirements under the CGP;
- II. A current Stormwater Pollution Prevention Plan (SWPPP), in accordance with the State Water Resources Control Board requirements under the CGP; and
- III. A change of information (COI) form and a copy of the modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: The above listed items (i and ii) shall be submitted to CSP staff for review prior to issuance of a zoning clearance for construction. In addition, item (iii) above shall be submitted to CSP staff anytime prior to CSP acceptance of construction that a transfer of ownership takes place.

Monitoring and Reporting: CSP staff will review the submitted materials for consistency with the CGP. The current and site-specific SWPPP shall be kept on-site for periodic review by the grading permit inspectors.

43. County Stormwater Management Ordinance

Purpose: To ensure compliance with Ventura County's Stormwater Quality Management Ordinance (Ventura County Ordinance Code, Ch. 9, Section 6910 et seq) and that runoff from new impervious surfaces does not contribute pollutants or degrade water quality entering the storm drain system and receiving waters of the County of Ventura.

Requirement: The Permittee shall prepare a post-construction stormwater management plan (PCSMP), a site plan, a geotechnical report, and a maintenance plan; shall execute a maintenance agreement; and shall prepare and submit Annual Maintenance Verification Reports, as set forth below.

Documentation: The Permittee shall submit the following items to the CSP for review and approval:

- i. A drainage study or a water quality design report, prepared and stamped by a California-licensed civil engineer, that addresses the following items to meet the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures, 2018 Errata Update (TGM), or as amended, requirements for post-construction control measure design, to the **maximum extent practicable**:
 1. Project location;
 2. Project description, including indication of the purpose of the facility and if the project is new development or redevelopment, as defined by the TGM;
 3. Disturbed area for construction;
 4. Amount of existing impervious surface, as defined by the TGM, and proposed impervious surface to be created/added/replaced;
 5. Average existing slopes on-site to be graded;
 6. Post-construction stormwater management plan (PCSMP) output from the applicable sections of the TGM Tool; and
 7. Post-construction control measure sizing calculations.
- ii. A complete site plan, prepared and stamped by a California-licensed civil engineer or land surveyor, that accurately delineates drainage areas, environmentally sensitive areas, open space preservation areas, impervious areas, natural hydrologic features, locations of discharges, topography, potential pollutant areas, and the location and types of post-construction control measures. In addition, applicable post-construction control measure details and a drawing detail verifying that the installation of the PCSMP will meet performance criteria defined in the TGM, to the **maximum extent practicable**, prepared and stamped by a California-licensed civil engineer or architect.
- iii. A geotechnical report, prepared and stamped by a California-licensed geotechnical engineer or geologist, including infiltration testing results or technical infeasibility analysis, as defined in the TGM.
- iv. A maintenance plan (i.e., Exhibit C of the County's "Covenant for Maintenance of PCSMP Control System" template, available at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>, for the proposed PCSMP shall be prepared in accordance with Section 7 and Appendix I of the TGM. The plan shall at a minimum include the following:
 1. The location of each device
 2. The maintenance processes and procedures necessary to provide for continued operation and optimum performance;
 3. A timeline for all maintenance activities; and

4. Any technical information that may be applicable to ensure the proper functionality of the device(s).
- v. A maintenance agreement (i.e., the County's "Covenant for Maintenance of PCSMP Management Control System" template, available at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>, signed by the property owner, including a signed statement accepting responsibility for maintenance of the PCSMP control(s). The statement must include written verification that all PCSMP controls will be properly maintained. At a minimum, this statement shall include the following:
 1. Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for the PCSMP control maintenance and annual inspection;
 2. Written text in project covenants, conditions, and restrictions ("CCRs") to the applicable homeowner's association; or
 3. Any other legally enforceable agreement or mechanism that assigns PCSMP maintenance responsibility.
- vi. A completed and signed Annual Maintenance Verification Report (i.e., Exhibit D of the County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" template, available in the Surface Water Quality Section tab at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>).

Timing: Items (i), (ii), (iii), (iv), and (v) in the above Documentation section shall be submitted to the CSP for review and approval prior to issuance of approval for a zoning clearance for construction. In addition, Item (vi) above shall be submitted to the CSP annually prior to September 15th after approval and/or sign-off for issuance of the certificate of occupancy.

Monitoring and Reporting: CSP staff will review the submitted materials to ensure the project complies with Ventura County's Stormwater Management Ordinance and does not contribute to exceedances of water quality objectives in downstream receiving waters. The maintenance plan shall be kept on-site for periodic review by CSP staff.

VI. Roads and Transportation Department (VCPWA-RT)

44. Driveway Access

Purpose: Driveway access shall be in accordance with the County Road Standards, the Driveways and Curb Cuts Brochure, and the County's Access Policies.

Requirement: The driveway shall be constructed per County Road Standard Plate E-7. The Permittee shall obtain an Encroachment Permit (EP) from the VCPWA-RT. Contact

the VCPWA-RT Permits Division at (805) 654-2055 for the requirements of the EP. The EP form is available on the internet. Improvement plans and supporting documentation may be required by the VCPWA-RT Encroachments Division.

Documentation: The VCPWA-RT will review the improvement plans and supporting documentation.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The VCPWA-RT inspectors will monitor construction and verify that the work is performed in accordance with the EP.

ADDITIONAL CONDITIONS FROM OTHER AGENCIES

VII. Ventura County Air Pollution Control District (APCD)

45. Dust Control During Construction

Purpose: To ensure that fugitive dust and particulate matter that may result from site preparation and construction activities are minimized to the greatest extent feasible.

Requirement: The Permittee shall comply with the provisions of applicable APCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The project applicant shall ensure compliance with the following provisions:

- I. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- II. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- III. All trucks shall cover their loads as required by California Vehicle Code Section 23114;
- IV. Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering;

- V. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization;
- VI. Signs shall be posted onsite limiting traffic to 15 miles per hour or less; and
- VII. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to be a nuisance or hazard to adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.

Timing: Throughout the construction phases of the project.

Monitoring and Reporting: Dust control is a standard condition on all Grading Permits issued by the Public Works Agency and the grading inspector shall perform periodic site inspections throughout the grading period. Monitoring and enforcement of APCD Rule 55 is also conducted by APCD staff on a complaint-driven basis.

46. Construction Equipment

Purpose: To ensure that ozone precursor and particulate emissions from diesel-powered mobile construction equipment are reduced to the greatest amount feasible.

Requirement: The Permittee shall comply with the provisions of all applicable California State Laws and APCD Rules and Regulations regarding portable construction equipment and construction vehicles.

Documentation: The project applicant shall ensure compliance with the following State laws and APCD requirements:

- I. Construction equipment shall not have visible emissions greater than 20% opacity, as required by APCD Rule 50, Opacity.
- II. All portable diesel-powered equipment over 50 BHP shall be registered with the State's Portable Equipment Registration Program (PERP) or an APCD Portable Permit.
- III. Off-Road Heavy-Duty trucks shall comply with the California State Regulation for In-Use Off-Road Diesel Vehicles (Title 13, CCR Section 2449), the purpose of which is to reduce NOx and diesel particulate matter exhaust emissions.

- IV. On-Road Heavy-Duty trucks shall comply with the California State Regulation for In-Use On-Road Diesel Vehicles (Title 13, CCR Section 2025), the purpose of which is to reduce NOx and diesel particulate matter exhaust emissions.
- V. All commercial on-road and off-road diesel vehicles are subject to the idling limits of Title 13, CCR Section 2485, Section 2449(d)(3), respectively. Construction equipment shall not idle for more than five consecutive minutes. The idling limit does not apply to: (1) idling when queuing; (2) idling to verify that the vehicle is in safe operating condition; (3) idling for testing, servicing, repairing or diagnostic purposes; (4) idling necessary to accomplish work for which the vehicle was designed (such as operating a crane); (5) idling required to bring the machine system to operating temperature, and (6) idling necessary to ensure safe operation of the vehicle. It is the Permittee's responsibility to have a written idling policy that is made available to operators of the vehicles and equipment and informs them that idling is limited to five consecutive minutes or less, except as exempted in subsection a. above.

The following are additional emission reduction measures for construction activities:

- I. Diesel powered equipment should be replaced by electric equipment whenever feasible.
- II. Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications.
- III. Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
- IV. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.
- V. All diesel-powered off-road construction equipment shall be rated a minimum of Tier 3 to reduce NOx and diesel PM emissions.

Timing: Throughout the construction phases of the project.

Monitoring and Reporting: Reporting of compliance with the required State laws regarding diesel vehicles is conducted via annual fleet mix reporting, phasing out of older-tier equipment, and routine surveillance and audits by APCD inspectors. The applicable emission reduction measures shall be included in the construction plan submitted to Building and Safety. The County building/grading inspector shall perform periodic site inspections throughout the construction period. Monitoring and Enforcement of dust-related construction activities shall be conducted by APCD staff and is complaint-driven.

VIII. Ventura County Department of Agriculture / Weights & Measures (AWM)

47. Designated Facility Point of Contact

Purpose: To prevent the entry of service technicians or other facility personnel to the permitted site during a pesticide application or the Restricted Entry Interval of an application, the permittee must designate a point of contact and post the contact information on or at the facility.

Requirement: The Permittee shall designate a point of contact for agricultural operators to inform the relevant person(s) of pesticide applications near the facility and the Restricted Entry Intervals of said applications. The Permittee shall post on or at the facility the contact information of the designated point of contact. The posting must:

- Be visible and readable from at least as far as the CUP boundary;
- Be written in both English and Spanish;
- Include language equivalent to "To inform service technicians of pesticide applications and Restricted Entry Intervals, please contact..."; and
- Have current, accurate contact information for a point of contact that responds to contact from agricultural operators in a timely fashion during normal business hours.

Documentation: The Permittee shall provide a copy and picture of the posted sign and all relevant information to the AWM for review and approval.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall receive approval from the Planning Division and post the required information on site. This information must be updated and maintained for the life of the permit.

Monitoring and Reporting: AWM shall report any failure to comply with this condition to the Planning Division.

IX. Ventura County Fire Protection District (VCFPD)

48. Code Compliance

Applicant shall comply with all current Ventura County Fire Protection District Codes, Ordinances, and Standards.

49. Apparatus Access Roads

Fire apparatus access roads shall comply with Public Road Standards, Ventura County Fire Apparatus Access Code: Ordinance 29, and Ventura County Fire Department Standard 501, whichever is most restrictive. Fire apparatus access roads designed for two-way traffic shall have an unobstructed width of not less than 24 feet.

50. Dead-End Roads and Secondary Access

The maximum length of dead-end roads shall not exceed 800 feet. Two means of ingress/egress shall be provided in accordance with VCFPD access standards.

51. Secondary Access

When secondary access is required, the width, grade, vertical and horizontal curves, and construction standards shall be the same as required for the primary access road. The minimum separation of primary and secondary access roads in areas determined non-hazardous fire areas shall be 300 feet. Separation shall be measured at the point which each road terminates at a location where a vehicle operator can choose two independent directions in which to travel.

52. Roadway Extensions

Where the access road extends beyond the access point, the extended roadway shall comply with all of the requirements for fire apparatus access roads.

53. Road Surface Construction and Grade Limitations

Fire apparatus access roads serving commercial and industrial occupancies shall have a structural cross section and surface complying with the public for road standards the jurisdiction in which the project is located and grades shall not exceed 10%.

54. Vertical Curve

The vertical curve of a fire apparatus access roads serving commercial and industrial occupancies shall not allow for transitions between grades that exceed 6% elevation change along any 10-foot section. These transitions shall include angle of approach, angle of departure, and high centering of fire apparatus.

55. Vertical Clearance

All access roads shall have a minimum vertical clearance of 13 feet 6 inches (13' 6"). Clear of building to sky.

56. Access Road Certification

The access road(s) shall be certified by a registered civil engineer as having an all-weather surface in conformance with Public Works and/or Fire District standards. This certification shall be submitted to the Fire District for review and approval prior to occupancy.

57. Fire Lanes

Prior to construction the applicant shall submit a scaled site plan to the Fire District for approval of the location of fire lanes. Prior to occupancy, all fire lanes shall be posted "NO PARKING-FIRE LANE-TOW AWAY" in accordance with California Vehicle Code, the California Fire Code and current VCFPD Fire Lane Standards. All signs and or Fire Lane markings shall be within recorded access easements.

58. Access Road Gates

Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 15-feet in each direction shall be provided for separate entry/exit gates and a minimum 20-feet for combined entry/exit gates. If gates are to be locked, a Knox system shall be installed. The method of gate control, including operation during power failure (battery back-up), shall be subject to review by the Fire Prevention Division. Gate plan details shall be submitted to the Fire District for approval prior to installation. A final acceptance inspection by the Fire District is required prior to placing any gate into service.

59. Fire-Flow Verification

The minimum fire-flow required shall be determined as specified by the current adopted edition of the California Fire Code Appendix B with adopted Amendments and the applicable Water Works Manual for the jurisdiction (whichever is more restrictive). The applicant shall provide to the Fire District verification from the water purveyor that the purveyor can provide the required fire flow of 1,500 gallons per minute at 20 psi for a minimum 2-hour duration, 180,000 gallons total volume.

60. Alternate Water Supply

If the water purveyor certifies that the system cannot provide the required fire flow and duration and approves the use of a private water system, or there is no water purveyor, a private fire water supply shall be installed in accordance with current VCFD requirements, the current California Fire Code, and NFPA Standards 22 and 24. Plans shall be submitted to the Fire District for review and approval prior to installation. Adequate water storage for fire protection shall be provided prior to construction in accordance with Fire District standards.

61. Fire Hydrant(s) Required

Fire hydrant(s) shall be provided in accordance with the current adopted edition of the California Fire Code, Appendix C and adopted amendments. On-site fire hydrants shall be required as determined by the Fire District.

62. Fire Hydrant Design (Commercial, Industrial, Multi-family buildings)

Fire hydrants shall be installed and in service prior to combustible construction and shall conform to the minimum standard of the Ventura County Waterworks Manual and the following.

- Each hydrant shall be a 6-inch wet barrel design and shall have one 4-inch and two 2 ½-inch outlet(s).
- The required fire flow shall be achieved at no less than 20-psi residual pressure.
- Fire hydrants shall be set back from the curb face 24-inches on center.
- No obstructions, including walls, trees, lights, signposts, and meters shall be placed within three feet of any hydrant.
- A concrete pad shall be installed extending 18-inches in all directions from the fire hydrant.
- Ground clearance to the lowest operating nut shall be between 18 to 24-inches.

63. Water System Plans

Plans for water systems supplying fire hydrants and/or fire sprinkler systems and not located within a water purveyor's easement, shall be submitted to the Fire District for review and approval prior to issuance of grading and/or building permits or signing of grading plans, whichever is first. Plans shall reflect only dedicated private fire service lines and associated appurtenances.

64. Hydrant Location Markers

Prior to occupancy of any structure, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire District standards.

65. Fire Sprinklers

All structures shall be provided with an automatic fire sprinkler system in accordance with California Building Code and California Fire Code requirements, and current Ventura County Fire Ordinance at time of building permit application.

66. Fire Protection System Plans

Plans for all fire protection systems (sprinklers, dry chemical, hood systems, etc.) shall

be submitted to the Fire District for review and approval prior to installation. Note: Fire sprinkler systems with 20 or more heads shall be supervised by a fire alarm system in accordance with Fire District requirements.

67. Fire Alarm System

A fire alarm system shall be installed in accordance with the California Building Code and California Fire Code requirements.

68. Fire Alarm/Sprinkler Monitoring Plans

Plans for any fire alarm system or sprinkler monitoring system shall be submitted to the Fire District for review and approval prior to installation.

69. Electrical Energy Storage Systems

The design, construction, installation, commissioning, operation, maintenance, and decommissioning of stationary energy storage systems shall comply with California Fire Code Section 1207 and NFPA 855 as applicable and as may be amended.

70. Construction Permits

A construction permit is required to install Electrical Energy Storage Systems regulated by California Fire Code Section 1207, as may be amended. Plans shall be submitted to the Fire District for review and approval prior to installation.

71. Fire Department Clearance

Applicant shall submit VCFD Form #610, Fire Permit Application, prior to obtaining a building permit for any new structures.

72. Address Numbers (Commercial, Industrial, Multi-family buildings)

Building address numbers, a minimum of 10-inches high, shall be installed prior to occupancy, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are set back more than 150-feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event a structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4-inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.