

EXHIBIT 5- DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) NO. PL14-0128

VERIZON WIRELESS BATES ROAD, RINCON POINT

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description

This CUP is based on and limited to compliance with the project description stated in this condition below, all County land use hearing exhibits in support of the project marked exhibits 2 through 8, dated June 23, 2016, 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 in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Commission 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 permit authorizes the construction, operation and maintenance of an unmanned wireless communication facility.

The wireless communications facility includes the following components:

- A 45-foot tall faux palm tree (i.e. mono-palm) antenna structure with a RAD center (radiation center, or the center line of the antenna mounting height) placed at 38 feet above the ground.
- An equipment shelter that encompasses approximately 186 square feet.
- Six panel antennas installed on the mono-palm. Three antennas would be located at the 38-foot level of the mono-palm. Three antennas would be located at the 28-foot level of the mono-palm.
- Six remote radio units installed on the mono-palm. Three remote radio units would be located at the 20-foot, 3-inch level of the mono-palm. Three remote radio units would be located at the 14-foot, 9-inch level of the mono-palm.
- Two ray cap surge protectors installed on the mono-palm. One would be installed at the 14-foot, 9-inch level of the mono-palm and one would be located in the equipment shelter.
- Two GPS antennas installed on the roof of the proposed equipment shelter.

- A 30 kilowatt emergency backup generator.

All of the above components of the proposed wireless communications facility would be located within a 1,225 square foot lease area and installed on a concrete pad. A 6-foot tall chain link fence with green slats would be erected at the perimeter of the lease area.

About 0.29 acres of existing native brush and vegetation is required to be removed to accommodate the new facility. Minimal ground disturbance is required in the form of removal and recompaction of the soil to accommodate the installation of the wireless communications facility. Water is not required to operate the unmanned facility. Access to the site is provided by a private unpaved driveway (Bates Ranch Road) that connects to Bates Road.

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

2. CUP Modification

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

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

3. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, a Building Permit from the Building and Safety Division. Fire code permits from the Ventura County Fire Protection District and permits from the Ventura County Watershed Protection District, Groundwater Quality Section. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

4. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

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

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

5. Time Limits

- a. Use inauguration: The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction in order to initiate the land uses set forth in Condition No. 1.

This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction within one year from the date the approval decision of this CUP/PD becomes effective pursuant to Ventura County Coastal Zoning Ordinance (§ 8181-7.7). The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

Prior to the issuance of the Zoning Clearance for construction, 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 construction, 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 June 23, 2026. 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 § 8181-10.4 of the Ventura County Coastal Zoning Ordinance prior to June 23, 2026; and

(2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8181-5.7 of the Ventura County Coastal Zoning Ordinance.

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

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

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 construction 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. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

7. Notice of CUP Requirements and Retention of CUP Conditions On-Site

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

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

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

8. 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 of 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 construction.

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

9. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit

monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) 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 9.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.

10a. 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 (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.

10b. Invalidation of Condition(s)

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

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director,

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

10. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 11 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.

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

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP, nor

compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

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

12. 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 construction, 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 § 8183-5 of the Ventura County Coastal Zoning Ordinance.

13. Resolution of Complaints

The following process shall be used to resolve complaints related to the Project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 13 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about the wireless communications facility may directly contact the Contact Person;
- b. If County staff receives a written complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and

- c. If, following a complaint investigation by County staff, a violation of the Ventura County Code or a condition of this CUP is confirmed, County staff may initiate enforcement actions pursuant to § 8183-5 of the Ventura County Coastal Zoning Ordinance.

14. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents associated with, or resulting from, the Project.

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

15. Change of Permittee

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

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

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

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall

provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance].

16. Sign Plan

Purpose: To ensure signage on the property complies with § 8175-5.13 of the Ventura County Coastal Zoning Ordinance and, by reference, Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance Coastal Area Plan.

Requirement: The Permittee shall prepare a sign plan that includes the proposed size, colors, materials, and lighting details. 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 be in conformance with the approved sign plan.

Documentation: The Permittee shall submit two copies of a sign plan to the Planning Division for review and approval. The Permittee shall bear the total cost of such review and approval.

Timing: The Permittee must obtain approval of the sign plan from the Planning Division prior to the issuance of a Zoning Clearance for construction. The signs must be installed in accordance with the approved sign plan prior to the issuance of the Zoning Clearance for Use Inauguration.

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 § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. Color/Material/Manufacture Specifications

Purpose: To comply with the Ventura County General Plan *Goals, Policies and Programs* Scenic Resources Policies 1.7.2-1 through 1.7.2-4 and to ensure that the communication 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 buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints). The green slats attached to the chain link fence surrounding the facility shall be maintained for the

life of the permit. Replacement of the slats on the fence with similar materials shall occur, when necessary, in order to screen the facility equipment from public view.

- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. 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 communication 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: The Permittee shall obtain approval of the plans, photo simulations, and a materials sample/color board from the Planning Division prior to the issuance of a Zoning Clearance for construction. 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 has the authority to ensure ongoing compliance with this condition pursuant to the requirements of Condition of Approval 9a of this permit.

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

Purpose: In compliance with § 8181-5.8 of the Ventura County Coastal Zoning Ordinance and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

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

- a. notify the County that the Permittee has discontinued the use of the facility;
- b. remove the facility and all appurtenant structures; and

- c. restore the premises to the conditions existing prior to the issuance of the CUP, to the extent feasible as determined by the Planning Director.

In the event that the Permittee fails to perform the required actions, the Property Owner shall be responsible for compliance with the requirements set forth in this condition.

The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

19. Future Collocation of Wireless Telecommunication Facilities and Equipment

Purpose: To reduce the number of communication facilities and minimize the potential environmental impacts associated with such facilities.

Requirement: The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

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

Documentation: Permittee shall demonstrate to the satisfaction of the Planning Director that the wireless telecommunications tower associated with the communication facility is

engineered in a manner that can accommodate supplementary antennas to collocate at least one additional telecommunication carrier.

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

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

20. Mitigation Measure BR-1: Avoidance of Monarch Butterfly Winter Roost Sites

Purpose: To minimize indirect project impacts to monarch butterfly roosts.

Requirement: The Permittee shall avoid monarch butterfly roosts during all construction activities related to the proposed development. This can be accomplished by implementing either one of the following options:

1. Timing of construction: Prohibit construction activities during the monarch wintering season (October 1 through March 1); or,
2. Surveys and avoidance: Conduct site-specific surveys prior to construction activities during the monarch wintering season (October 1 through March 1) and avoid monarch roosts.

Surveys shall be conducted to identify any monarch roosts in the area proposed for disturbance. Monarch roosts shall be avoided during the wintering season by establishing a 100-foot buffer between construction activity and the roost. All surveys shall be conducted by a County-approved biologist with a CDFW Scientific Collecting Permit.

An initial monarch survey shall be conducted 30 days prior to the initiation of construction activities. The project site must continue to be surveyed on a weekly basis with the last survey completed no more than 5 days prior to the initiation of construction activities. The monarch butterfly survey must cover monarch wintering habitat within the footprint of the WCF, including utility lines, and 100 feet from the footprint including all construction areas. If monarch roosts are found, construction activities within 100 feet surrounding the roost shall be postponed or halted while the monarchs are present (typically October 1 through March 1). Construction activities can occur outside of the 100-foot setback areas.

Documentation: The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial monarch survey and a plan for continued surveys and avoidance of roosts in accordance with the requirements above. Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any monarch roosts that are discovered.

The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following construction activities that documents the results of subsequent surveys and actions taken to avoid monarch roosts. All observations of monarchs should be noted, including location, within the Survey Report

Timing: If construction activities will occur between October 1 and March 1, monarch surveys shall be conducted 30 days prior to initiation of construction activities, and weekly thereafter, and the last survey for monarchs shall be conducted no more than 7 days prior to initiation of construction activities. The Survey Report documenting the results of the first monarch survey and the signed contract shall be provided to the Planning Division prior to issuance of a Zoning Clearance for construction. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the construction activities.

Monitoring and Reporting: The Planning Division shall review for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the project file.

21. Mitigation Measure BR- 2: Pre-Construction Surveys for Nesting Birds

Purpose: To avoid potential impacts to birds protected under the Migratory Bird Treaty Act which could occur during the nesting season.

Requirement: The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing (including vegetation clearing for fuel modification), construction activities, and grading activities (collectively, "development activities") in such a way as to avoid nesting native birds. No development activities shall occur on the project site during the breeding and nesting season (February 1 – August 31), or if development activities must be conducted during the nesting season, by conducting a pre-development activities survey for active bird nests and avoiding nests until juvenile birds have vacated the nest.

For any development activities that are planned between February 1 and August 31, the Permittee shall retain a County-approved qualified biologist with a CDFW Scientific Collecting Permit to conduct a breeding and nesting bird survey within 7 days prior to the development activities. The nesting bird survey must cover the development footprint and a buffer of 500 feet from the development footprint. All areas subject to fuel modification shall be surveyed. If active nests are found, development activities within 300 feet of the nest (500 feet for raptors) shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, as determined by the qualified biologist. If the development is outside of the buffered nesting bird area(s) then development activities can commence outside the restricted area(s). If development activities are delayed after the survey has been conducted, then the qualified biologist shall conduct an additional nesting bird survey such that no more than 7 days have elapsed between the last survey and the commencement of development activities.

Documentation: The Permittee shall provide a signed contract with a County-approved qualified biologist to the Planning Division that ensures that a nesting bird survey will be conducted 7 days prior to any land disturbing activities. The Permittee shall submit a memorandum to the Planning Division within 14 days of the nesting bird surveys, notifying the Planning Division of the results of the surveys and measures taken to avoid nesting birds.

Timing: Prior to development activities, including fuel modification activities, the Permittee shall provide the signed contract to the Planning Division for review and approval. Within 14 days of the nesting bird surveys, the Permittee shall provide a memorandum reporting the results.

Monitoring and Reporting: The Permittee shall confirm with the Planning Division that he has contracted with a County-approved qualified biologist to implement the requirements of this condition prior to issuance of a Use Inauguration. The Planning Division maintains copies of the signed contract and the nesting bird survey reports provided by the Permittee in the project file.

22. Mitigation Measure BR-3: Fuel Modification Plan

Purpose: To mitigate potentially significant impacts to coastal sage scrub habitats from fuel modification activities.

Requirement: The Permittee shall use a County-approved qualified biologist to prepare a Fuel Modification Plan for County Planning review and approval that minimizes impacts to the surrounding coastal sage scrub habitat and meets the Ventura County Fire Protection District's requirements to modify fuels surrounding structures. The Fuel Modification Plan shall specify the methods of modifying vegetation surrounding structures that will minimize indirect impacts to coastal sage scrub habitats (e.g., use of hand tools to prune vegetation, thinning shrubs rather than clear-cutting, avoiding rare plants, avoiding nesting birds). Because a portion of the fuel modification area is on or near a slope, the Fuel Modification Plan shall incorporate erosion control measures as necessary e.g. straw wattles, silt fencing, hydroseeding, erosion control blankets, etc. The Fuel Modification Plan shall include native, drought tolerant ground cover and shrubs that VCFPD deems not to pose a flammability risk. A County-approved qualified biologist shall monitor all fuel modification activities.

Documentation: A Fuel Modification Plan shall be prepared by a County-approved qualified biologist. Following all fuel modification activities, a County-approved biologist shall submit to the Planning Division an annual report that confirms that vegetation modification activities are maintained consistent with the provisions of the Fuel Modification Plan and has not resulted in increased indirect impacts to the surrounding coastal sage scrub.

Timing: The Permittee shall submit a Fuel Modification Plan prior to issuance of a Zoning Clearance for construction. A County-approved biologist shall submit annual reports on fuel modification activities to the Planning Division by July 1 of each year (June 1 is the deadline for fuel modification).

Monitoring and Reporting: The Permittee shall submit the Fuel Modification Plan to Planning Division and the Fire Department for review and approval to assure compliance with the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Permittee shall submit the annual reports to the Planning Division to assure compliance with the requirements of this condition. The Planning Division maintains copies of the Fuel Modification Plan and the annual reports provided by the Permittee in the project file.

23. Mitigation Measure AR-1: Fencing for Protection of Archaeological Resources

Purpose: The purpose of this mitigation measure is to ensure the protection of archaeological resources that exist near to the project site.

Requirement: The Permittee shall temporarily fence the area identified in the Phase I Archaeological study (MacFarlane Archaeological Consultants 2011) that has the potential for archaeological resources, in order to prevent the illicit collection of archaeological resources. The Permittee shall install temporary protective fencing around the area identified in the Phase I Archaeological study in order to delineate the area within which human encroachment is prohibited. (Attachment 5, Archeological Resources Fencing Area). The fencing materials must consist of typical ranch wire or orange construction fence material.

Documentation: The Permittee shall provide photographic evidence to the Planning Division which demonstrates that the Permittee installed the fencing in compliance with the requirements of this mitigation measure.

Timing: The Permittee shall submit the photographic evidence of the fencing to the Planning Division for review and approval, prior to conducting any vegetation removal, ground disturbance activities, or construction activities.

Monitoring and Reporting: The Planning Division maintains the photographic evidence provided by the Permittee in the project file. The Planning Division has the authority to inspect the site to confirm that the fencing has been installed in compliance with, and remains in place throughout, all ground disturbance and construction activities of the project.

24. Paleontological Resources 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 a report that assesses the resources and sets forth recommendations on the proper disposition of the site;
- d. Obtain the Planning Director's written concurrence with the recommended disposition of the site before resuming development; and
- e. Implement the agreed upon recommendations.

Documentation: The Permittee shall submit the paleontologist's or geologist's reports. Additional documentation may be required to demonstrate that the Permittee has implemented the 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 the paleontological report 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. The paleontologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the paleontological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the paleontological report, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance

25. Archaeological Resources Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

Requirement: The Permittee shall implement the following procedures:

- a. 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; and
 - v. Implement the agreed upon recommendations.
- b. 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; and
 - v. Implement the agreed upon recommendations.

Documentation: 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.

Timing: If any archaeological 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 archaeological report to the Planning Division immediately upon completion of the report.

Monitoring and Reporting: The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the

recommendations set forth in the archaeological report, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

26. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* Noise Policy 2.16.2-1(5) 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 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. 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 conspicuous location on the Project site, in order so that the sign is visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of grading and construction activities. 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 building permit and throughout all grading and construction activities. 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 § 8183-5 of the Ventura County Coastal Zoning Ordinance.

Environmental Health Division

28. Hazardous Materials

Purpose: To comply with the California Health and Safety Code and Ventura County Ordinance Code to ensure the safe storage, handling, and disposal of any potentially

hazardous material.

Requirement: The Permittee shall submit a business plan to the Environmental Health Division/Certified Unified Program Agency for the hazardous materials associated with the backup power supply.

Documentation: A completed business plan submitted to the Certified Unified Program Agency.

Timing: The business plan must be submitted and approved by the Certified Unified Program Agency prior to the storage of any hazardous material on site.

Monitoring and Reporting: A copy of the approved business plan shall be maintained by the Permittee as part of the project file. Ongoing compliance with the requirements shall be accomplished through field inspection by District Inspectors of the Certified Unified Program Agency.

29. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations.

PUBLIC WORKS AGENCY CONDITIONS

Engineering Services Department

30. Grading Permit

Purpose: In order 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 Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a Building Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed

grading to verify that the work is done in compliance with the approved plans and reports.

Watershed Protection District Conditions

Groundwater Section

31. Diesel Fuel Tank Area

Purpose: In accordance with the Ventura County General Plan Policies 1.3.2.2 & 4a, Diesel Fuel Tank Area is required.

Requirement: The Diesel Fuel Tank Area shall be constructed with a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled liquids into a sump for legal disposal off site. The concrete pad shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage.

Documentation: A copy of the approved Diesel Fuel Tank Area site plan.

Timing: Prior to the Issuance of a Zoning Clearance for construction, the Permittee shall submit a Diesel Fuel Tank Area site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Diesel Fuel Tank Area site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Diesel Fuel Tank Area upon request.

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District

32. Hazardous Fire Area

Purpose: To advise the applicant that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building Department.

Timing: The Permittee shall submit building plans to the Building Department for approval before the issuance of building permits.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved construction for the life of the structure.

33. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall have all grass or brush adjacent to a structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 30 feet adjacent to towers, equipment cabinets, and generators or to the property line if less than 30 feet. The Fire District may require the entire parcel to be cleared. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of construction on any structure or tower.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition.

34. Fire Department Clearance

Purpose: To provide the Permittee a list of all applicable fire department requirements for the project.

Requirement: The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction"

Timing: The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

35. Fire Code Permits

Purpose: To comply with the requirements of the Ventura County Fire Code.

Requirement: The Permittee and/or tenant shall obtain all applicable Fire Code permits.

Documentation: A signed copy of the Fire Code permit(s).

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.