

ATTACHMENT 2**ORDINANCE NO. 5020****AN ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE TO REDUCE THE VISUAL IMPACT OF WIRELESS COMMUNICATION FACILITIES**

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

SECTION I

Subsection (3) of Subdivision (c) of Section 13.10.661 of the Santa Cruz County Code is hereby amended, to read as follows:

(3) Exceptions to Restricted Area Prohibition. Wireless communication facilities (WCFs) that are co-located upon existing wireless communication facilities/towers or other utility towers/poles (e.g., P.G.&E. poles), and which do not significantly increase the visual impact of the existing facility/tower/pole, are allowed in the restricted zoning districts listed in (c)(1) above. Proposed new wireless communication facilities at co-location multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennae equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. Applicants proposing new non-located wireless communication facilities in the Restricted Areas must submit as part of their application an Alternatives Analysis, as described in Section 13.10.662(c) below. In addition to complying with the remainder of Sections 13.10.660 through 13.10.668 inclusive, non-located wireless communication facilities may be sited in the restricted zoning districts listed above only in situations where the applicant can prove that:

(A) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and

(B) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited and restricted areas identified in Sections 13.10.661(b) and 13.10.661(c)) that could eliminate or substantially reduce said significant gap(s).

SECTION II

Subdivision (g) of Section 13.10.661 of the Santa Cruz County Code is hereby amended, to read as follows:

(g) Co-Location. Co-location of new wireless communication facilities into/onto existing wireless communication facilities and/or existing telecommunication towers is generally encouraged if it does not create significant visual impacts. Proposed

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new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennaequipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. Co-location may require that height extensions be made to existing towers to accommodate additional users, or may involve constructing new multi-user capacity towers that replace existing single-user capacity towers. Where the visual impact of an existing tower/facility must be increased to allow for co-location, the potential increased visual impact shall be weighed against the potential visual impact of constructing a new separate tower/facility nearby. Where one or more wireless communication tower/facilities already exist on the proposed site location, co-location shall be required if it will not significantly increase the visual impact of the existing facilities, or result in more than nine total individual antenna panels and/or three above-ground equipment enclosures/shelters located on the same parcel, unless the applicant can prove that the proposed additional antennaequipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. This may require that the existing tower(s) on the site be dismantled and its antennas be mounted upon the new tower, particularly if the new tower would be less visually obtrusive than the existing tower(s). If a co-location agreement cannot be obtained, or if co-location is determined to be technically infeasible, documentation of the effort and the reasons why co-location was not possible shall be submitted.

SECTION III

Subsection (2) of Subdivision (a) of Section 13.10.663 of the Santa Cruz County Code is hereby amended, to read as follows:

(2) Co-location. Co-location is generally encouraged in situations where it is the least visually obtrusive option, such as when increasing the height/bulk of an existing tower would result in less visual impact than constructing a new separate tower in a nearby location. However, proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures.

SECTION IV

Subdivision (9) of Subdivision (a) of Section 13.10.663 of the Santa Cruz County Code is hereby amended, to read as follows:

(9) Visual Impacts to Neighboring Parcels and Public Schools. To minimize visual impacts to surrounding residential uses and public primary or secondary schools, the base of any new freestanding telecommunications tower or buildinghoof-mounted wireless communication facility shall be set back from the property line of any residentially zoned parcel, or the property line for any public primary or secondary school, a distance equal to five times the height of the tower if mounted upon a telecommunications tower, or a minimum of 300 feet, whichever is greater. This requirement may be waived by the decision making body if the applicant can prove that the wireless communication facility will be camouflaged or otherwise made inconspicuous such that visual impacts are not created, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section 13.10.661(b) and 13.10.661(c).

SECTION V

Subsection (12) of Subdivision (b) of Section 13.10.663 of the Santa Cruz County Code is hereby amended, to read as follows:

(12) Facility and Site Sharing (Co-Location). New wireless communication towers should be designed to accommodate multiple carriers, and/or to be readily modified to accommodate multiple carriers, so as to facilitate future co-locations and thus minimize the need to construct additional towers, if it will not create significant visual impacts. Proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennadequipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-locatiomulti-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. New telecommunications towers should be designed and constructed to accommodate up to no more than nine (9) total individual antennas, unless the applicant can prove that the additional antennadequipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. New wireless communication facility components, including but not limited to parking areas, access roads, and utilities should also be designed so as not to preclude site sharing by multiple users, as technically feasible, in order to remove potential obstacles to future co-location opportunities. The decision making body may require the facility and site sharing (co-location) measures specified in this section if necessary to comply with the purpose, goals, objectives, policies, standards, and/or requirements of the General Plan/Local Coastal Program, including Sections 13.10.660 through 13.10.668 inclusive and the applicable zoning district standards in any particular case. However, a wireless service provider will not be required to lease more land than is necessary for the proposed use. If room for potential future additional users cannot, for technical reasons, be accommodated on a new wireless communication tower/facility, written justification stating the reasons why shall be submitted by the applicant. Approvals of wireless communication facilities shall include a requirement that the owner/operator agrees to the following co-location parameters:

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(A) To respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

(B) To negotiate in good faith for shared use of the wireless communication facility by third parties; and

(C) To allow shared use of the wireless communication facility if an applicant agrees in writing to pay reasonable charges for co-location.

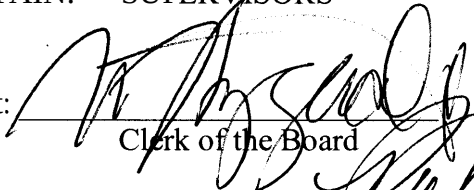
SECTION VI

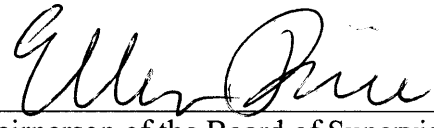
This ordinance shall become effective in areas outside the Coastal Zone on the 31st day following adoption, and upon certification by the Coastal Commission for areas inside the Coastal Zone.

PASSED AND ADOPTED this 21st day of October 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Beautz, Campos, Coonerty, Stone & Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

Attest:


Clerk of the Board


Chairperson of the Board of Supervisors

APPROVED AS TO FORM:


Deputy County Counsel

DISTRIBUTION: County Counsel, CAO, Planning Department

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

Ad No.: 01541257

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

I, Mary Pipo,
hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

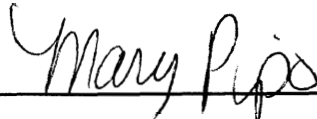
Legal Notice; PUBLIC NOTICE

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit:

October 25, 2008

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the

October 25, 2008



Mary Pipo, Legal Clerk

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 5020, adopted on Oct. 21, 2008 has been duly published in accordance with Section 25124 of the Government Code.

Tess E. Fitzgerald,
Supervising Board Clerk

By: 

PUBLIC NOTICE

ADOPTED ORDINANCE NO. 5020
(SUMMARY)

(Pa) NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting of the Santa Cruz County Board of Supervisors on October 21, 2008 adopted Ordinance No. 5020 Amending County Code Chapter 13.10 of the Santa Cruz County Code to Reduce the Visual Impact of Wireless Communication Facilities. This Ordinance was adopted by the following vote:

AYES: Beautz, Campos, Coonetty, Stone and Pirie
NOES: None
ABSENT: None
ABSTAIN: None

Copies of the full text of this Ordinance is available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California, 95060

Tess Fitzgerald
Chief Deputy Clerk

By: Alicia Murillo
Senior Board Clerk

Dated: October 22, 2008
October 25, 2008
01541257

"Proof of Publication must be filed with the County Clerk's Office within 30 days of the last publication date, pursuant to Civil Code Section 2466."