

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF FEBRUARY 10, 2016

***RE: Verizon at Mission Baptist Church on Rucker Road; 15CUP-00000-00010,
15RZN-00000-00010***

Hearing on the request of Melissa Samarin, Sequoia Deployment Services, agent for Verizon to consider the following:

- a) **15RZN-00000-00010** [application filed on August 17, 2015] proposing to rezone approximately 5-acres from U, (Unlimited Agriculture) under Ordinance 661 to AG-II-100, (Agriculture, 100 acres) in compliance with Chapter 35.14 of the County Land Use and Development Code; and
- b) **15CUP-00000-00010** [application filed on May 14, 2015] for a Conditional Use Permit allowing to allow for the construction and operation of an unstaffed telecommunications facility with an 50-foot tall antenna support structure designed as a faux eucalyptus tree, in compliance with Sections 35.82.060 (Conditional Use Permits) and 35.44.010 (Telecommunications Facilities) of the County Land Use and Development Code, on property zoned U;

and to determine the project is exempt from the provisions of CEQA pursuant to sections 15061(b)(3), 15303 and 15304 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 097-380-022, 5 acres, located approximately 823 feet northwest of the intersection of Burton Mesa Boulevard and Rucker Road, known as 3625 Rucker Road, in the Mission Hills area, Third Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of February 10, 2016, Commissioner Brooks moved, seconded by Commissioner Blough and carried by a vote of 4 to 0 (Brown absent) to:

1. Recommend that the Board of Supervisors make the required findings for approval of the project specified in Attachment A of the staff report, dated January 21, 2016, including CEQA findings;

2. Recommend that the Board of Supervisors determine the project is exempt from environmental review pursuant to CEQA Sections 15061(b)(3), 15303 and 15304 as specified in Attachment B of the staff report, dated January 21, 2016;
3. Adopt the resolution in Attachment C of the staff report, dated January 21, 2016, recommending that the Board of Supervisors approve a rezone (15RZN-00000-00010) amending the zone district on the subject parcel from U (Ordinance 661) to AG-II-100 (County Land Use and Development Code) as Attachment C of the staff report, dated January 21, 2016; and
4. Recommend that the Board of Supervisors approve the project, 15CUP-00000-00010, subject to the conditions of approval included as Attachment D of the staff report, dated January 21, 2016., as revised by staff at the hearing to renumber the conditions.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 15CUP-00000-00010, 15RZN-00000-00010
Planning Commission File
Dianne M. Black, Assistant Director
Agent: Melissa Samarin, Sequoia Deployment Services, 22471 Aspan Street, Suite 290, Lake Forest, CA 92630
Owner: Mission Hills Baptist Church, 3625 Rucker Road, Lompoc, CA 93436
Jenna Richardson, Senior Deputy County Counsel
Florence Trotter-Cadena, Planner

Attachments: **Attachment A – Findings**
 Attachment C – PC Rezone Resolution and Exhibit 1: Ordinance to Rezone
 Attachment D – Conditions of Approval

DMB/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Planning Commission finds that the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061 (b)(3), 15303, and 15304.

Please see Attachment B (Environmental Document: Notice of Exemption) to this staff report dated January 21, 2016, incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

- A. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

2.1.1 **The request is in the interests of the general community welfare.**

The rezone is in the interest of the general community as it would update the subject parcel's zoning from Ordinance 661 to zoning under the County's Land Use and Development Code. Ordinance 661 is outdated and does not provide for telecommunications facilities. The subject parcel has been identified as an ideal site for a telecommunications facility. Telecommunication facilities are considered critical structures by emergency services and are also in the public interest as more and more residents of the County use telecommunication devices for their health and safety as well as for their personal and professional needs.

2.1.2 **The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.**

Pursuant to the discussion in Sections 6.2 and 6.3 of this report dated January 21, 2016 herein incorporated by reference, the rezone is consistent with the Comprehensive Plan, the requirements of the Zoning Ordinance (Land Use and Development Code), and State Land Use Law requiring vertical consistency between an agency's Comprehensive Plan and its Zoning Ordinance. The rezone does not involve an amendment to the Local Coastal Program.

2.1.3 **The request is consistent with good zoning and planning practices.**

The rezone is consistent with good zoning and planning practice because it updates antiquated regulations and allows for a modern use not contemplated under the antiquated regulations to be permitted on the subject lot consistent with current zoning.

2.2 **CONDITONAL USE PERMIT FINDINGS**

A. Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

2.2.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The subject parcel is five acres in size. Adjacent parcels are zoned AG-II-100 and 7-R-1 (Mission Hills homesites). Surrounding development consists of the Burton Mesa Chaparral with residential uses located across Rucker Road. The subject parcel is developed with a church and associated accessory building. The support facilities are enclosed within a 6 foot high chain link fence with barbed wire and surrounded by existing mature trees and proposed landscaping. The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment, and is compatible in terms of land use and visual qualities.

The proposed facility consists of one 50 ft tall antenna support structure designed to resemble a faux eucalyptus tree, and a 900 square foot lease area containing (DC power plant, two LTE cabinets, and one miscellaneous cabinet), two GPS antennas, two surge suppressors, a 48kw generator located on a 50 square foot concrete slab, a generator box, a fiber box, a Tech Light, a Meter, a Intersect panel, and trenching for the hybrid cables. A backup generator on a 50 sq ft concrete slab will also be located within the approximately 900 sq ft lease area. The lease area will be fenced with chain link fencing. The facility will be accessed by an existing driveway.

The proposed lease area and monopole will be set back approximately 303 feet from Rucker Road. The design of the antenna support structure as a faux eucalyptus tree effectively utilizes the existing onsite and surrounding trees so that the site blends into the surrounding natural environment. As a result, the proposed 50 ft tall antenna support structure will be partially visible from Rucker Road, and from surrounding adjacent properties. The lease area will not be visible from public viewing areas, but will be partially visible from the adjacent parcels to the north and west. The North Board of Architectural Review (NBAR) conceptually reviewed the proposed design and determined that the proposed design of the facility would be compatible with the existing visual character of the surrounding area. The project is conditioned to require 1) the antennas to be painted in a non-reflective color to blend into the existing natural setting and to reduce their visibility; 2) the project to receive preliminary and final NBAR approval prior to issuance of the Zoning Clearance; 3) that the only exterior lighting is a security light that will be Dark Sky compliant and approved by the NBAR; and 4) that all onsite vegetation as well as project landscaping be maintained for the life of the project (Condition Nos. 3, 5, 6, and 22).

Therefore, the project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

2.2.2 Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

The proposed project consists of the construction and use of an unstaffed telecommunications facility within an approximately 900 sq ft lease area with ground disturbance on slopes of less than 5 percent, landscaping, and trenching where the surface is restored. A 50 ft high antenna support structure, cabinets and associated equipment, and a 50 sq ft concrete slab with a diesel emergency generator and fuel tank will be located inside of the fenced lease area. The 50-foot tall antenna support structure will be designed to look like a eucalyptus tree. This design will blend the facility in with the existing mature trees in the surrounding rural, agricultural area to the maximum extent feasible. The 900 sq ft lease area will be located on flat ground within the project site. No trees are located within the footprint of the facility or utility trench.

To ensure that the project operates within FCC limits, the County required the applicant to submit a report prepared by a qualified third party that estimates the proposed project's radio frequency emissions and determines whether or not they comply with the Federal requirements. As discussed in Section 6.2 of this staff report and incorporated herein by reference, the applicant provided a Radio Frequency Electromagnetic (RF-EME) Compliance report prepared by Hammett & Edison, Inc., Consulting Engineers, March 9, 2015 as part of the proposed project. The report concludes that for any person anywhere at ground level, the maximum RF exposure level due to the proposed telecommunications facility is calculated to be 0.037 mW/cm² which is 3.7% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 13% of the public exposure limit. The closest residences to the proposed telecommunications facility are located approximately 303 feet to the east (across Rucker Road); 150 ft to the southeast on the subject parcel is an existing church. The report verifies that the facility would operate in compliance with the applicable FCC limits. In addition, the project is conditioned to require final NBAR approval to ensure that the project is visually compatible with the surrounding area, lighting is shielded to avoid spillover, vegetation protection, and the requirement for monitoring of radiofrequency emissions to ensure compliance with FCC standards.

As discussed in Section 6.2 of this staff report and incorporated herein by reference, an Environmental Noise Analysis was performed for the project by Hammett & Edison, Inc., dated August 4, 2015. Based on the results of the analysis, the noise generated by the project will be less than the County's threshold of 65dBA at the nearest property line.

For all of these reasons, this finding can be made.

2.2.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The unstaffed facility will not generate traffic other than during installation and for periodic maintenance required on an as-needed basis. Access to the project site will be provided from Rucker Road, a public road. The existing roadway infrastructure is adequate to serve the facility. Therefore, the existing streets are sufficient to serve the

project and this finding can be made.

2.2.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated January 21, 2016 and incorporated herein by reference, the facility will be unstaffed and will not require any public services such as water, sewage, police or fire. Power and telephone service currently exist at the site and will be sufficient to serve the project. Therefore, this finding can be made.

2.2.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report dated January 21, 2016, and incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. Additionally, the antenna support structure is designed to resemble a eucalyptus tree, which blends the facility in with the surrounding natural environment. The faux tree support structure will reduce the visibility of the antennas. The facility has been carefully sited and designed to be visually compatible with the surrounding area. Therefore, this finding can be made.

2.2.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated January 21, 2016, and incorporated herein by reference, the project will be in conformance with all applicable provisions of the LUDC, and the Comprehensive Plan. Therefore, this finding can be made.

2.2.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

The project site is located within the Rural area of the Mission Hills. The 50 foot tall antenna support structure, which will be partially visible from public viewing areas, will resemble a faux eucalyptus tree, with the antennas concealed within the faux tree. The equipment lease area will contain cabinets and a generator and will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 900 sq ft lease area will be surrounded by chain link fencing. As discussed in Section 6.4 of the staff report dated January 21, 2016 and incorporated herein by reference, the North Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux eucalyptus tree antenna support structure would be the most appropriate support structure to visually blend the facility in to the existing rural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

3.0 Additional findings required for Commercial Telecommunication Facilities.

A. All Commercial Telecommunication Facilities. In compliance with Subsection 35.44.010.G of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit for a commercial telecommunication facility the review authority shall first make all of the following findings:

3.1.1 The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.

The project site is located within the Rural area of the Mission Hills area. The 50 foot tall antenna support structure, which will be visible from public viewing areas, will be designed to resemble a eucalyptus tree, with the antennas concealed within the faux tree. The equipment associated with the facility will be finished with an earth-toned non-reflective coating, and will not be visible from public viewing areas. The 900 sq ft lease area will be surrounded by chain link fencing and landscaped to blend with the surrounding uses. As discussed in Section 6.4 of the staff report dated January 21, 2016 and incorporated herein by reference, the North Board of Architectural Review conceptually reviewed the project and determined that the 50 ft tall faux eucalyptus tree antenna support structure would be the most appropriate support structure to visually blend the facility in to the existing rural setting, which includes mature trees on the subject parcel and surrounding area; and to lessen its impact on public views. Therefore, this finding can be made.

3.1.2 The facility is located to minimize its visibility from public view.

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-sight transmission of signals. The design of the antenna support structure as a faux eucalyptus tree effectively utilizes the existing onsite and surrounding trees so that the facility blends into the surrounding natural environment. The lease area and monopole will be set back approximately 303 feet from Rucker Road. As a result, the antenna support structure is located in an area that will minimize visibility from public viewing areas.

The support facilities will be enclosed within the lease area, and will not be visible from public viewing areas. As designed, situated and screened, the above ground support facility would not increase the visibility of the facility or decrease public safety. Furthermore, the above ground facility would minimize necessary grading and site disturbance in order to avoid potential environmental impacts and blend into the surrounding natural environment. The associated equipment is designed with a non-reflective finish. The antenna support structure will be coated with non-reflective material resembling tree bark. The leased premises will remain unlit except for a manually operated switch light which limits lighting to the area of the equipment in the immediate vicinity of the antennas support structure. The project is designed to minimize its visibility from public views. Therefore, this finding can be made.

3.1.3 The facility is designed to blend into the surrounding environment to the greatest extent feasible.

The lease area and monopole will be set back approximately 303 feet from Rucker Road. The antenna support structure will not be substantially visible from public

viewing areas as it will be camouflaged as a faux eucalyptus tree to blend in and integrate with the natural environment. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing surrounding vegetation so that the site blends into the surrounding rural area. The antennas and associated equipment will be finished and/or painted in a non-reflective colors and textures to blend them into the existing natural setting and further reduce their visibility to the maximum extent feasible. Therefore this finding can be made.

3.1.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection 35.44.010.D. (Additional development standards for telecommunication facilities).

- (1) An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:**
 - (a) Would not increase the visibility of the facility or decrease public safety, or**
 - (b) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or**
 - (c) Would avoid or reduce the potential for environmental impacts.**

The project complies with all required development standards with the exception of Standard 2.d (LUDC Section 35.44.010.C.4.a) which states:

Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).

Per Section 35.44.010(D)(2), exemptions from this development standard may be granted if "the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.

The support facilities would be enclosed within a 900 square foot lease area containing four equipment cabinets (DC power plant, two LTE cabinets, and one miscellaneous cabinet), two GPS antennas, two surge suppressors, a 48kw generator located on a 50 square foot concrete slab, a generator box, a fiber box, a Tech Light, a Meter, a Intersect panel, and trenching for the hybrid cables. A backup generator on a 50 sq ft concrete slab will also be located within the approximately 900 sq ft lease area. If the equipment storage area was installed below-ground, the boundaries of the proposed lease area would potentially extend into the existing mature oak trees and vegetation to accommodate the required grading. This would result in the potential removal of mature oak trees and vegetation to accommodate the required grading. Therefore, the Planning Commission grants an exemption from this development standard and this

finding can be made.

3.1.5 The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

As discussed in Section 4.0 of this staff report and incorporated herein by reference, a radiofrequency emissions report (Hammett & Edison, Inc., Consulting Engineers, March 9, 2015) was prepared as part of the proposed project. The report concludes that for any person anywhere at ground level, the maximum RF exposure level due to the proposed telecommunications facility is calculated to be 0.037 mW/cm² which is 3.7% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building would be 13% of the public exposure limit. The closest residence to the facility is located 395 ft away. As a part of the project conditions (Condition No. 9, "FCC Compliance"), a verification measurement report will be required within 30 days of final building clearance to confirm adherence to these requirements. Therefore, this finding can be made.

3.1.6 The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

As discussed in Section 6.3 of the staff report dated January 21, 2016, and incorporated herein by reference, the purpose of the proposed project is to provide the needed 4G coverage for the project site area and to improve coverage and capacity. According to the Network Service Maps & Coverage Information, included as Attachment I (Dewayne Bonham, Verizon Wireless Engineer and Melissa Samarin, agent), the proposed project site location was selected by Verizon in order to provide needed coverage and capacity which is currently lacking in this area of Mission Hills. Therefore, this finding can be made.

3.1.7 The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

Collocating with the facilities discussed in Section 3.1.6 would not meet the 4G coverage objectives for the project site area. There are no other existing support structures within the project site vicinity which could accommodate the facility.

The antenna support structure has been designed as a faux eucalyptus tree in order to blend in with existing mature trees located on the subject parcel and within the immediate project site area. This design will maximize the structure's compatibility with the surrounding area, and effectively utilizes the existing landforms and trees so that the site blends into the surrounding natural environment. The antennas and equipment storage shelter will be painted in a non-reflective color to blend them into the existing natural setting and to further reduce their visibility to the maximum extent feasible. Therefore the applicant has demonstrated that the facility design and location is the least intrusive means feasible to provide the needed coverage and this finding can be made.

ATTACHMENT C:
PLANNING COMMISSION RESOLUTION AND ORDINANCE

RESOLUTION OF THE SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF RECOMMENDING
TO THE BOARD OF SUPERVISORS THAT
AN ORDINANCE BE APPROVED AMENDING
SECTION 35-1, THE SANTA BARBARA
COUNTY LAND USE AND DEVELOPMENT
CODE, OF CHAPTER 35 OF THE SANTA
BARBARA COUNTY CODE, BY AMENDING
THE COUNTY ZONING MAP BY CHANGING
THE ZONING OF ASSESSOR'S PARCEL
NUMBER 097-380-022 FROM U, UNLIMITED
AGRICULTURE, 10 ACRES MINIMUM PARCEL
SIZE, TO AG-II-100, AGRICULTURE, 100 ACRES
MINIMUM PARCEL SIZE

Resolution No. 16-01

CASE NO.: 15RZN-00000-00010

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on September 29, 1958 by Ordinance 971, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and
- B. WHEREAS, the Planning Commission recommends that the Board of Supervisors repeal all zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps", of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, as they relate to Assessor's Parcel Number 097-380-022.
- C. WHEREAS the County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code on the proposed amendments to a zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by

changing the zoning of Assessor's Parcel Number 097-380-022 from U to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated January 21, 2016.

3. In compliance with the provisions of Section 65355 of the Government Code, the Commission recommends a certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of this Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the Planning Commission.

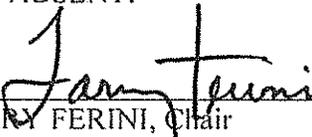
PASSED, APPROVED AND ADOPTED this February 10, 2016 by the following vote:

AYES: Cooney, Brooks, Ferini, Blough

NOES:

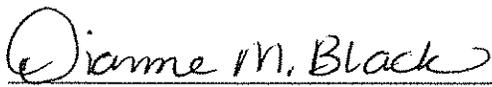
ABSTAIN:

ABSENT: Brown



LARRY FERINI, Chair
Santa Barbara County Planning Commission

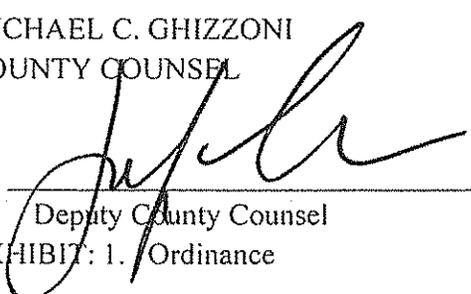
ATTEST:



DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By 

Deputy County Counsel
EXHIBIT: 1. Ordinance

EXHIBIT 1

LAND USE AND DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBERS 097-380-022

Case No. 15RZN-00000-00010

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35-516, "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Number 097-380-022 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2:

Pursuant to the provisions of Section 35.14-020, "Adopting New Zoning Ordinances and Maps," of the Land Use and Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated (date of Board of Supervisors Approval), which redesignates Assessor's Parcel Number 097-380-022 from U, Unlimited Agriculture, 10 acres minimum parcel size, to AG-II-100, Agriculture, 100 acres minimum parcel size, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 4:

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

PETER ADAM, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO
Clerk of the Board of Supervisors

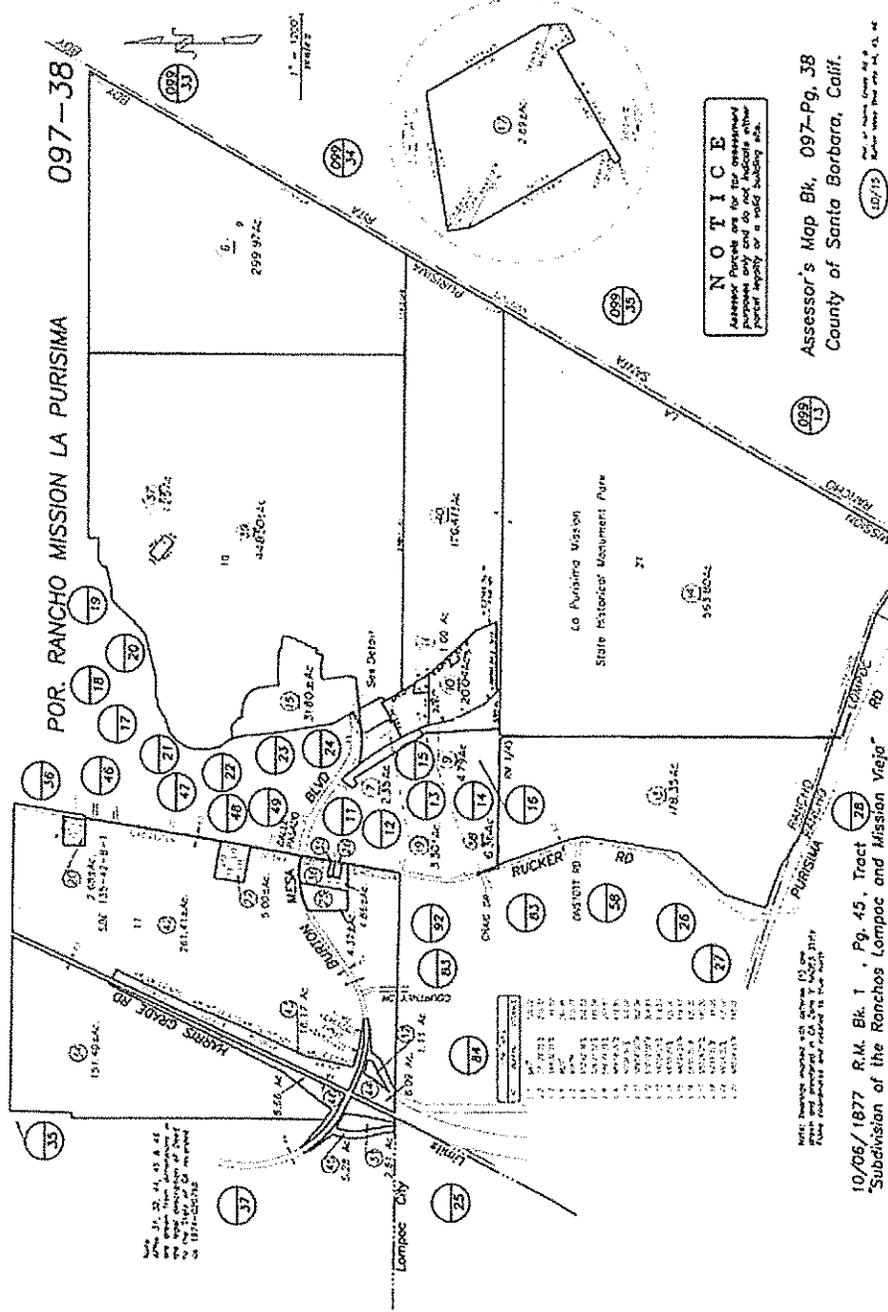
By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By _____
Deputy County Counsel

Exhibit A



Assessor Parcel Number 097-380-022
 Rezone from "U", Unlimited Agriculture to AG-II-100,
 Agriculture, 100 acre minimum parcel size

ATTACHMENT D: Conditions of Approval
Verizon at Mission Baptist Church Rucker Road
15CUP-00000-00010 and 15RZN-00000-00010

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked A-I, dated February 10, 2016, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is a request by Melissa Samarin, Sequoia Deployment Services, agent for Verizon Wireless, for a Conditional Use Permit to allow construction and operation of an unstaffed telecommunications facility, in compliance with Sections 35.82.060 and 35.44 and to rezone 5 acres from U under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code. The facility would be located within a 900 sq. ft., fenced lease area at 3625 Rucker Road.

The proposed new telecommunications facility would include nine (9) panel antennas (3 per sector) and a microwave dish mounted at 35 feet. The antennas would be mounted on a new 50 ft. tall antenna support structure designed to resemble a Eucalyptus tree, with the antennas mounted at a height of 46 ft. The antennas would be operating in cellular, Personal Communications System (PCS), and Long Term Evolution (LTE) bandwidths. The proposed facility would provide improved 4G service for the Lompoc area.

All support equipment for the facility would be located within the fenced lease area on a proposed 172 sq. ft. concrete slab which includes: 1) four equipment cabinets (DC power plant, two LTE cabinets, and one miscellaneous cabinet); 2) two GPS antennas; 3) two surge suppressors; 4) a generator box; 5) a fiber box; and, 6) a Tech Light, Meter, Intersect panel, and trenching for the hybrid cables. The 48kw generator would be located on a separate 50 square foot concrete slab. The new emergency generator would temporarily serve the facility in the event of a power failure.

The facility would be serviced by Pacific Gas and Electric and Verizon by a connection to existing utilities onsite. The proposed lease area would be secured by a 6 ft. high chain link fence with barbed wire. Access to the site would be provided by an existing 10 wide access easement over the existing parking area for the church accessed from Rucker Road. The project includes minimal grading (less than 50 cubic yards) for utility trenching and site preparation. With the exception of a switched tech light, no exterior lighting is proposed.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with

this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT SPECIFIC CONDITIONS

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approved plans (Case No. 15BAR-00000-00155). **TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Tel-01 Eucalyptus Tree Design.** The Permittee shall adhere to the following design specifications for the faux eucalyptus tree: branch foliage must vary in density, spacing, size and angle to avoid rigid symmetry; overall tree shape shall integrate with the context of the site; colors of the faux trunk and branches must be field-matched to blend with the existing vegetative backdrop and shall be non-reflective, of natural appearance, and the exterior surface of the faux trunk shall emulate the texture of a real tree; all antennas (panels, microwave), mounting brackets, and coaxial cables shall be completely screened from public view by the faux foliage and painted to match; branch foliage shall continue down the faux trunk so as to fully conceal the trunk from prominent public vantage points and the overall design shall substantially conform to and implement the visual effect represented in the photo simulations accompanying the project application.

PLAN REQUIREMENTS: Construction plans evidencing compliance with the faux eucalyptus tree specifications shall be submitted by the Permittee to P&D permit processing planner. **TIMING:** This condition shall be satisfied prior to issuance of Zoning Clearance.

5. **Tel-03 Colors and Painting.** The antennas and antenna support structure shall be finished in non-reflective materials (including painted surfaces) and shall be painted “Sherwin Williams SW6187 Rosemary”. The pre-fabricated equipment storage building shall be designed with a brown non-reflective aggregate finish in accordance with the approved BAR plans.

PLAN REQUIREMENTS: Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to issuance of Zoning Clearance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

6. **Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated switch light which limits

lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The light fixture shall be fully shielded, full cut off and downcast so as to avoid spillage onto adjacent areas and shall be kept off except when maintenance personnel are actually present at night.

PLAN REQUIREMENTS: The Permittee shall restate the lighting limitations on the construction plans. Plans for exterior lighting, if any are provided, shall be submitted to the County for review and approval. **TIMING:** This condition shall be satisfied prior to issuance of Zoning Clearance.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints.

7. **Tel-06 Underground Utilities.** Except as otherwise noted in the Project Description and development plans, all utilities necessary for facility operation, including coaxial cable, shall be placed underground. Conduit shall be sized so as provide additional capacity to accommodate utilities for other telecommunication carriers should collocation be pursued in the future.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans. **TIMING:** This condition shall be satisfied prior to issuance of the Zoning Clearance.

MONITORING: P&D staff shall check plans prior to issuance of Zoning Clearance.

8. **Tel-07 Vegetation Protection.** Existing vegetation should be preserved and protected to the maximum extent feasible throughout construction activities. Underground lines serving the facility shall be routed to avoid damage to tree root systems and any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. Trees or shrubs which are significantly damaged or subsequently die as a result of construction activities shall be replaced with those of a comparable size, species and density as approved by P&D staff. Graded areas, including trench routes, shall be reseeded with matching plant composition.

PLAN REQUIREMENTS: The Permittee shall restate the requirement for vegetation protection on the construction plans. **TIMING:** Fencing shall be installed prior the pre-construction meeting, and shall be in place during all ground disturbance and construction activities.

MONITORING: P&D compliance monitoring staff shall confirm fencing installation at the pre-construction meeting.

9. **Tel-08 FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (“FCC”), including but not limited to, safety signage, Maximum Permissible Exposure (“MPE”) Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Compliance shall be governed by the following:

- a. Permittee shall hire a qualified professional acceptable to the County (wholly independent of Permittee), to perform radio frequency (“RF”) field test that

measures actual RF electromagnetic exposure at the site. This RF field-testing shall measure all ambient sources of RF energy at the site & report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole. Measurements shall be made by the responsible professional who will author the report to the County. Report of the results and the author's/professional's findings with respect to compliance with federally established MPE standards shall be submitted to the County w/in 30 days of Final Building Clearance. Permittee shall pay for the cost of the field measurements and preparing the report. The facility shall cease & desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.

- b. Every 5 years, Permittee shall hire a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards. In the event the adopted RF standards change, Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards, w/in 90 days of the date the change becomes effective. If calculated levels exceed 80% of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site. Permittee shall pay for the cost of preparing the reports. For joint-carrier sites, cumulative reporting may be delegated to one carrier upon the agreement of all carriers at the site. Procedures, penalties & remedies for non-compliance with these reporting requirements shall be governed by the provisions of the Telecom Ordinance & FCC regulations.
- c. Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is w/in the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated in "1" above.

PLAN REQUIREMENTS: All building plans shall include provisions for MPE compliance. **TIMING:** Initial verification of compliance with RF public MPE standards shall be accomplished no later than 30 days following Final Building Clearance. Continued verification of compliance with MPE requirements shall be accomplished by RF field test reports submitted every 5 years following initial verification.

MONITORING: P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

10. **Tel-09 Project Review.** Five years after issuance of the Zoning Clearance for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the Project was initially approved.
- b. **Modification Limits.** The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for emissions compliance on all building plans. **TIMING:** Building permit valuation data shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee.

MONITORING: P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

11. **Tel-10 Collocation.** 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: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review, Mitigation Measures, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
12. **Tel-11 Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

PLAN REQUIREMENTS: The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility. **TIMING:** Notification of

changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.

13. **Tel-12 Site Identification.** The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.
TIMING: This condition shall be satisfied prior to Final Building Inspection Clearance.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

14. **Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.

15. **Tel-15 Agreement to Comply.** The facility owner and property owner shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to P&D. Such form may be obtained from the P&D office prior to issuance of the Zoning Clearance. The Owner/Applicant shall provide evidence that he/she has recorded the Agreement to Comply with Conditions.

16. **Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:

- a. Prior to issuance of the Zoning Clearance, the Permittee shall post a performance security. The security shall equal 10 percent of the installation value of the facility as determined at the time of granting the building permit. The performance security shall be retained until this condition is fully satisfied.
- b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist.
- c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

17. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find

in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of the Zoning Clearance, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 18. EM-01 Emergency Generator.** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a weekly basis for a period not to exceed 15 minutes. Non-emergency operation beyond 15 minutes per week shall be prohibited. **Timing:** The exercise period shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 15 minutes per week shall be prohibited.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.

- 19. Bio-01 Tree Protection Without a Tree Protection Plan.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all oak trees.

- a. Prior to the approval of a Zoning Clearance for grading or construction, all Oak trees shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
- b. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
- c. To help ensure the long term survival of Oak trees, no permanent irrigation systems are permitted within six feet of the dripline of Oak trees. Any

landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans.
TIMING: This condition shall be printed on project plans submitted for Zoning Clearance approval, and installed prior to Grading or Building Permit issuance.

1920. Noise-02 Construction Hours. The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries. **TIMING:** Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

2021. Bio-20 Equipment Washout-Construction. The Owner/Applicant shall designate one or more washout areas for the washing of concrete tools, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Zoning Clearance / Grading / Building permits. Building and Safety staff shall ensure compliance prior to and throughout construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

2122. Landscp-01 Landscape and Irrigation Plan. The Owner/Applicant shall have a licensed Landscape Professional prepare a Landscape and Irrigation Plan designed to screen the proposed facility.

PLAN REQUIREMENTS: The plan shall include the following:

- a. An agreement by the Owner to install required landscaping & water-conserving irrigation systems prior to final clearance.
- b. An agreement by the Owner to maintain required landscaping for the life of the project.
- c. Securities posted by the Owner for installation and maintenance securities per requirements in the Performance Securities condition. Specify the amount and duration of installation and maintenance securities to ensure successful

- implementation of this plan by P&D if the Owner fails to do so.
- d. All landscape shall be with approved fire-resistant/retardant plantings.
 - e. All project landscaping shall consist of drought-tolerant native and/or low-water use/Mediterranean type species.
 - f. Project landscaping surrounding the proposed lease area shall adequately screen the project site from surrounding land uses.
 - g. Project landscaping shall be compatible with the character of the surroundings and the architectural style of the structure.
 - h. Applicable components of all other plans approved for the project.

TIMING: The Owner/Applicant shall (1) submit 4 copies of the Plan to P&D processing planner for review & approval prior to Zoning Clearance issuance, (2) enter into an agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for five (5) years, (3) Post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for five years, (4) Install landscape and irrigation prior to Final Building Inspection Clearance.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved plan are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory installation of all items in approved plans. The Leasee/owner shall demonstrate to compliance staff that the landscaping and irrigation have been established and maintained according to plans and agreements for a period of five (5) years, and have achieved the original goals of this condition. Compliance staff signature is required to release the installation security upon satisfactory installation of all items in the approved plans and maintenance security upon satisfactory completion of maintenance. If requirements have not been met, the plants or improvements shall be replaced and/or maintained (fed, repaired, trimmed) and the security held for another year. If the Applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property per approved plans.

2223. Landscp-01a Landscape for Life. The Leasee/Owner shall maintain landscaping for the life of the project. The Owner or designee shall permit the County to conduct site inspections a minimum of one time per year. **TIMING:** Prior to Zoning Clearance issuance the Owner/Applicant shall record a buyer notification that repeats the condition requirement above.

MONITORING: P&D compliance monitoring staff may conduct site inspections once per year if necessary to ensure that landscaping is maintained for the life of the project.

III. COUNTY RULES AND REGULATIONS

2324. Rules-03 Additional Permits Required. The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

- 2425. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 2526. Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 month following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
- 2627. Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].
- 2728. Rules-18 CUP and DVP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
- 2829. Rules-21 CUP Revisions-Change of Use.** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.
- 2930. Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 3031. Rules-23 Processing Fees Required.** Prior to issuance of the Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 3132. Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for Five (5) years of maintenance of the items. The

installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

- 3233. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 3334. Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans “This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval;
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
- 3435. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 3536. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the

event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

3637. Rules-37 Time Extensions-All Projects. The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.