



## Wireless Communications Facility Permitting Procedures

County of Ventura • Resources Management Agency • Planning Division  
800 S. Victoria Ave., Ventura, CA 93009 • 805/654-2488 • [www.ventura.org/rma/planning](http://www.ventura.org/rma/planning)

### **DEFINITION:**

A wireless communications facility is characterized as a use or structure that is situated on a legal lot and is the local point of interface between a wireless phone device and a wireless network. Most communications facilities consist of a support structure (tower/ pole/ monopine/ monopalm/ monoelm/ other) and accessory equipment (antenna array/ microwave dishes/ GPS antenna/ equipment shelter/ cabinet etc).

§8105-4 of the Ventura County Non-Coastal Zoning Ordinance and §8174-4 of the Coastal Zoning Ordinance require a Planning Director Approved Conditional Use Permit for wireless communications facilities located on all lots in the unincorporated areas of Ventura County. The following information discusses current County permit processing procedures and application requirements for these facilities.

## **STEPS IN PROCESSING AN APPLICATION FOR A WIRELESS COMMUNICATIONS FACILITY**

### **A. APPLICATION SUBMITTAL**

Once you have completed all application forms and requirements (see Filing Requirements for Communication Facilities in Ventura County), and paid all the required fees for permit processing you may formally submit your project application to the Planning Division. Your application must be submitted to the Planning Division Public Counter between the hours of 7:30 AM and 4:00 PM, Monday through Friday.

A complete application shall be submitted to the Planning Division and includes;

1. Submittal of all materials noted in this packet.
2. Submittal of all required permit processing fees related to the proposed project (see [County Fee Schedule](#) for current rates) and
3. Payment of all outstanding balances that the applicant and/or communication carrier that you are representing may owe to the County from past projects.

### **B. APPLICATION SUBMITTAL FILING FEES**

An application for a land use permit must be accompanied by submittal of the current Filing Fee deposit (see [Planning Division Fee Schedule](#)). All fees are deposited in a permit account against which **various** County Agencies will charge staff time during the processing of your application. If submittal filing fees

remain after processing of the permit application, a refund will be issued. **Processing costs are most always higher than the submittal deposit; in such a case, you will be billed for an amount of the additional charges on a monthly basis.**

In addition, all deposit fees must be paid at the time of filing the initial discretionary permit application. Also, all outstanding processing fees owed by the communications carrier requesting the subject discretionary permit must be paid prior to an application being set for a public hearing.

**PLEASE BE AWARE THAT ALL BILLING STATEMENTS FOR WORK PERFORMED IN THE PROCESSING OF THE CONDITIONAL USE PERMIT WILL BE SENT TO THE ACCOUNTS PAYABLE DEPARTMENT OF THE WIRELESS COMMUNICATIONS CARRIER. IT IS THE RESPONSIBILITY OF THE CONSULTANT, AGENT, APPLICANT, ETC. TO CONTACT THE ACCOUNTS PAYABLE DEPARTMENT OF THE WIRELESS COMMUNICATIONS CARRIER TO VERIFY PAYMENT STATUS FOR ANY OUTSTANDING FEES DUE TO THE COUNTY FOR EACH DISCRETIONARY PERMIT APPLICATION. PLEASE NOTE THAT NO PERMITS WILL BE ISSUED UNTIL ALL FEES ARE PAID.**

Please note that the Ventura County Planning Division Fee Schedule item No. 14 Treatment of Parties with Past Delinquent Accounts states that, “All fees, charges, and deposits submitted by parties owing RMA money will be applied first to unpaid bills of more than 30 days and thereafter to the current application request”.

### **CODE ENFORCEMENT RELATED CHARGES**

If an application is being submitted to correct a code or permit condition violation, all staff charges related to the violation case must be paid as a part of the submittal of a new or modified permit application.

### **C. ENVIRONMENTAL DOCUMENT**

Most wireless communications facility applications are determined to be Categorically Exempt under Article 19, Section 15300 of the CEQA Guidelines. However in some instances a Negative Declaration or Mitigated Negative Declaration is the environmental document which is used to describe the impacts of the project; no separate environmental document fees will be charged. Time spent in preparing the environmental document will be charged against your application deposit and be tracked separately. All charges will appear on the applicant's billing statement.

Additionally, most applicants requesting a discretionary permit are encouraged to file a CEQA Notice of Exemption. This notice is filed after permit approval and before the Zone Clearance is issued; a \$50.00 fee must be submitted to the Planning Division by the applicant prior to recordation. The purpose in filing the Notice of Exemption is to reduce the CEQA challenge period from 180 days to 35 days.

#### **D. APPLICATION REVIEW AND ENVIRONMENTAL DOCUMENT DETERMINATION**

After the County Planning Division receives your permit application (with all required deposits, reimbursement agreements and other mandated materials), County Planning staff, in conjunction with other agency staff, will have 30 days to review the application and determine whether or not it is complete (i.e. all requested information has been submitted and found to be in an acceptable form). Once the application has been deemed complete for processing, the case planner schedules the application to appear before the New Case Committee. The New Case Committee determines which California Environmental Quality Act (CEQA) document will be prepared for the proposed project and comments on various code standards, policy issues and any other related matters that may affect the project. Unless the proposed project is exempt from CEQA, the case planner will prepare an "Initial Study" (Preliminary Environmental Review) of the proposed project. The Initial Study will be used to determine if a Negative Declaration (a statement that the project in question will not result in a significant environmental impact), a Mitigated Negative Declaration (a statement that all significant environmental impacts will be mitigated through specific conditions proposed for the project and agreed to by yourself), or an Environmental Impact Report (a report discussing all significant environmental impacts of the proposed project and possible mitigation measures and alternatives if required for the project) is required for the project

Prior to public release of an MND, all potentially significant environmental effects must be mitigated through identified mitigation measures that have been agreed to in writing by the applicant. If inadequate information is available to make a significance determination, or it appears that an environmental impact cannot be reduced to a less than significant level, then an Environmental Impact Report would be required.

#### **E. ENVIRONMENTAL DOCUMENT PREPARATION AND REVIEW**

Once the decision has been made as to which environmental document will be applicable, Planning staff will prepare the document if it is a Categorical Exemption, Negative Declaration (ND) or a Mitigated Negative Declaration (MND). If an Environmental Impact Report (EIR) is required, an EIR deposit fee will be required and County staff or a private consultant will be selected from the County's approved list of environmental consulting firms or from other, more

specialized firms to prepare the document. A deposit to cover the consultant's cost estimate for the EIR will be required prior to its preparation (see Environmental Document Fees).

If an EIR is prepared, it is distributed for public and staff review and comment. During the public review period, the County's Environmental Report Review Committee (ERRC) will hold one or more public hearings to receive public input and make a recommendation to the decision making body regarding the adequacy and completeness of the document.

## **F. FINAL DETERMINATION ON THE PERMIT**

Planning Director approved Conditional Use Permits: All wireless communications facilities in the unincorporated areas of Ventura County are either approved or denied after a publicly noticed administrative hearing. Following the hearing, the Case Planner assigned to your project will prepare a decision letter to you with the appropriate conditions (in the case of approval) as previously reviewed by you and the various County agencies involved. The letter and conditions will be forwarded to the Planning Director, or their designee, for review and signature. In order for your permit request to be approved by the Planning Director, your requested use must demonstrate compatibility with the surrounding property uses and the land uses of the area in general. Upon signature by the Planning Director, you will receive a copy of the approval letter and all conditions and requirements applied to your project. This is the official record of action taken by the County of Ventura Planning Division.

Once the project has been approved by the Planning Director or their designee, all items that are required to be submitted to the Planning Division must be accomplished ***Prior to the issuance of the Zone Clearance***. Your approved conditions and project Approval Letter will inform you of what *Prior to Zone Clearance* items are required for submittal.

Any outstanding fees that may be owed by the project applicant must be paid prior to the issuance of the Zone Clearance. In addition, all fees, charges, and deposits submitted by parties owing RMA money must be paid in full prior to the issuance of the Zone Clearance. Please check with Resource Management Agency Accounting Division at (805)-654-3670 prior to application submittal to determine if there are outstanding fees owed to other land use permits, which the wireless communication carrier/provider that your project is representing may owe.

## **G. APPEALS**

Any party who is aggrieved by the decision and/or conditions imposed by the Planning Director, may appeal the decision or conditions to a higher appeal body.

There is a fee for processing an appeal request. The procedure for appeal is as follows:

*Planning Director Approved Permits:* After a decision has been made by the Planning Director on your project, you or any aggrieved party in disagreement with the decision may file an appeal to the County Planning Commission within ten (10) calendar days from the date of the decision. A date will be set for a hearing before that body, at which time evidence may be presented relative to the appeal. The Planning Commission will then make a determination to either uphold or deny the appeal. You or any aggrieved party would have the option of appealing the Planning Commission decision to the Board of Supervisors within ten (10) calendar days following the Planning Commission decision.

#### **H. ZONING CLEARANCE AND BUILDING PERMITS**

Once your project is approved, all fees and outstanding balances are paid in full and all the “prior to zone clearance” items have been accomplished, you must obtain one or more Zoning Clearances from the Planning Division. The Zoning Clearance for use inauguration signifies that the project has met all zoning ordinance and applicable project conditions and Conditional Use Permit requirements up to a specific point in time. A Zoning Clearance can allow you to apply for a Building Permit from the Building and Safety Division or other similar construction permits required before operations associated with your project can commence. To determine whether permits are required from County agencies other than the Planning Division, and to determine the steps involved in obtaining these permits, we recommend you contact the responsible agencies for their details.

#### **I. MUNICIPAL ADVISORY COMMITTEE (MAC)**

When a proposed project occurs within an area of the County that has been designated with an area plan that project must additionally be reviewed by the local Municipal Advisory Committee (MAC). Each MAC is comprised of a group of local individuals that discuss and make recommendations concerning the proposed project based on the project’s description, design, general appeal to the surrounding area. At times the applicant may be asked to attend the MAC meeting to provide additional information or answer questions for the MAC.