



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

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ALVIN D. JAMES, DIRECTOR

June 6, 2001

AGENDA: June 12, 2001

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

**SUBJECT: CONTINUED CONSIDERATION OF A DRAFT ORDINANCE
REGULATING WIRELESS COMMUNICATION FACILITIES,
CONSIDERATION OF AN INTERIM ORDINANCE REGARDING
WIRELESS COMMUNICATION FACILITIES AND CONTINUED
PUBLIC HEARING TO CONSIDER APPLICATION NOS. 99-0828,
00-0319 AND 00-0352 (TO CONSTRUCT WIRELESS
COMMUNICATION FACILITIES INCLUDING TOWERS AND
ACCESSORY BUILDINGS)**

Members of the Board:

On May 8, 2001, your Board considered a draft Wireless Communications Facilities Ordinance and three applications for facilities on the North Coast brought to your Board under special consideration by Supervisor Wornhoudt. Following public testimony, your Board took the following actions:

directed the Planning Department to report back on June 12, 2001, with a revised draft of the Wireless Communication Facilities ordinance, based on the comments of the public and the Board, and

continued the three applications until May 22, 2001, and directed County Counsel to prepare a report regarding the options available to the Board and their legal ramifications.

Included in your Board's action on May 8, 2001, was a direction that Planning staff prepare responses to the comments made by the public and the Board on the draft ordinance. Staff

was also directed to investigate the possibility of designating certain areas of the unincorporated area of the County as places where wireless communication facilities would be appropriately considered at a lower level of review if all performance criteria were met (see Minute Order of May 8, 2001 - Attachment 1).

On May 22, 2001, your Board considered the report of County Counsel. Following discussion by your Board and public input, you directed Planning staff to return on June 12, 2001, with an interim ordinance regulating wireless communication facilities. Your Board indicated that this interim ordinance would be used to review the three pending applications, as well as any other applications that are submitted, while the permanent ordinance is being processed (see Minute Order of May 22, 2001 - Attachment 2). Your Board further indicated that the three applications would be remanded to the Planning Commission for this review should the interim ordinance be adopted.

The following report includes a revised draft Wireless Communication Facilities ordinance, responses to the comments on the May 8 draft ordinance, and a proposed Interim Ordinance.

DRAFT WIRELESS COMMUNICATION FACILITIES ORDINANCE

The proposed ordinance (Attachment 3) consists of the draft Wireless Communication Facilities Ordinance that your Board preliminarily considered on May 8, 2001, with revisions that were suggested by your Board and others, including representatives of the Friends of the North Coast and representatives of the wireless industry.

Since the May 8, 2001 Board of Supervisors meeting, the County's *ad hoc* Telecommunication Facilities Policy Advisory Group met for a third time to review changes to the draft ordinance that had been suggested by speakers at the May 8, 2001, public hearing. At this third meeting, representatives gave feedback about the latest changes to the draft ordinance and suggested additional changes. Some of those suggestions have been incorporated into the version of the ordinance before you today.

Table 1 below summarizes the proposed required levels of review for different types of wireless communication facility projects in different areas of the County, as revised since the May 8, 2001, Board of Supervisors meeting. The primary change is that, as directed by your Board, all new wireless communication facilities subject to the ordinance will require a Level V review (e.g., with a public hearing before the Zoning Administrator).

Staff is still proposing that wireless communication facilities be appropriately regulated, and in some cases prohibited, in the urban residential zoning districts (R-1, RM, and RB), in mobile home parks, on historical sites and in environmentally sensitive areas (combining zone districts MH, L, and SP). Exceptions have been included to allow co-located facilities on public buildings and in these areas if there are no other alternatives

for coverage in the area, following a review of the alternatives analysis:

Because the GP/LCP designates the North Coast area as an area of unique and important visual resources (GP/LCP Section 5.10), a new provision is proposed that would prohibit new wireless communication towers between the coastline and the first through public road in this area (within the Bonny Doon and North Coast Planning Areas). Exceptions to this prohibition would be allowed for instances where the proposed facility will be co-located on an existing facility or when it has been determined through the alternatives review process that there are no other alternatives.

Table 1: SUMMARY OF RESTRICTIONS AND REQUIRED LEVEL OF REVIEW FOR PROPOSED NEW WIRELESS COMMUNICATION FACILITIES

Type of Proposed Wireless Communication Facility	R-1, RM, RB, MH, L, & SP Zones (see below for descriptions of zoning designations)	In the Bonny Doon and North Coast Planning Areas Between Coastline and First Public Through Road-	All Other Areas
Non-Camouflaged Structure, or	Not Permitted,	Not Permitted,	Level V
Camouflaged Structure, or Ground-Mounted	Level V	Not Permitted,	Level V
Telecommunication Towers,	Not Permitted,	Not Permitted,	Level V
Co-Located, Facilities	Level V	Level V₆	Level V

NOTE: V Review = Zoning Administrator approval, with noticing of property owners within 300 feet of subject property and a public hearing required

1. Roof or façade mounted antennas (on buildings, water tanks, etc.)
2. Antennas mounted directed directly on the ground, or to a mast or pipe that extends no more than 5 feet from the ground (not including the antenna itself).
3. "Telecommunication Towers" include any monopole, lattice tower, and/or mast that supports one or more antenna.
4. New antennas attached to existing towers or ground/structure mounted antennas.
5. Permitted with Level V review if feasible alternatives are available.
6. On existing structures or towers only.

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Restricted Zoning Designations:

R-1 : Single Family Residential

RM: Multi-Family Residential

RB: Ocean Beach Residential

L: Historic Landmark Combining/Overlay Zone

MH: Mobile Homes Combining/Overlay Zone

SP: Salamander Protection Combining/Overlay Zone

Although the draft ordinance before your Board requires a Level V review for all new wireless communication facilities, staff continues to support the idea that some wireless communication facilities could be processed at a lower level of review depending upon the location, design and impact of the particular facility. A common aspect of many other wireless communication facilities ordinances is that co-located and stealthy facilities are processed as administrative permits, thereby creating an incentive for the service providers to propose those types of facilities. It also reduces the workload on staff and the approving bodies.

Next Steps - If your Board conceptually approves the attached ordinance, Planning staff will begin the amendment process. This process includes a CEQA review and public hearings before the Planning Commission and the Board of Supervisors. Following Board action on this matter, the California Coastal Commission will have to review the ordinance changes prior to implementation. This process is expected to take 6-10 months to complete.

RESPONSE TO COMMENTS

On May 8, 2001, your Board received a number of comments, including a letter from Celia Scott, regarding the proposed wireless communication facilities ordinance. In addition, your Board commented on various aspects of the draft ordinance and directed Planning staff to respond to all of the comments. The responses to these comments are presented below.

Response to letter of Celia Scott (Attachment 5):

Section (d) - Definitions - These comments have been addressed through the revision to the level of review table to eliminate a category of location for the review of wireless communication facilities. In addition, specific findings requiring consistency with the County General Plan/Local Coastal Program (GP/LCP) are included.

Section (f) - General Requirements - The reference to the need for a coastal zone permit has been amended. Security fencing and other measures are included in the performance standards, but signs warning the public of NIER exposure are not required due to

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conflicts with provisions with FCC regulations.

Section (h) - General Development/Performance Standards - References to consistency with the GP/LCP are included as well as reference to all of the requirements of the Coastal Act. There are no current limits on height for commercial radio and television towers and none is proposed for these uses. A performance standard has been added that limits the height to the maximum height necessary to provide the services proposed, based on an analysis of the alternatives required for these types of uses. One thousand foot setbacks from residential areas or justification is necessary under revised language.

Section (i) - NIER Exposure - The FCC occupies the area of NIER regulation in its entirety. Therefore, the draft ordinance has been revised to delete the 400-foot distance and, instead, proposes that the provider demonstrate compliance with the FCC regulations prior to permit issuance, by July 1 following start-up and every other year thereafter.

Section (j) - Required Level of Review - The revised ordinance requires a Level V permit for all new facilities regardless of location or type of facility. The ordinance also includes a prohibition of new facilities between the ocean and the first through public road paralleling the ocean in the North Coast area of the County, except where the proposed facility is co-located on an existing building or wireless communication facility, or where there are no alternatives to providing service in a particular area (based on the alternatives analysis).

Marilyn Garrett expressed a concern over the health effects of NIER exposure. As discussed above, the County has no authority to weigh these impacts in the decisions regarding wireless communication facilities.

Bill Parkin expressed concerns regarding stealthy facilities and echoed Ms. Scott's concerns regarding the placement of facilities between the ocean and the first through road. The ordinance continues to strongly support stealth facilities.

Martin DeMere expressed similar concerns as Ms. Scott and Mr. Parkin, and also thought that the NIER analysis should include the cumulative effects of facilities in the area. He also had concerns regarding some of the vague language such as 'to the extent feasible, etc.' The revised ordinance eliminates the vague language and requires the NIER analysis to include a cumulative assessment.

Supervisor Beautz wanted to have all of the facilities subject to a public hearing by the Zoning Administrator. This has been included in the revised ordinance.

Your Board directed, upon the request of Supervisor Wormhoudt, that staff examine the feasibility of establishing specific locations where wireless communication facilities

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could be located, either as co-located facilities or as groups of facilities, that would not present visual or other deleterious impacts, and which could be processed at a lower level of review if all performance standards were met. Staff has begun to research this idea but has not completed the review. One of the problems in conducting this review is that staff only has locational data from three of the providers in the County. There are at least three other providers in the County and their existing and planned networks are not yet known. Without this information, staff cannot complete the assessment. Therefore, staff intends to complete this assessment as a part of the ordinance processing. Any alternatives developed as a result of this assessment will be presented to the Planning Commission during the ordinance review for a recommendation to your Board.

INTERIM ORDINANCE

On May 22, 2001, your Board considered the three applications (Application Nos. 99-0828, 00-03 19 and 00-0352) and a report from County Counsel regarding the Board's options regarding the continued processing of these applications. As indicated above, your Board directed Planning staff to return on this date with an interim ordinance regulating wireless communication facilities for your Board's consideration and possible adoption. It was your Board's intent to remand the three applications to the Planning Commission for review and public hearing under the authority of the interim ordinance.

Staff has prepared an Interim Ordinance to regulate wireless communication facilities for your Board's consideration. The proposed Interim Ordinance incorporates all of the language from the draft ordinance. Should your Board make changes to the draft ordinance, identical changes to the Interim Ordinance is necessary for consistency.

Government Code 65858 authorizes the Board of Supervisors to enact interim ordinances while permanent ordinances are being processed. The initial enactment of an interim ordinance is valid for 45 days. The ordinance can be extended by the Board for 10 months and 15 days (a total length of 1 year) if the ordinance is re-enacted following a legally noticed public hearing. Your Board's impending July recess makes it impossible to re-enact the Interim Ordinance within the 45 day period if you were to adopt it today. Instead, it is recommended that your Board defer action on the proposed Interim Ordinance until June 26, 2001. At that time, your Board could adopt the proposed Interim Ordinance (with any additional modifications) and schedule a public hearing for August 7, 2001, following your recess.

In the meantime, the three applications will be evaluated under the Interim Ordinance and presented to the Planning Commission at the earliest possible time following enactment by your Board on June 26, 2001.

PENDING APPLICATIONS

As indicated above, your Board continued its review of these applications pending your consideration of a proposed interim ordinance. If it is your Board's intent to adopt an interim ordinance to regulate wireless communication facilities while staff processes the permanent ordinance, you should take formal action to remand the applications to the Planning Commission (or Zoning Administrator) for review under the authority of the interim ordinance.

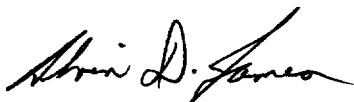
CONCLUSION AND RECOMMENDATION

Staff has prepared revisions to the Draft Wireless Communications Facilities Ordinance based on the input from Board members, the service providers and the public. Staff has also provided responses to the various comments received at the May 8, 2001, meeting and has addressed the Board's request regarding a county-wide locational assessment. An Interim Ordinance has been prepared for the Board's consideration that, if adopted, would regulate wireless communications facilities in the County until the permanent ordinance is adopted.

It is, therefore, RECOMMENDED that your Board:

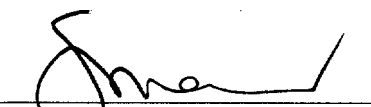
1. Approve the draft Wireless Communication Facilities Ordinance (Attachment 3) and direct Planning staff to process the ordinance amendment, and return to the Board with a final ordinance for your consideration following environmental review and action by the Planning Commission; and
2. Continue consideration of the Interim Ordinance until June 26, 2001; and
3. Continue Application Nos. 99-0828, 00-03 19 and 00-0352 (To Construct Wireless Communication Facilities Including Towers and Accessory Buildings) to June 26, 2001, with the intent to remand these applications for review by the Planning Commission under the requirements of the interim ordinance to be adopted on June 26, 2001.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



Susan A. Mauriello, CAO

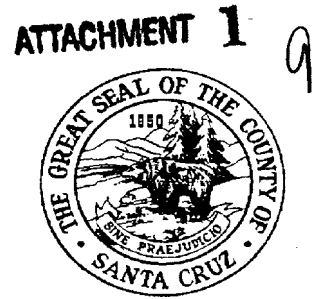
Attachments:

1. Minute Order, **no.54.1**
2. Minute Order, May 22, 2001, item no.91
3. Draft Wireless Communications Facilities Ordinance - Strikeout version
4. Draft Interim Wireless Communication Facilities
5. Letter of Celia Scott, dated May 7, 2001

cc: Franklin Orozco
Bill Par-kin
California Coastal Commission
Celia Scott
Sheriff Mark Tracy
Alex Kiener

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 8, 2001

REGULAR AGENDA Item No. 054.1

(CONSIDERED preliminary review of a wireless communication facilities ordinance and continued public hearing to consider Application Nos. 99-0828, 00-0319 and 00-0352 (to construct wireless communication facilities including towers and accessory buildings);
(1) continued to June 12, 2001 consideration of the proposed ordinance; referred Celia Scott's letter, public comments and Board Member comments made today to staff and asked that staff return with responses to those comments and any proposed changes to the ordinance and that in addition staff evaluate the feasibility of creating a countywide plan, perhaps with financial participation from providers, to determine the best plan to locate or co-locate facilities that would therefore facilitate easy approval of cell towers in the future if they meet performance standards;
(2) continued to May 22, 2001 consideration of Application Nos. 99-0828, 00-0319 and 00-0352 and directed County Counsel to report back on the status of the applications and further directed County Counsel to communicate with the applicant about their willingness to sign into a stipulation for a further deferral of consideration of the applications...

Considered preliminary review of a wireless communication facilities ordinance and continued public hearing to consider Application Nos. 99-0828, 00-0319 and 00-0352 (to construct wireless communication facilities including towers and accessory buildings);

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, the Board, by unanimous vote, continued to June 12, 2001 consideration of the proposed ordinance; referred Celia Scott's letter, public comments and Board Member comments made today to staff and asked that staff return with responses to those comments and any proposed changes to the ordinance and that in addition staff evaluate the feasibility of creating a countywide plan, perhaps with

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

COUNTY OF SANTA CRUZ

STATE OF CALIFORNIA

ATTACHMENT 1



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 8, 2001

REGULAR AGENDA Item No. 054.1

financial participation from providers, to determine the best plan to locate or co-locate facilities that would therefore facilitate easy approval of cell towers in the future if they meet performance standards;

Upon the motion of Supervisor Almquist, duly seconded by Supervisor Beautz, the Board, by unanimous vote, continued to May 22, 2001 consideration of Application Nos. 99-0828, 00-0319 and 00-0352 and directed County Counsel to report back on the status of the applications and further directed County Counsel to communicate with the applicant about their willingness to sign into a stipulation for a further deferral of consideration of the applications

cc:

CAO

County Counsel

Mark Deming, Planning

Planning Department

Franklin Orozco

California State Parks

M. Rodoni

California Coastal Commission

Celia Scott

Ben Hanelin

Big Creek Timber Co.

John Nellani

Michael Ortega

Jim Cochran

Sheriff Mark Tracy

Alex Kiener

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

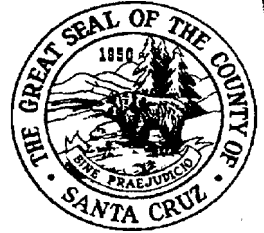
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44 by

Susan A. Mauriello

, Deputy Clerk, ON May 11, 2001.

COUNTY OF SANTA CRUZ ATTACHMENT 2
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 22, 2001

REGULAR AGENDA Item No. 091

(Continued public hearing to consider Application Nos. 99-0828, 00-0319 and 00-0352 (to construct wireless communication facilities, including towers and accessory buildings) on **APNs** 057-081-22, 059-033-03 and 059-121-08, respectively; directed Planning Department to return on June 12, 2001 with an interim ordinance for Board consideration that would establish standards and conditions to be used to review these applications and if the interim ordinance is adopted, these three applications will be scheduled for hearings before the Planning Commission in August 2001...

Continued public hearing to consider Application Nos. 99-0828, 00-0319 and 00-0352 (to construct wireless communication facilities, including towers and accessory buildings) on **APNs** 057-081-22, 059-033-03 and 059-121-08, respectively;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor **Beautz**, the Board, by unanimous vote, directed Planning Department to return on June 12, 2001 with an interim ordinance for Board consideration that would establish standards and conditions to be used to review these applications and if the interim ordinance is adopted, these three applications will be scheduled for hearings before the Planning Commission in August 2001

cc:

CAO

County Counsel

Planning

Mark Deming, Planning

Franklin Orozco

California State Parks

M. Rodoni

California Coastal Commission

Celia Scott

Ben Hanelin

Big Creek Timber Co.

John **Nellany**

State of California, County of Santa Cruz-ss.

I, Susan A. **Mauriello**, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

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REVISED DRAFT (from 5/8/01)
(Additions in *Italics*, Deletions in ~~Strikeout~~)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ ~~ADDING COUNTY CODE SECTION~~
~~13.10.659~~, ESTABLISHING DEVELOPMENT STANDARDS FOR WIRELESS
COMMUNICATION FACILITIES, ~~TO THE SANTA CRUZ COUNTY CODE~~

SECTION I

The Santa Cruz County Code is hereby amended by adding Section 13.10.659 to read as follows:

13.10.659 **REGULATIONS FOR THE SITING, DESIGN, AND CONSTRUCTION OF**
WIRELESS COMMUNICATION FACILITIES

(a) PURPOSE:

The purpose of this Section is to establish regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of this Section to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate-proliferation of wireless communication facilities, while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Santa Cruz County. It is also the purpose of this ordinance to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.

(b) FINDINGS:

- (1) The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.
- (2) General Order 159A of the Public Utilities Commission (PUC) of the State 'of California acknowledges that local citizens and local government are often in a better position than the PUC to measure local impact and to identify alternative sites. Accordingly, the PUC will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and Mobile Telephone Switching Offices (MTSOs) including' (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.

- (3) While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns where not preempted by federal statute or regulation.
- (4) In order to protect the public health, safety and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

(c) APPLICABILITY:

Facilities regulated by this ordinance include the construction, modification, and placement of all Federal Communication Commission (FCC) regulated amateur radio antenna, dish antennas and any antennas used for Multi-channel, Multi-point Distribution Services (MMDS) or "Wireless Cable" and personal wireless service facilities (e.g., cellular phone services, PCS - personal communication services, wireless paging services, wireless internet services, etc.). Wireless service facilities shall be subject to the following regulations to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services or (2) do not have the effect of prohibiting personal wireless services within Santa Cruz County.

(d) DEFINITIONS:

- (1) Antennas - Any system of wires, poles, rods, reflecting discs, flat panels, or similar devices used for the transmission or reception of electromagnetic waves ~~when such system is either external to or attached to the exterior of a structure~~
- (2) Cellular Service - A wireless telecommunications service that permits customers to use mobile telephones and other communication devices to connect, via low-power radio transmitter sites, either to the public-switched telephone network or to other fixed or mobile communication devices.
- (3) CEQA- California Environmental Quality Act
- (4) Co-located Facility - A communication facility comprised of a single tower (including P.G. & E. transmission *or other types of utility or water* towers) or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity. *Co-located facilities can consist of additions or extensions to existing towers that provide enough space for more than one user, or they can be new towers with more antenna space that replace existing smaller towers.*
- (5) Dish Antenna - Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.

- (6) Equipment Building, Shelter or Cabinet - A cabinet or building used to house equipment used by wireless communication providers at a facility.
- (7) FAA - Federal Aviation Administration
- (8) FCC - Federal Communications Commission
- (9) Ground-Mounted Wireless Communication Facility - Any antenna with its base placed directly on the ground (e.g., "popsicle stick" type), or that is attached to a mast or pipe, with an overall height of ~~that extends~~ *not exceeding sixteen (16) feet from the ground to the top of the antenna.*
- (10) "Minor Antenna" or "Minor Wireless Communication Facility" - means any of the following:
- (i) A ground- or building-mounted receive-only radio or television antenna ten (10) feet or less tall (including mast or pipe), and six (6) inches or less in diameter or width, and, for building mounted antennas, not exceeding the height limit for *non-commercial antennas in the zoning district, which is 25 feet above the zoning district's height limit for structures;*
 - (ii) A ground- or building-mounted citizens band radio antenna ten (10) feet or less tall (including mast or pipe), and six (6) inches or less in diameter or width, and, for building mounted antennas, not exceeding the height limit for *non-commercial antennas in the zoning district, which is 25 feet above the zoning district's height limit for structures;*
 - (iii) A single ground- or building-mounted whip (omni) antenna, without a reflector, less than four (4) inches in diameter whose total height, including any mast to which it is attached, is less than twenty (20) feet and, for building mounted antennas, does not exceed the height limit for *non-commercial antennas in the zoning district, which is 25 feet above the zoning district's height limit for structures;*
 - (iv) A single ground- or building-mounted panel antenna, utilizing stealth technology, with a face area of less than four and one-half (4%) square feet, not exceeding the height limit for the zoning district;
 - (v) A ground- or building-mounted satellite dish not more than three (3) feet in diameter for a residential zoned parcel, and six (6) feet in diameter for a commercial or industrial zoned parcel; or
 - (vi) A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, the height of which (including tower or mast) does not exceed the height limit for *non-commercial antennas the zoning district, which is 25 feet above the zoning district's height limit for structures.*

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The changes to the above section clarify overall height limits for minor towers/antennas.

- (11) MMDS – Multi-channel, Multi-point Distribution Services (also known as “wireless cable”)
- (12) MTSOs - Mobile Telephone Switching Offices
- (13) Monopole - A single pole-structure, usually 18” in diameter or greater, erected on the ground to support one or more wireless communication antennas and connecting appurtenances.
- (14) PCS - Personal Communications Services - Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
- (15) PUC - California Public Utilities Commission.
- (16) Stealth Technology/Techniques – Camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous or invisible.
- (17) Structure-Mounted Wireless Communication Facility - Any immobile antenna (including panels and directional antennas) attached to a structure, or mounted upon a roof.
- (18) Telecommunication Tower - A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
- (19) Visual Impact – A modification or change that could be incompatible with the scale, texture, form or color of the existing natural or man-made landscape.
- ~~(20) Visually Prominent Locations – Locations in or upon which a proposed telecommunication tower/facility would be a prominent feature in the public viewshed. These areas could include hillsides or slopes, areas along ridgelines, or in areas where the tower, even if not constructed along the ridgeline, would extend above the top of a ridge when viewed from a distance. Locations not on a hillside, slope or ridge (or extending above the view of a ridgeline) are not considered visually prominent locations for the purposes of this Section.~~

The above section was deleted because level of visual prominence is not a standard for evaluating visual impact in this version of the draft ordinance.

- (210) Wireless Communication Facility – A facility that supports the transmission and/or receipt of electromagnetic/radio signals. Wireless communication facilities include cellular radio-telephone service facilities; personal communications service facilities; specialized mobile radio service facilities and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals,

telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

(e) EXEMPTIONS:

The following are types of wireless communications facilities that are exempt from the provisions of this ~~Section~~ **chapter**, and may be allowed in any zoning district (~~however, note that even exempt facilities must comply with other portions of the County Code, including County zoning regulations~~).

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast, ~~provided the height of the antenna, including the tower, support structure, or post, does not exceed the height requirements of the zoning district.~~
- (2) A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service, ~~provided that its maximum height, including supporting structure/tower, does not ⁺ exceed the height requirements of the zoning district.~~

Language was removed from the two sections above because citizen band and amateur radio antennas must already comply with existing zoning regulations.

- (3) A ground- or building-mounted receive-only radio or television antenna which does not exceed the height requirements of the zoning district, or television dish antenna which does not exceed three (3) feet in diameter if located on residential property within the exclusive use or control of the antenna user.
- (4) A television dish antenna that is no more than six (6) feet in diameter and is located in any area where commercial or industrial uses are allowed by the land use designation.
- (5) Mobile services providing public information coverage of news events of a temporary nature (i.e., less than two-weeks duration).
- (6) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
- (7) Wireless communication facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g., County P&Gem-- 91 1 Emergency Services, police, sheriff, and/or fire departments, etc.).
- (8) Any "minor" antenna or facility described under Subdivision (d), part (10), **above**.

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(f) GENERAL REQUIREMENTS:

All wireless communications facilities, except for exempt facilities described in Subdivision (e) ~~above~~, shall comply with the following *requirements* ~~(however, note that even exempt facilities must comply with other portions of the County Code, including County zoning regulations)~~

- (1) Wireless communication facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards.
- (2) Wireless communication facilities shall generally be allowed on parcels in any zoning districts, ~~however, there are~~ *with a Level V review, except for certain restrictions in the following zoning 'districts (see Table 1): Single Family Residential (R-1), Multi-Family Residential (RM), Ocean Beach Residential (RB), and the Combining Zone overlays for Historic Landmarks (L), Mobile Homes (MH) and Salamander Protection areas (SP). In these zoning districts, no new wireless communication towers shall not be permitted, except for on publicly, or quasi-publicly, owned or controlled properties, where appropriate, or in situations where the applicant can prove that no potential alternative sites outside the restricted zoning district exist that would provide comparable coverage. However, other types of wireless communication facilities that utilize appropriate "stealth" techniques (e.g., In addition, camouflaged structure or camouflaged ground-mounted antennas), or facilities that are co-located onto existing towers, will may be permitted in these zoning districts, as indicated in Table 1, subject to Level V review,*

Language was added to the above section to clarify and provide greater discretionary flexibility.

- (3) *In order to protect scenic views of the coastline and ocean, new wireless communication towers/facilities are prohibited in areas that lie between the coastline and the first through public road parallel to the sea within the Bonny Doon and North Coast Planning Areas, with the following exceptions, subject to a Level V review:*
 - a. *Facilities that would be co-located on existing towers/facilities, or*
 - b. *New facilities where it can be proven by the applicant that there are no feasible alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.*

The section above was added to address concerns about visual impacts on the North Coast, while still allowing for flexibility to wireless service providers if there are no alternatives that would provide service to coastal areas.

- (43) All new wireless communication facilities shall be subject to a Wireless Communication Facilities Use Permit, and ~~possibly~~ also a Coastal Development Permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new towers and facilities.

- (54) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
- (65) Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply with adopted airport safety regulations for Watsonville Municipal Airport (County Code Section 13.12).
- (76) Wireless communication facilities shall be sited in the least visually obtrusive location **possible as is technically feasible**. See Number (87) below regarding increased visual impacts due to co-location,
- (87) Co-location shall be ~~strongly encouraged to the maximum extent feasible. While increasing the height or visual bulk/density of the existing tower is sometimes necessary for co-location, such increases in the existing tower's height or adding new antennas/panels may, or may not, significantly increase the visual impact of the tower. Co-located facilities can consist of additions or extensions to existing towers if necessary to accommodate additional users, or they can be new multi-user capacity towers that replace existing single-user capacity towers.~~ In all cases where co-location is being considered, ~~design alternatives~~ **co-location** that maintains the existing tower's **existing** level of visual impact ~~(or only slightly increases it)~~ shall be the preferred method. Where the visual impact of an existing tower must be **significantly** increased to allow for co-location, the potential increased visual impact will be weighed against the potential visual impact of constructing a new separate tower/facility nearby.
- (98) Inhabitants of the county shall be protected from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the Federal Communication Commission (FCC).

(g) APPLICATION REQUIREMENTS

All new wireless communication facilities, except for exempted facilities described under Subdivision (e) above, must receive a Wireless Communication Facility Use Permit, and are subject to the following application requirements:

- (1) Pre-Application Meeting. Prior to formal application submission, a Wireless Communication Facilities Pre-Application Review meeting shall be held with Planning Department staff. The applicant shall be required to pay a pre-application review fee, the amount of which is to be established by Resolution of the Board of Supervisors. The pre-application review meeting will allow Planning Department staff to provide feedback to the applicant regarding facility siting and design prior to formal application submittal.
- (2) Submittal Information. For all wireless communication facilities, except exempt facilities as described in Subdivision (e), the Planning Director shall establish and maintain a list of information that must accompany each application. Said information shall include, but may not be limited to:

- (i) The identity and legal status of the applicant, including any affiliates.
- (ii) The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the application information.
- (iii) The name, address, and telephone number of the owner, and agent representing the owner, if applicable, of the property upon which the proposed wireless communication facility is to be built and title reports identifying legal access.
- (iv) The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates (in NAD 83) of the proposed facility location on the site.
- (v) A narrative and map description of applicant's existing wireless communication facilities network and proposed/anticipated future facilities (*with precise latitude/longitude coordinates in NAD 83*) within both the unincorporated and incorporated areas of Santa Cruz County (*note: information regarding proposed network expansions will kept confidential by the County if identified in writing as trade secrets by the applicant*).
- (vi) A description of the wireless communication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within both the unincorporated and incorporated areas of Santa Cruz County.
- (vii) Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission (if applicable) to provide wireless communications services or facilities within the unincorporated areas of the County of Santa Cruz.
- (viii) Information sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Santa Cruz.
- (ix) ~~NIER (non-ionizing electromagnetic radiation) exposure studies (See section i below).~~ *Compliance with the FCC's non-ionizing electromagnetic radiation (NIER) standards or other applicable standards shall be demonstrated for any new wireless communication facility through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the area surrounding the proposed facility. This should also include a plan to ensure that the public would be kept at a safe distance from any NIER transmission source associated with the proposed wireless communication facility, consistent with the NIER standards of the FCC, or any potential future superceding standards.*

The change to the section above requires applicants, prior to project approval, to perform NIER calculations and specify measures that would ensure that the public is kept at a safe distance from the facility.

- (x) A *plan for* security considerations (e.g., proposed fences, locks, alarms, etc.).
- (xi) Facility design alternatives to the proposal, including a *summary* description of other potential facility types, with a short explanation as to why the proposed design/facility type was selected.
- (xii) Such other information as the Planning Director may reasonably require, including additional information specific to the County's Wireless Communication Facilities Geographic Information System (GIS).

~~Applications for proposed new wireless communication facilities that will not be co-located with existing facilities, or which will be co-located but will increase the visual impact of the existing facility (e.g., increased tower height), must include the following additional information:~~

The section above was deleted so that all applications will have to provide visual alternative site analyses.

- (xiii) A *detailed* visual simulation of the wireless communication facility shall be provided along with a written report from the installer showing all locations where an unimpaired signal can be received for that facility. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means. ~~In instances where the wireless communication facility is proposed to be located near or in a residential area,~~ Photo-simulations shall be submitted of the proposed wireless communication facility ~~from the nearest residential neighbors and/or locations from which the public would typically view the site, as appropriate.~~ ~~In instances where the wireless communication facility is proposed to be located along a scenic corridor, critical viewshed area or near a designated historic resource site or district, a detailed visual analysis of the facility shall be submitted.~~ The analysis shall ~~also~~ assess the cumulative *visual* impacts of the proposed facility and other existing and known/anticipated future wireless communication facilities in the area, and shall identify and include all *feasible potential* mitigation measures *for visual impacts*, consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

Changes to the above section address comments received by the public.

- (xiv) An alternative sites analysis ~~Except for exempt facilities as defined in Subdivision (e), an analysis~~ shall be ~~prepared~~ *submitted* by ~~or on behalf~~ of the applicant, subject to the approval of the appropriate decision making authority, which identifies ~~all~~ reasonable, technically feasible, alternative locations and/or facilities which would

provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies ~~which~~ *that* would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. ~~Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site and/or that the applicant has demonstrated that alternative locations have been examined and will not provide comparable coverage to the intended service area.~~ The County may require independent verification of this analysis at the applicant's expense. Where a wireless communication facility exists on, or in reasonable proximity to, the proposed site location, co-location shall be ~~pursued to the maximum extent feasible~~ *strongly encouraged, particularly if it will not increase the visual impact of the existing facility.* 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 and reviewed by the Planning Director.

Changes to the section above provide clarification and remove redundancies with subsequent sections.

The Planning Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

- (3) Amendment. Each applicant/registrant shall inform the County, within thirty (30) days of any change of the information required pursuant to this Subdivision.
- (4) Technical Review. The applicant will be notified if an independent technical review of any submitted technical materials is required. The Planning Director, ~~upon agreement of the applicant,~~ may employ, on behalf of the County, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Subdivision and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review. ~~Any~~ *If clearly marked as such by the applicant,* any trade secrets or proprietary information disclosed to the County, the applicant, or the expert hired shall remain confidential and shall not be disclosed to any third party.
- (5) Fees. Fees for review of all Wireless Communication Facilities Use Permits shall be established by Resolution of the Board of Supervisors.

(h) GENERAL DEVELOPMENT/PERFORMANCE STANDARDS:

(1) Site Location

Except exempt facilities as described in Subdivision (e), the following criteria shall govern appropriate locations for wireless communication facilities, including dish antennas and Multi-channel, Multi-point Distribution Services (MMDS)/wireless cable antennas, ~~except exempt facilities as described in Subdivision (e) above~~ and may require an alternative site other than the site shown on an initial permit application for a wireless facility:

- (i) Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses to the greatest extent feasible, and shall minimize impacts on public views to the ocean. *Support facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, so as to minimize visual impact.*
- (ii) ~~Co-location is strongly encouraged when it will not significantly increase the visual impact and discouraged in cases when it will increase visual impact of the existing facility (e.g., increase tower height by more than 10 feet, or significantly increase visual bulk/density). Moreover, co-location will generally be is~~ strongly encouraged in any situation where it is the least visually obtrusive option, ~~such as (e.g., when increasing the height/bulk of an exiting tower would create less visual impact than constructing a new separate tower in a nearby location). All new wireless communication towers shall be designed to accommodate multiple carriers to the greatest extent feasible, so as to facilitate future co-locations and thus minimize the need to construct additional facilities/towers.~~

Changes to the section above provide clarification and remove redundancies with subsequent sections.
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- (iii) Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or adverse visual impacts.
- (iv) ~~In areas designated in the General Plan as visually sensitive or other visually prominent locations as defined in Subdivision (d)~~ Wireless communication facilities shall be sited and designed to be as visually unobtrusive as possible. ~~In all circumstances~~ *Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities must be sited below the ridgeline, where possible unless no other technically feasible alternative exists.*
- (v) Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
- (vi) Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
- (vii) No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport, airstrip or helipad within Santa Cruz County

unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, airstrip or helipad.

- (viii) No wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Planning Director, that the proposed location is the most *only* feasible location for the provision of services as required by the FCC.
- (ix) ~~Any~~ New wireless communication towers/facilities *within the Coastal Zone shall not be located between the coastline and the first through public road and parallel to the sea within the Bonny Doon and North Coast Planning Areas, except in the following instances, subject to a Level V review..*
- a. *Co-located facilities on an existing tower/facility, which is located between the coast and the first through public road parallel to the sea, may be allowed, or*
 - b. *New facilities where it can be proven by the applicant that there are no feasible alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.*

Additionally, new wireless communication facilities in any portion of the Coastal Zone shall be consistent with applicable policies of the County Local Coastal Program (LCP) and Chapter 3 of the California Coastal Act. No portion of a wireless facility shall extend onto or impede access to a public beach.

The section above was added to address concerns about visual impacts along the coastline, while still allowing for flexibility to wireless service providers if there are no alternatives that would provide service to coastal areas.

- (x) All proposed wireless communication facilities shall comply with the *policies of the County General Plan/LCP and applicable development standards for the zoning district in which the facility is to be located. In addition, telecommunication tower guy wire anchors shall be set back at least twenty feet (20') from any property line.*
- (xi) *In situations where a new wireless communication facility is proposed to be sited within 1,000 feet of residential uses, the new tower/antenna shall be located on a portion of the site that is as far away as possible from the residential uses. This provision will remain in force unless it can be proven by the applicant that a proposed location closer to residential uses is the only technically feasible alternative. This provision does not apply to facilities proposed to be co-located onto existing towers/facilities.*

The section above was added to address concerns about NIER transmission sources being placed in proximity to residential uses, without overly constraining the ability of wireless companies to provide service or to co-locate onto existing towers/facilities.

(2) ~~Site Location: Dish Antennas and Multi-channel, Multi-point Distribution Services (MMDS) Antennas~~

~~All dish and MMDS antennas, except exempt facilities as described in Subdivision (e) above, shall comply with the following requirements to the extent such requirements are necessary to find the development consistent with the visual, public view protection, hazard and access policies of the General Plan:~~

- ~~(i) The antenna complies with all applicable development standards of the zone district in which it is located.~~
- ~~(ii) The antenna and associated equipment blends into the surrounding environment, or provides adequate concealment through architecturally integrated elements.~~
- ~~(iii) Where screening potential is low, innovative designs have been incorporated to reduce the visual impact.~~
- ~~(iv) The applicant has demonstrated good faith to collocate on existing facilities or sites.~~
- ~~(v) The antenna does not significantly impact public views to the ocean.~~

The section above was deleted to remove redundancies with the previous section.

(2) Design Review Criteria

The following criteria apply to all wireless communication facilities, except exempt facilities as described in Subdivision (e) ~~above~~:

- (i) Non-Flammable Materials. Towers and monopoles shall ~~generally~~ be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure is necessary to minimize visual impact).
- (ii) Tower type. All ground-mounted telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a guyed/lattice tower is required.
- (iii) Support facilities. Any support facilities not placed underground shall be located and designed to minimize their visibility. These structures shall be no taller than twelve (12) feet in height, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping.
- (iv) Paint color. All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the appropriate authority. If a facility is conditioned to require paint, it shall initially be

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painted with a flat (i.e., non-reflective) paint color approved by the appropriate authority, and **thereafter** repainted as necessary with a flat paint color. Components of a wireless communication facility which will be viewed against soils, trees, or grasslands, shall be of a color consistent with these landscapes.

- (v) Visual impact mitigation. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts, *including appropriate camouflaging or utilization of stealth techniques.*
- (vi) Height. The height of a wireless communication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. While the County Zoning Ordinance does not impose height restrictions upon telecommunication towers, all towers should be designed to be the shortest height possible so as to minimize visual impact and facilitate the approval process. Any applications for towers of ~~substantial~~ a height ~~(e.g., more than 50~~ 25 feet above ~~grade~~ *the allowed height for structures in the zoning district*³ must include a written justification proving the need for a tower of that height *and the absence of viable alternatives that would have less visual impact.*
- (vii) Lighting. *Except for as provided for under Subdivision (h)(1)(vi) above,* all wireless communication facilities shall be unlit except when authorized personnel are actually present at night.
- (viii) Roads and Parking. All wireless communication facilities shall be served by the minimum sized roads and parking areas allowed.
- (ix) Vegetation Protection and Facility Screening.
 - a. All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and shall include suitable mature landscaping, using locally native plant species appropriate for the site, to screen the facility; where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation (e.g., 24" box container trees and/or 15 gallon container shrubs).
 - b. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

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- (x) Fire prevention. All wireless communication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented for all wireless communication facilities, when determined necessary by the Fire Chief:
- a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
 - b. Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;
 - c. Type and location of vegetation, screening materials and other materials within ten (10) feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the Fire Chief. Requirements established by the Fire Chief shall be followed; and
 - d. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.
- (xi) Noise and **traffic**. All wireless communication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby wireless communication facilities:
- a. Outdoor noise producing construction activities shall only take place on a.m. and 7:00 p.m. unless allowed at other times by the approving body; and
 - b. and maintenance purposes. If the facility is located within one hundred feet (100') of a residential dwelling unit, noise attenuation measures shall be of 60 Ldn at the property line and a maximum interior noise level of 45 Ldn *within nearby residences*.
- (xii) *(co-location). New wireless communication towers that are and thus minimize the need to construct **additional** towers, will be encouraged. New telecommunications towers should be designed and constructed to accommodate future additional antennas and/or height extensions, as feasible and appropriate. ~~All~~ Other new wireless communication facilities, ~~telecommunication towers and necessary~~ appurtenances, including but not limited to parking areas, access roads, utilities ~~and equipment buildings, shall~~ *should* also ~~(e.g. more than two)~~ users, as feasible and appropriate, thus removing potential obstacles to future co-location opportunities. However, a wireless service provider will not be required or encouraged to lease more land than is necessary for the proposed use. If room for potential future **additional** users cannot be accommodated on a new wireless*

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communication tower/facility, written justification stating the reasons why shall be submitted by the applicant.

The changes to the above section provide clarifications regarding co-location, and greater encouragement to design new facilities to be able to easily accommodate future co-locations.

- ~~(xiii) Co-Location. All new facilities shall make available space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services and public safety agencies.~~

The section above was deleted to remove redundancies with the previous section.

- ~~(xiv) New wireless communication facilities shall provide co-location antenna space free of charge to public safety agencies, for the sole purpose of public safety communications services, so long as there would be no interference created that would adversely impact the applicant's operation of the facility.~~

The section above was deleted to address liability concerns of wireless industry representatives.

- ~~(xviii) Interference. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.~~

(i) *NON-IONIZING ELECTROMAGNETIC RADIATION (NIER) EXPOSURE MONITORING:*

The following applies to all wireless communication facilities, except for exempt facilities as described in Subdivision (e) above:

- (1) Public Health. No wireless communication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any ~~inhabited~~ area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the County, the State of California, or the federal government.
- (2) Initial Compliance with *Non-Ionizing Electromagnetic Radiation (NIER) Standards* Level-s. Initial compliance with *the FCC's NIER standards* ~~this requirement~~ shall be demonstrated for any *new wireless communication facility, including co-located facilities, within four hundred feet (400') of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all new broadcast radio and television facilities, regardless of adjacent land uses, through submission of a report documenting initial NIER monitoring at the facility site after the commencement of normal*

~~operations. at the time of application for the necessary permit or entitlement, of NIER (Non-Ionizing Electromagnetic Radiation) calculations specifying NIER levels in the inhabited areas where the levels produced are projected to be highest. The NIER measurements shall be made, at the applicant's expense, by a qualified electrical engineer licensed by the State of California, during normal operating conditions, including typical peak-use periods. The report shall include measurement of NIER emissions generated by the facility and also other nearby emission sources, from various directions and particularly from adjacent areas with habitable structures. The report shall compare the measured results to the FCC NIER standards for such facilities. If these calculated NIER levels exceed 80% of the NIER standard established by this Section, the applicant a qualified electrical engineer licensed by the State of California to measure NIER levels at said location after the facility is in operation. The A-report documenting of these measurements and the findings with respect to compliance with the established NIER standard shall be submitted to the Planning Director no later than the first day of July following commencement of facility o p e r a t i o n . 8 & H % & ' + & - - this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the County may require, at the applicant's expense, independent verification of the results of the analysis. Because of their intermittent nature, facilities solely for personal use, such as citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, or for the incidental use of a co-located commercial activity, shall be required to comply with applicable FCC rules for NIER emissions, but they shall be routinely exempt from the submission requirements in this section unless otherwise required by the Planning Director.~~

The changes to the above section address concerns about NIER exposure by requiring the facility operator to conduct NIER monitoring measurements at the commencement of facility operations, and report their findings to the Planning Department. Portions that were redundant with previous or subsequent sections were removed.

- (23) ~~Ongoing Monitoring of Compliance with NIER Levels. Every wireless telecommunication facility within four hundred feet (400') of an inhabited area, and all broadcast radio and television facilities, authorized under this section, shall demonstrate continued compliance with the NIER standard established by the FCC, this Section and any NIER standards of other regulatory agencies as may become effective. Every By July 1st of every second five (5) years, a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning Director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80% of the standard established by the FCC this Subdivision. This bi-annual report shall also include measurement of NIER emissions generated by the facility and other nearby emission sources, from various directions and particularly from adjacent areas with habitable structures, during normal operating conditions~~

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(including typical peak-use periods). The operator of the facility shall hire a qualified electrical engineer licensed by the State of California to *conduct the NIER measurements the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning Director within five (5) years of facility approval and every five (5) years thereafter.* In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective. *If the Planning Director determines that, as a result of the initial or bi-annual monitoring reports, additional review or testing is necessary, a certified electrical engineer shall be retained at the expense of the permittee, to measure the NIER levels and prepare a report for review by the Planning Director,*

The changes to the above section address concerns about NIER exposure by requiring the facility operator to conduct ongoing NIER monitoring measurements every other year, and report their findings to the Planning Department.

- (4) Failed Compliance. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by *the FCC, or other regulatory agency if applicable, this Subdivision shall be grounds for revocation* review of the use permit or other entitlement.

(j) REQUIRED LEVELS OF REVIEW:

All new wireless communication facilities, except for exempt facilities as described in Subdivision (e) ~~above~~, require a Wireless Communication Facility Use Permit. If the proposed facility is located in the Coastal Zone, a separate Coastal Development Permit ~~may~~ *shall* be required. In addition, a building permit authorizing facility construction shall be required for all wireless communication facilities, including exempt facilities described in Subdivision (e) ~~above~~. All Wireless Communication Facilities Use Permits shall *require at least a Level V approval. be processed according to the levels of review specified in Table 1, as follows:* Table I below summarizes the restrictions on new wireless communication facilities:

Table 1: REQUIRED LEVELS OF REVIEW FOR PROPOSED NEW WIRELESS COMMUNICATION FACILITIES

	R-1, RM, RB, MH, L, & SP Zones (see [f]2 for descriptions of zoning designations)	Coastal Zone (areas not zoned R-1, RM, RB, MH, L, SP) or Designated Scenic Areas	Other Visually Prominent Locations (e.g., hills, ridges, etc.)	All Other Areas
New Non-Stealth Structure,₁ Mounted	Not Permitted	Level V	Level V	Level V
New Stealth or Co-Located,₂	Level V	Level IV	Level IV	Level III

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Structure₁ Mounted				
New Non-Stealth Ground Mounted	Not Permitted	Level V	Level V	Level V
New Stealth or Co-Located₂ Ground Mounted	Level V	Level IV	Level IV	Level III
New Non-Stealth Towers₃	Not Permitted	Level V	Level V	Level V
New Stealth Towers₃	Not Permitted	Level V	Level V	Level IV
Co-Located₂ Tower₃ Mounted	Level V	Level IV	Level IV	Level III

1. Roof or façade mounted antennas (on buildings, water tanks, etc.)
2. Includes co-location only where existing facility is not made significantly more visually obtrusive. However, co-location will generally be encouraged in any situation where it would have less visual impact than constructing a new separate tower nearby.
3. "Towers" include any monopole, lattice tower, and/or mast that supports one or more antenna.

Levels of Review

Level III = Administrative approval, no public noticing required

Level IV = Administrative approval, with noticing of property owners within 300 feet of subject property (no hearing required)

Level V = Zoning Administrator approval, with noticing of property owners within 300 feet of subject property and a public hearing required

**Table 1: SUMMARY OF RESTRICTIONS AND REQUIRED LEVEL OF REVIEW
FOR PROPOSED NEW WIRELESS COMMUNICATION FACILITIES**

<i>Type of Proposed wireless Communication Facility</i>	<i>R-I, RM, RB, MH, L, & SP Zones (see below for descriptions of zoning designations)</i>	<i>In the Bonny Doon and North Coast Planning Areas Between the Coastline and the First Public Through Road</i>	<i>All Other Areas</i>
Non-Camouflaged Structure₁ or Ground₂ Mounted	Not Permitted ₅	Not Permitted ₅	Level V
Camouflaged Structure₁ or Ground₂ Mounted	Level V	Not Permitted ₅	Level V
Telecommunication Towers₃	Not Permitted ₅	Not Permitted ₅	Level V
Co-Located₄ Facilities	Level V	Level V ₆	Level V

NOTE: Level V Review = Zoning Administrator approval, with noticing of property owners within 300 feet of subject property and a public hearing required

1. Roof or façade mounted antennas (on buildings, water tanks, etc.)

2. Antennas mounted directed directly on the ground or to a mast or pipe that extends no more than 5 feet from the ground (not including the antenna itself).
3. "Telecommunication Towers" include any monopole, lattice tower, **and/or** mast that supports one or more antenna.
4. New antennas attached to existing towers or ground/structure mounted antennas
5. Permitted with Level V review if no feasible alternatives are available.
6. On existing structures or towers only.

Restricted Zoning Designations:

R-I: Single Family Residential

RM: Multi-Family Residential

RB: Ocean Beach Residential

L: Historic Landmark Combining/Overlay Zone

MH: Mobile Homes Combining/Overlay Zone

SP: Salamander Protection Combining/Overlay Zone

Changes to the table above, and its footnotes, reflect the change to requiring Level V review of all new wireless communication facilities.

(1) REQUIRED FINDINGS:

In order to grant any Wireless Communications Facility Use Permit and/or any Coastal Development Permit if the facility is located in the Coastal Zone, the approving body shall make the required development permit findings (Section 18.10.230) as well as the following findings:

- (1) That the development of the proposed wireless communications facility will not significantly affect any designated *visual resources*, ~~public viewing area, scenic corridor~~ or ~~any~~ otherwise identified environmentally sensitive areas or resources, as defined in the Santa Cruz County General Plan/LCP (Sections 5. I, 5. IO, and 8.6.6.), or there is no other technically feasible alternative to the proposed location with less visual impacts.
- (2) That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that there are not superior *technically feasible* alternative sites or designs for the proposed facility.
- (3) That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.
- (4) That the proposed *wireless* telecommunication facility will not create a hazard for aircraft in flight.
- (5) That the proposed wireless communication facility is in compliance with all FCC and California PUC standards and requirements.

If the proposed facility requires a Coastal Development Permit, the Approving Body shall also make the required findings in Section 13.20.110. Any decision to deny a permit for a personal wireless service facility shall be in writing and shall be supported by substantial evidence and

shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

(m) SITE RESTORATION UPON TERMINATION/ABANDONMENT OF FACILITY:

- (1) The site shall be restored to its pre-construction state within six months of termination of use or abandonment of the site.
- (2) Applicant shall enter into a site restoration agreement, consistent with subsection (m)(1) above, subject to the approval of the Planning Director and County Counsel.

(n) INDEMNIFICATION:

Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the county and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

~~(o) SEVERABILITY:~~

~~If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this Section and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.~~

SECTION II

This Ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, which ever occurs latest.

PASSED AND ADOPTED this _____ of _____ 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

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APPROVED AS TO FORM:

Assistant County Counsel

DISTRIBUTION: County Counsel
 CAO
 Planning Department

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ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SANTA ESTABLISHING
INTERIM ZONING REGULATIONS REGARDING
WIRELESS COMMUNICATION FACILITIES**

WHEREAS, California Government Code Section 65858 enables local legislative bodies, in order to protect the public health, safety, and welfare, to adopt interim zoning regulations pending the study, or consideration of permanent zoning regulations; and

WHEREAS, the proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities; and

WHEREAS, General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the PUC to measure local impact and to identify alternative sites; and

WHEREAS, accordingly, the PUC will generally defer to local governments to regulate the location and design of cell sites, wireless **communication** facilities and Mobile Telephone Switching Offices (MTSOs) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures; and

WHEREAS, while the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns where not preempted by federal statute or regulation; and

WHEREAS, a number of discretionary applications have been submitted and will be submitted for wireless communication facilities within the unincorporated areas of the County of Santa Cruz, and

WHEREAS, in order to protect the public health, safety and the environment during the period that a permanent wireless communications facilities ordinance is being developed, it is in the public interest for local government to establish interim rules and regulations addressing these land uses relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by adding Section 13.10.659 to read as follows:

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13.10.659 **REGULATIONS FOR THE SITING, DESIGN, AND CONSTRUCTION OF
WIRELESS COMMUNICATION FACILITIES**

(a) PURPOSE:

The purpose of this Section is to establish regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of this Section to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate proliferation of wireless communication facilities, while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Santa Cruz County. It is also the purpose of this ordinance to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.

(b) FINDINGS:

- (1) The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.
- (2) General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the PUC to measure local impact and to identify alternative sites. Accordingly, the PUC will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and Mobile Telephone Switching Offices (MTSOs) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.
- (3) While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns where not preempted by federal statute or regulation.
- (4) In order to protect the public health, safety and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

(c) APPLICABILITY:

Facilities regulated by this ordinance include the construction, modification, and placement of all Federal Communication Commission (FCC) regulated amateur radio antenna, dish antennas and

any antennas used for Multi-channel, Multi-point Distribution Services (MMDS) or "Wireless Cable" and personal wireless service facilities (e.g., cellular phone services, PCS - personal communication services, wireless paging services, wireless internet services, etc.). Wireless service facilities shall be subject to the following regulations to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services or (2) do not have the effect of prohibiting personal wireless services within Santa Cruz County.

(d) DEFINITIONS:

- (1) Antennas - Any system of wires, poles, rods, reflecting discs, flat panels, or similar devices used for the transmission or reception of electromagnetic waves ~~when such system is either external to or attached to the exterior of a structure~~
- (2) Cellular Service - A wireless telecommunications service that permits customers to use mobile telephones and other communication devices to connect, via low-power radio transmitter sites, either to the public-switched telephone network or to other fixed or mobile communication devices.
- (3) CEQA- California Environmental Quality Act
- (4) Co-located Facility - A communication facility comprised of a single tower (including P.G. & E. transmission *or other types of utility or water* towers) or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity. *Co-located facilities can consist of additions or extensions to existing towers that provide enough space for more than one user, or they can be new towers with more antenna space that replace existing **smaller** towers.*
- (5) Dish Antenna - Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.
- (6) Equipment Building, Shelter or Cabinet - A cabinet or building used to house equipment used by wireless communication providers at a facility.
- (7) FAA - Federal Aviation Administration
- (8) FCC - Federal Communications Commission
- (9) Ground-Mounted Wireless Communication Facility - Any antenna with its base placed directly on the ground (e.g., "popsicle stick" type), or that is attached to a mast or pipe, with an overall height of ~~that extends~~ *not exceeding sixteen (16) feet* from the ground to *the top of the antenna.*
- (10) "Minor Antenna" or "Minor Wireless Communication Facility" - means any of the following:

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- (i) A ground- or building-mounted receive-only radio or television antenna ten (10) feet or less tall (including mast or pipe), and six (6) inches or less in diameter or width, and, for building mounted antennas, not exceeding the height limit for *non-commercial antennas* in the zoning district, *which is 25 feet above the zoning district's height limit for structures*;
 - (ii) A ground- or building-mounted citizens band radio antenna ten (10) feet or less tall (including mast or pipe), and six (6) inches or less in diameter or width, and, for building mounted antennas, not exceeding the height limit for *non-commercial antennas* in the zoning district, *which is 25 feet above the zoning district's height limit for structures*;
 - (iii) A single ground- or building-mounted whip (omni) antenna, without a reflector, less than four (4) inches in diameter whose total height, including any mast to which it is attached, is less than twenty (20) feet and, for building mounted antennas, does not exceed the height limit for *non-commercial antennas* in the zoning district, *which is 25 feet above the zoning district's height limit for structures*;
 - (iv) A single ground- or building-mounted panel antenna, utilizing stealth technology, with a face area of less than four and one-half (4½) square feet, not exceeding the height limit for the zoning district;
 - (v) A ground- or building-mounted satellite dish not more than three (3) feet in diameter for a residential zoned parcel, and six (6) feet in diameter for a commercial or industrial zoned parcel; or
 - (vi) A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, the height of which (including tower or mast) does not exceed the height limit for *non-commercial antennas* the zoning district, *which is 25 feet above the zoning district's height limit for structures*.
- (11) MMDS – Multi-channel, Multi-point Distribution Services (also known as “wireless cable”)
- (12) MTSOs - Mobile Telephone Switching Offices
- (13) Monopole - A single pole-structure, usually 18” in diameter or greater, erected on the ground to support one or more wireless communication antennas and connecting appurtenances.
- (14) PCS - Personal Communications Services - Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
- (15) PUC - California Public Utilities Commission.

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- (16) Stealth Technology/Techniques – Camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous or invisible.
- (17) Structure-Mounted Wireless Communication Facility - Any immobile antenna (including panels and directional antennas) attached to a structure, or mounted upon a roof.
- (18) Telecommunication Tower - A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
- (19) Visual Impact – A modification or change that could be incompatible with the scale, texture, form or color of the existing natural or man-made landscape.
- ~~(20) Visually Prominent Locations – Locations in or upon which a proposed telecommunication tower/facility would be a prominent feature in the public viewshed. These areas could include hillsides or slopes, areas along ridgelines, or in areas where the tower, even if not constructed along the ridgeline, would extend above the top of a ridge when viewed from a distance. Locations not on a hillside, slope or ridge (or extending above the view of a ridgeline) are not considered visually prominent locations for the purposes of this Section.~~
- (210) Wireless Communication Facility – A facility that supports the transmission and/or receipt of electromagnetic/radio signals. Wireless communication facilities include cellular radio-telephone service facilities; personal communications service facilities; specialized mobile radio service facilities and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

(e) EXEMPTIONS:

The following are types of wireless communications facilities that are exempt from the provisions of this ~~Section~~ ~~chapter~~, and may be allowed in any zoning district ~~(however, note that even exempt facilities must comply with other portions of the County Code, including County zoning regulations).~~

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast, ~~provided the height of the antenna, including the tower, support structure, or post, does not exceed the height requirements of the zoning district~~
- (2) A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service, ~~provided that its maximum height, including supporting structure/tower, does not exceed the height requirements of the zoning district.~~

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- (3) A ground- or building-mounted receive-only radio or television antenna which does not exceed the height requirements of the zoning district, or television dish antenna which does not exceed three (3) feet in diameter if located on residential property within the exclusive use or control of the antenna user.
- (4) A television dish antenna that is no more than six (6) feet in diameter and is located in any area where commercial or industrial uses are allowed by the land use designation.
- (5) Mobile services providing public information coverage of news events of a temporary nature (i.e., less than two-weeks duration).
- (6) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
- (7) Wireless communication facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g., County N&Corn-- 9 11 Emergency Services, police, sheriff, and/or fire departments, etc.).
- (8) Any "minor" antenna or facility described under Subdivision (d), part (10), above.

(f) GENERAL REQUIREMENTS:

All wireless communications facilities, except for exempt facilities described in Subdivision (e) above, shall comply with the following *requirements* (~~however, note that even exempt facilities must comply with other portions of the County Code, including County zoning regulations~~)

- (1) Wireless communication facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards.
- (2) Wireless communication facilities shall generally be allowed on parcels in any zoning districts, ~~however, there are~~ *with a Level V review, except for certain restrictions in the following zoning districts (see Table 1): Single Family Residential (R-1), Multi-Family Residential (RM), Ocean Beach Residential (RB), and the Combining Zone overlays for Historic Landmarks (L), Mobile Homes (MH) and Salamander Protection areas (SP). In these zoning districts, no new wireless communication towers shall not be permitted, except for on publicly, or quasi-publicly, owned or controlled properties, where appropriate, or in situations where the applicant can prove that no potential alternative sites outside the restricted zoning district exist that would provide comparable coverage. However, other types of wireless communication facilities that utilize appropriate "stealth" techniques (e.g., In addition, camouflaged structure or camouflaged ground-mounted*

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antennas), or facilities that are co-located onto existing towers, ~~will~~ may be permitted in these zoning districts, ~~as indicated in Table 1,~~ *subject to Level V review.*

- (3) *In order to protect scenic views of the coastline and ocean, new wireless communication towers/facilities are prohibited in areas that lie between the coastline and the **first** through public road parallel to the sea within the Bonny Doon and North Coast Planning Areas, with the following exceptions, subject to a Level V review:*
- a. *Facilities that would be co-located on existing towers/facilities, or*
 - b. *New facilities where it can be proven by the applicant that there are no feasible alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.*
- (43) All new wireless communication facilities shall be subject to a Wireless Communication Facilities Use Permit, and ~~possibly~~ also a Coastal Development Permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new towers and facilities.
- (54) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
- (65) Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply with adopted airport safety regulations for Watsonville Municipal Airport (County Code Section 13.12).
- (76) Wireless communication facilities shall be sited in the least visually obtrusive location ~~possible~~ *as is technically feasible.* See Number (87) below regarding increased visual impacts due to co-location.
- (87) Co-location shall be ~~strongly encouraged~~ *pursued to the maximum extent feasible. While increasing the height or visual bulk/density of the existing tower is sometimes necessary for co-location, such increases in the existing tower's height or adding new antennas/panels may, or may not, significantly increase the visual impact of the tower. Co-located facilities can consist of additions or extensions to existing towers if necessary to accommodate additional users, or they can be new multi-user capacity towers that replace existing single-user capacity towers. In all cases where co-location is being considered, design alternatives co-location that maintains the existing tower's existing level of visual impact (or only slightly increases it) shall be the preferred method. Where the visual impact of an existing tower must be significantly increased to allow for co-location, the potential increased visual impact will be weighed against the potential visual impact of constructing a new separate tower/facility nearby.*
- (98) Inhabitants of the county shall be protected from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the Federal Communication Commission (FCC).

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(g) APPLICATION REQUIREMENTS

All new wireless communication facilities, except for exempted facilities described under Subdivision (e) above, must receive a Wireless Communication Facility Use Permit, and are subject to the following application requirements:

- (1) Pre-Application Meeting. Prior to formal application submission, a Wireless Communication Facilities Pre-Application Review meeting shall be held with Planning Department staff. The applicant shall be required to pay a pre-application review fee, the amount of which is to be established by Resolution of the Board of Supervisors. The pre-application review meeting will allow Planning Department staff to provide feedback to the applicant regarding facility siting and design prior to formal application submittal.
- (2) Submittal Information. For all wireless communication facilities, except exempt facilities as described in Subdivision (e), the Planning Director shall establish and maintain a list of information that must accompany each application. Said information shall include, but may not be limited to:
 - (i) The identity and legal status of the applicant, including any affiliates.
 - (ii) The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the application information.
 - (iii) The name, address, and telephone number of the owner, and agent representing the owner, if applicable, of the property upon which the proposed wireless communication facility is to be built and title reports identifying legal access.
 - (iv) The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates (in NAD 83) of the proposed facility location on the site.
 - (v) A narrative and map description of applicant's existing wireless communication facilities network and proposed/anticipated future facilities (*with precise latitude/longitude coordinates in NAD 83*) within both the unincorporated and incorporated areas of Santa Cruz County (*note: information regarding proposed network expansions will kept confidential by the County if identified in writing as trade secrets by the applicant*).
 - (vi) A description of the wireless communication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within both the unincorporated and incorporated areas of Santa Cruz County.
 - (vii) Information **sufficient** to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission (if

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applicable) to provide wireless communications services or facilities within the unincorporated areas of the County of Santa Cruz.

- (viii) Information sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Santa Cruz.
- (ix) ~~NIER (non-ionizing electromagnetic radiation) exposure studies (See section i below).~~ *Compliance with the FCC's non-ionizing electromagnetic radiation (NIER) standards or other applicable standards shall be demonstrated for any new wireless communication facility through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the area surrounding the proposed facility. This should also include a plan to ensure that the public would be kept at a safe distance from any NIER transmission source associated with the proposed wireless communication facility, consistent with the NIER standards of the FCC, or any potential future superceding standards.*
- (x) *A plan for security considerations (e.g., proposed fences, locks, alarms, etc.).*
- (xi) Facility design alternatives to the proposal, including a *summary* description of other potential facility types, with a short explanation as to why the proposed design/facility type was selected.
- (xii) Such other information as the Planning Director may reasonably require, including additional information specific to the County's Wireless Communication Facilities Geographic Information System (GIS).

~~Applications for proposed new wireless communication facilities that will not be co-located with existing facilities, or which will be co-located but will increase the visual impact of the existing facility (e.g., increased tower height), must include the following additional information:~~

- (xiii) *A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the installer showing all locations where an unimpaired signal can be received for that facility. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means. In instances where the wireless communication facility is proposed to be located near or in a residential area, Photo-simulations shall be submitted of the proposed wireless communication facility from the nearest residential neighbors and/or locations from which the public would typically view the site, as appropriate. In instances where the wireless communication facility is proposed to be located along a scenic corridor, critical viewshed area or near a designated historic resource site or district, a detailed visual analysis of the facility shall be submitted. The analysis shall also assess the cumulative visual impacts of the proposed facility and other existing and known/anticipated future wireless communication facilities in the*

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area, and shall identify and include all ~~feasible~~ *potential* mitigation measures for visual impacts, consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

- (xiv) An alternative sites analysis ~~Except for exempt facilities as defined in Subdivision (e), an analysis~~ shall be ~~prepared~~ *submitted* by ~~or on behalf of~~ the applicant, subject to the approval of the appropriate decision making authority, which identifies ~~all~~ reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies ~~which~~ *that* would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. ~~Approval of the project is subject to the decision making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site and/or that the applicant has demonstrated that alternative locations have been examined and will not provide comparable coverage to the intended service area.~~ The County may require independent verification of this analysis at the applicant's expense. Where a wireless communication facility exists on, or in reasonable proximity to, the proposed site location, co-location shall be ~~pursued to the maximum extent feasible~~ *strongly encouraged, particularly if it will not increase the visual impact of the existing facility.* 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 and reviewed by the Planning Director.

The Planning Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

- (3) Amendment. Each applicant/registrant shall inform the County, within thirty (30) days of any change of the information required pursuant to this Subdivision.
- (4) Technical Review. The applicant will be notified if an independent technical review of any submitted technical materials is required. The Planning Director, ~~upon agreement of the applicant,~~ may employ, on behalf of the County, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Subdivision and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review. ~~Any~~ *If clearly marked as such by the applicant,* any trade secrets or proprietary information disclosed to the County, the applicant, or the expert hired shall remain confidential and shall not be disclosed to any third party.

- (5) Fees.' Fees for review of all Wireless Communication Facilities Use Permits shall be established by Resolution of the Board of Supervisors.

(h) GENERAL DEVELOPMENT/PERFORMANCE STANDARDS:

(1) Site Location

Except exempt facilities as described in Subdivision (e), the following criteria shall govern appropriate locations for wireless communication facilities, including dish antennas and Multi-channel, Multi-point Distribution Services (MMDS)/wireless cable antennas, except exempt facilities as described in Subdivision (e) above and may require an alternative site other than the site shown on an initial permit application for a wireless facility:

- (i) Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses to the greatest extent feasible, and shall minimize impacts on public views to the ocean. *Support facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, so as to minimize visual impact.*
- (ii) ~~Co-location is strongly encouraged when it will not significantly increase the visual impact and discouraged in cases when it will increase visual impact of the existing facility (e.g., increase tower height by more than 10 feet, or significantly increase visual bulk/density).~~ Moreover, co-location will generally be is strongly encouraged in any situation where it is the least visually obtrusive option, such as ~~(e.g., when increasing the height/bulk of an exiting tower would create less visual impact than constructing a new separate tower in a nearby location).~~ All new wireless communication towers shall be designed to accommodate multiple carriers to the greatest extent feasible, so as to facilitate future co-locations and thus minimize the need to construct additional facilities/towers.
- (iii) Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or adverse visual impacts.
- (iv) ~~In areas designated in the General Plan as visually sensitive or other visually prominent locations, as defined in Subdivision (d)~~ Wireless communication facilities shall be sited and designed to be as visually unobtrusive as possible. ~~In all circumstances~~ Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities must be sited below the ridgeline, ~~where possible unless no other technically feasible alternative exists.~~
- (v) Disturbance of existing topography and on-site vegetation. shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
- (vi) Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in

emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

- (vii) No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport, airstrip or helipad within Santa Cruz County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, airstrip or helipad.
- (viii) No wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Planning Director, that the proposed location is the ~~most~~ only feasible location for the provision of services as required by the FCC.
- (ix) ~~Any~~ New wireless communication towers/facilities *within the Coastal Zone shall not be located between the coastline and the first through public road & parallel to the sea within the Bonny Doon and North Coast Planning Areas, except in the following instances, subject to a Level V review:*
 - a. *Co-located facilities on an existing tower/facility, which is located between the coast and the first through public road parallel to the sea, may be allowed, or*
 - b. *New facilities where it can be proven by the applicant that there are no feasible alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.*

Additionally, new wireless communication facilities in any portion of the Coastal Zone shall be consistent with applicable policies of the County Local Coastal Program (LCP) and ~~Chapter 3 of~~ the California Coastal Act. No portion of a wireless facility shall extend onto or impede access to a public beach.

- (x) All proposed wireless communication facilities shall comply with the *policies of the County General Plan/LCP and applicable development standards for the zoning district in which the facility is to be located. In addition, telecommunication tower guy wire anchors shall be set back at least twenty feet (20') from any property line.*
- (xi) *In situations where a new wireless communication facility is proposed to be sited within 1,000 feet of residential uses, the new tower/antenna shall be located on a portion of the site that is as far away as possible from the residential uses. This provision will remain in force unless it can be proven by the applicant that a proposed location closer to residential uses is the only technically feasible alternative. This provision does not apply to facilities proposed to be co-located onto existing towers/facilities.*

~~(2) Site Location: Dish Antennas and Multi-channel, Multi-point Distribution Services (MMDS) Antennas~~

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~~All dish and MMDS antennas, except exempt facilities as described in Subdivision (e) above, shall comply with the following requirements to the extent such requirements are necessary to find the development consistent with the visual, public view protection, hazard and access policies of the General Plan.~~

- ~~(i) The antenna complies with all applicable development standards of the zone district in which it is located.~~
- ~~(ii) The antenna and associated equipment blends into the surrounding environment, or provides adequate concealment through architecturally integrated elements.~~
- ~~(iii) Where screening potential is low, innovative designs have been incorporated to reduce the visual impact.~~
- ~~(iv) The applicant has demonstrated good faith to collocate on existing facilities or sites.~~
- ~~(v) The antenna does not significantly impact public views to the ocean.~~

(2) Design Review Criteria

The following criteria apply to all wireless communication facilities, except exempt facilities as described in Subdivision (e) above:

- (i) Non-Flammable Materials. Towers and monopoles shall **generally** be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure is necessary to minimize visual impact).
- (ii) Tower type. All ground-mounted telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a guyed/lattice tower is required.
- (iii) Support facilities. Any support facilities not placed underground shall be located and designed to minimize their visibility. These structures shall be no taller than twelve (12) feet in height, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping.
- (iv) Paint color. All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the appropriate authority. If a facility is conditioned to require paint, it shall initially be painted with a flat (i.e., non-reflective) paint color approved by the appropriate authority, and thereafter repainted as necessary with a flat paint color. Components of a wireless communication facility which will be viewed against soils, trees, or grasslands, shall be of a color consistent with these landscapes.

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- (v) Visual impact mitigation. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts, *including appropriate camouflaging or utilization of stealth techniques.*
- (vi) Height. The height of a wireless communication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. While the County Zoning Ordinance does not impose height restrictions upon telecommunication towers, all towers should be designed to be the shortest height possible so as to minimize visual impact and facilitate the approval process. Any applications for towers of ~~substantial~~ a height ~~(e.g., more than 50~~ 25 feet above ~~grade~~ the allowed height for structures in the zoning district) must include a written justification proving the need for a tower of that height *and the absence of viable alternatives that would have less visual impact.*
- (vii) Lighting. *Except for as provided for under Subdivision (h)(1)(vi) above,* all wireless communication facilities shall be unlit except when authorized personnel are actually present at night.
- (viii) Roads and Parking. All wireless communication facilities shall be served by the minimum sized roads and parking areas allowed.
- (ix) Vegetation Protection and Facility Screening.
 - a. All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and shall include suitable mature landscaping, using locally native plant species appropriate for the site, to screen the facility - where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation (e.g., 24" box container trees and/or 15 gallon container shrubs).
 - b. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.
- (x) Fire prevention. All wireless communication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented for all wireless communication facilities, when determined necessary by the Fire Chief

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- a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
 - b. Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;
 - c. Type and location of vegetation, screening materials and other materials within ten (10) feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the Fire Chief Requirements established by the Fire Chief shall be followed; and
 - d. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.
- (xi) Noise and traffic. All wireless communication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented for all wireless communication facilities:
- a. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 8:00 a.m. and 7:00 p.m. unless allowed at other times by the approving body; and
 - b. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet (100') of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels at the facility to a maximum exterior noise level of 60 Ldn at the property line and a maximum interior noise level of 45 Ldn *within nearby residences*.
- (xii) Facility and site sharing (*co-location*). *New wireless communication towers that are designed to accommodate multiple carriers, so as to facilitate future co-locations and thus minimize the need to construct additional towers, will be encouraged. New telecommunications towers should be designed and constructed to accommodate future additional antennas and/or height extensions, as feasible and appropriate.* ~~All~~ Other new wireless communication facility ~~ies, telecommunication towers and necessary~~ appurtenances, including but not limited to parking areas, access roads, and utilities ~~and equipment buildings, shall~~ *should* also be designed so as not to preclude site sharing by multiple ~~(e.g. more than two)~~ users, *as feasible and appropriate, thus removing potential obstacles to future co-location opportunities. However, a wireless service provider will not be required or encouraged to lease more land than is necessary for the proposed use. If room for potential future additional users cannot be accommodated on a new wireless communication tower/facility, written justification stating the reasons why shall be submitted by the applicant.*
- ~~(xiii) Co-Location. All new facilities shall make available space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services and public safety agencies.~~

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~~(xiv) New wireless communication facilities shall provide co-location antenna space free of charge to public safety agencies, for the sole purpose of public safety communications services, so long as there would be no interference created that would adversely impact the applicant's operation of the facility.~~

(xviii) Interference. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

(i) *NON-IONIZING ELECTROMAGNETIC RADIATION (NIER) EXPOSURE MONITORING:*

The following applies to all wireless communication facilities, except for exempt facilities as described in Subdivision (e) above:

- (1) Public Health. No wireless communication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any ~~inhabited~~ area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the County, the State of California, or the federal government.
- (2) Initial Compliance with *Non-Ionizing Electromagnetic Radiation (NIER) Standards Levels*. Initial compliance with the FCC's *NIER standards* ~~this requirement~~ shall be demonstrated for any new wireless communication facility, including co-located facilities, ~~within four hundred feet (400') of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all new broadcast radio and television facilities, regardless of adjacent land uses,~~ through submission of a report documenting *initial NIER monitoring at the facility site after the commencement of normal operations. at the time of application for the necessary permit or entitlement, of NIER (Non-Ionizing Electromagnetic Radiation) calculations specifying NIER levels - the inhabited areas where the levels produced are projected to be highest. The NIER measurements shall be made, at the applicant's expense, by a qualified electrical engineer licensed by the State of California, during normal operating conditions, including typical peak-use periods. The report shall include measurement of NIER emissions generated by the facility and also other nearby emission sources, from various directions and particularly from adjacent areas with habitable structures. The report shall compare the measured results to the FCC NIER standards for such facilities. If these calculated NIER levels exceed 80% of the NIER standard established by this Section, the applicant a qualified electrical engineer licensed by the State of California to measure NIER levels at said location after the facility is in operation. The*

A--report *documenting* of these measurements and the findings with respect to compliance with the established NIER standard shall be submitted to the Planning Director *no later than the first day of July following commencement of facility operation*. ~~Said facility shall not commence normal operations until it complies with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the County may require, at the applicant's expense, independent verification of the results of the analysis. Because of their intermittent nature, facilities solely for personal use, such as citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, or for the incidental use of a co-located commercial activity, shall be required to comply with applicable FCC rules for NIER emissions, but they shall be routinely exempt from the submission requirements in this section unless otherwise required by the Planning Director.~~

- (23) ~~Ongoing Monitoring of Compliance with NIER Levels, Every wireless telecommunication facility within four hundred feet (400') of an inhabited area, and all broadcast radio and television facilities, authorized under this section, shall demonstrate continued compliance with the NIER standard established by the FCC, this Section and any NIER standards of other regulatory agencies as may become effective. Every By July 1st of every second five (5) years, a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning Director; has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80% of the standard established by the FCC this Subdivision, This bi-annual report shall also include measurement of NIER emissions generated by the facility and other nearby emission sources, from various directions and particularly from adjacent areas with habitable structures, during normal operating conditions (including typical peak-use periods). The operator of the facility shall hire a qualified electrical engineer licensed by the State of California to conduct the NIER measurements the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning Director within five (5) years of facility approval and every five (5) years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective. If the Planning Director determines that, as a result of the initial or bi-annual monitoring reports, additional review or testing is necessary, a certified electrical engineer shall be retained at the expense of the permittee, to measure the NIER levels and prepare a report for review by the Planning Director.~~
- (4) Failed Compliance. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by the FCC, or other regulatory agency *if applicable*, ~~this Subdivision~~ shall be grounds for ~~revocation~~ review of the use permit or other entitlement.

(j) REQUIRED LEVELS-OF REVIEW:

All new wireless communication facilities, except for exempt facilities as described in Subdivision (e) above, require a Wireless Communication Facility Use Permit. If the proposed facility is located in the Coastal Zone, a separate Coastal Development Permit ~~may~~ *shall* be required. In addition, a building permit authorizing facility construction shall be required for all wireless communication facilities, including exempt facilities described in Subdivision (e) ~~above~~. All Wireless Communication Facilities Use Permits shall *require at least a Level V approval*. ~~be processed according to the levels of review specified in Table 1 as follows:~~ Table 1 below summarizes the restrictions on new wireless communication facilities:

Table 1: REQUIRED LEVELS OF REVIEW FOR PROPOSED NEW WIRELESS COMMUNICATION FACILITIES

	R-1, RM, RB, MH, L, & SP Zones (see [f]2 for descriptions of zoning designations)	Coastal Zone (areas not zoned R-1, RM, RB, MH, L, SP) or Designated Scenic Areas	Other Visually Prominent Locations (e.g., hills, ridges, etc.)	All Other Areas
New Non-Stealth Structure₁ Mounted	Not Permitted	Level V	Level V	Level V
New Stealth or Co-Located₂ Structure₁ Mounted	Level V	Level IV	Level IV	Level III
New Non-Stealth Ground Mounted	Not Permitted	Level V	Level V	Level V
New Stealth or Co-Located₂ Ground Mounted	Level V	Level IV	Level IV	Level III
New Non-Stealth Towers₃	Not Permitted	Level V	Level V	Level V
New Stealth Towers₃	Not Permitted	Level V	Level V	Level IV
Co-Located₂ Tower₃ Mounted	Level V	Level IV	Level IV	Level III

1. Roof or façade mounted antennas (on buildings, water tanks, etc.)
2. Includes co-location only where existing facility is not made significantly more visually obtrusive. However, co-location will generally be encouraged in any situation where it would have less visual impact than constructing a new separate tower nearby.
3. "Towers" include any monopole, lattice tower, and/or mast that supports one or more antenna.

Levels of Review

Level III = Administrative approval, no public noticing required

Level IV = Administrative approval, with noticing of property owners within 300 feet of subject property (no hearing required)

Level V = Zoning Administrator approval, with noticing of property owners within 300 feet of subject property and a public hearing required

Table 1: **SUMMARY OF RESTRICTIONS AND REQUIRED LEVEL OF REVIEW FOR PROPOSED NEW WIRELESS COMMUNICATION FACILITIES**

Type of Proposed Wireless Communication Facility	R-l, RM, RR, MH, L, & SP Zones (see below for descriptions of zoning designations)	In the Bonny Doon and North Coast Planning Areas Between the Coastline and the First Public Through Road	All Other Areas
Non-Camouflaged Structure₁ or Ground₂-Mounted	Not Permitted ₅	Not Permitted ₅	Level V
Camouflaged Structure₁ or Ground₂-Mounted	Level V	Not Permitted ₅	Level V
Telecommunication Towers₃	Not Permitted ₅	Not Permitted	Level V
Co-Located₄ Facilities	Level V	Level V ₆	Level V

NOTE: **Level V Review** = Zoning Administrator approval, with noticing of property owners within 300 feet of subject property and a public hearing required

1. Roof or façade mounted antennas (on buildings, water tanks, etc.)
2. Antennas mounted directed directly on the ground or to a mast or pipe that extends no more than 5 feet from the ground (not including the antenna itself).
3. "Telecommunication Towers" include any monopole, lattice tower, and/or mast that supports one or more antenna.
4. New antennas attached to existing towers or ground/structure mounted antennas.
5. Permitted with Level V review if no feasible alternatives are available.
6. On existing structures or towers only.

Restricted Zoning Designations:

R-l: Single Family Residential

RM: Multi-Family Residential

RB: Ocean Beach Residential

L: Historic Landmark Combining/Overlay Zone

MH: Mobile Homes Combining/Overlay Zone

SP: Salamander Protection Combining/Over@ Zone

(1) REQUIRED FINDINGS:

In order to grant any Wireless Communications Facility Use Permit and/or any Coastal Development Permit if the facility is located in the Coastal Zone, the approving body shall make the required development permit findings (Section 18.10.230) as well as the following findings:

- (1) That the development of the proposed wireless communications facility will not significantly affect any designated visual resources, ~~public viewing area, scenic corridor~~

or ~~any otherwise identified~~ environmentally sensitive areas or resources, as defined in the Santa Cruz County General Plan/LCP (Sections 5. I, 5. IO, and 8.6.6.), or there is no other technically feasible alternative to the proposed location with less visual impacts.

- (2) That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that there are not superior *technically feasible* alternative sites or designs for the proposed facility.
- (3) That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.
- (4) That the proposed *wireless* telecommunication facility will not create a hazard for aircraft in flight.
- (5) *That the proposed wireless communication facility is in compliance with all FCC and California PUC standards and requirements.*

If the proposed facility requires a Coastal Development Permit, the Approving Body shall also make the required findings in Section 13.20.110. Any decision to deny a permit for a personal wireless service facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

(m) SITE RESTORATION UPON TERMINATION/ABANDONMENT OF FACILITY:

- (1) The site shall be restored to its pre-construction state within six months of termination of use or abandonment of the site.
- (2) Applicant shall enter into a site restoration agreement, consistent with subsection (m)(1) above, subject to the approval of the Planning Director ~~and County Counsel~~.

(n) INDEMNIFICATION:

Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the county and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

SECTION II

If any section, subsection, sentence, clause, or portion of this ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of any such decision.

SECTION III

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted consistent with Government Code Section 65858 and is necessary for the protection of the public health, safety and general welfare. The facts constituting the need for such a measure are set forth in the preamble of this ordinance.

In accordance with Government Code Section 65858, this ordinance shall be in force and effect for 45 days from its date of adoption unless, after formal public hearing, the Board of Supervisors, by a four-fifths vote, extends the interim ordinance in accordance with Government Code Section 65858.


PASSED AND ADOPTED this _____ of _____ 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

DISTRIBUTION: County Counsel
CAO
Planning Department

FROM: Celia Scott

PHONE NO. : 831-429 6166

May. 07 2004 05:16PM P2

ATTACHMENT 5 *56*

Celia Scott, A.I.C.P.
ATTORNEY AT LAW

1 5 2 0 Escalona D r i v e
Santa Cruz, California 95060
Telephone and FAX: 831-429-6166

May 7, 2001

FAX to 454-3262

Santa Cruz County Board of Supervisors
 701 Ocean Street
 Santa Cruz, CA 95060

Re: **Draft Ordinance Adding County Code Section 13.10.659,**
Establishing Development Standards for Wireless Communications
Facilities, to the Santa Cruz County Code

Dear Members of the Board:

As a member of Friends of the North Coast, I am writing to support the adoption of the proposed ordinance establishing standards for wireless community, with the following suggested changes.

1. Section- (d) - Definitions

- a. Add a definition of "Designated Scenic Areas", to provide a precise reference for Section (j); Table 1 (Required Levels of Review for Proposed New Wireless Communication Facilities)... The definition of "Designated Scenic Areas" should state: "Areas designated in the County General Plan/LCP on GP/LCP Visual Resources Map and described in Section 5.10.2 of the GP/LCP, as well as public vistas, natural buffers, agricultural vistas, ocean vistas, open beaches and bluffs (described in Sections 5.10.3, 5.10.4, 5.10.5, 5.10.6, 5.10.7 of the GP/LCP); and designated scenic roads pursuant to Section 5.10.10 of the GP/LCP; and coastal special scenic areas as defined in Sections 5.10.16 and 5.10.17 of the GP/LCP."
- b. Revise the definition of "Visually Prominent Locations" (Definition 20) to include all ridgetops and other prominent landforms/significant natural features as defined in Section 8.6.6 of the GP/LCP.

2. Section-(General Requirements

- a. In Section(3), delete the phrase "possibly also" preceding the words "Coastal Development Permit."
- b. Add a Section(9) to include requirements for security fences, and signs with warning information to the public regarding the hazards of exposure to NIER (or include in Section(i) on NIER exposure).

3. Section: (h) --- General Development/Performance Standards

This entire section fails to make any references to the governing policies in the County General Plan/LCP

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5/7

FROM : Celia Scott

PHONE NO. : 831 429 6166

May. 87 2004 05: 17PM P3

ATTACHMENT 5

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Draft Wireless Communications Ordinance
page two - Scott

3. Section (h)

- a. Subsection(x) should-be **revised** to require consistency with **all** relevant policies of the LCP and Chapter 3 of the Coastal Act, not just the access and recreation policies. For example, LCP/GP policy 5.10.7 places stringent limitations on the placement of any new structures visible from a public beach.
- b. Subsection (xi) should be revised to state that **all** proposed wireless community facilities shall **comply with** the County General Plan/LCP as well as the zoning district requirements.
- c. Design Review Criteria, Subsection (vi) regarding height measurements accepts the **lack of height** restrictions on telecommunications towers. This is an issue that should be revisited. Why no height limit?

Subsection(xiii)(b) implies that wireless communication facilities are allowed within 100' of an occupied residential dwelling unit. There appears to be no minimum setback for wireless communication facilities from occupied dwelling units. Such a minimum needs to be established, consistent with the section on NIER exposure.

4. Section (i) - NIER Exposure

This section fails to establish a minimum setback from either residential uses or any other "sensitive receptors" (NOTE: sensitive receptors are not defined in the definition section of the ordinance.)

How was the number of 400' picked as the minimum distance within which initial compliance with NIER levels must be demonstrated? What is the factual evidence that supports no need for such a demonstration where a facility is 450' from a residential use or sensitive receptor?

Ongoing compliance with NIER levels should be required for ALL wireless communication facilities, and the report should be done on an annual basis, not just every five years. In addition, there should be full disclosure by the applicant of NIER levels to all occupied residential uses, sensitive receptors, and other regularly occupied structures of NIER levels that are demonstrated to create a risk of regular exposure to NIER for persons using such structures.

5. Section (j) - Required Levels of Review

The distinction between "Stealth" and Non-Stealth" levels of review should be eliminated. Both types of structures may have significant visual impacts.

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In the coastal zone, all Level IV review should be eliminated. Level IV review is inconsistent with General Plan policy 5.10.2, which requires discretionary review within visual resource areas.

FROM : Celia Scott

PHONE NO. : 831-429 6166

May. 07 2004 05:18PM P4

ATTACHMENT 5 61

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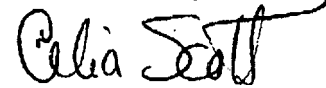
6. **Finally**, it is our view that wireless communication facilities should not be permitted in the Coastal Zone **between the first** public road and the ocean. Such a prohibition would be **most** consistent **with, in** particular, the designation of Highway 1 on the north coast (from the Santa Cruz city limits to the 'San Mateo County Pine) as a scenic road, whose vistas are to be "afforded the highest level of protection," (General Plan/LCP policy 5.10.10.)

The proposed ordinance **has** many valuable features, especially given the complete absence of clear **requirements** under the **current ordinance**. However, **the** draft **ordinance** needs significant **revision** to be fully consistent **with** the County General Plan/LCP as discussed above.

The draft ordinance will also **require** CEQA review, as well as **certi-**fixation by the California Coastal **Commission**.

Thank you for consideration of these comments,

Yours truly,



Celia Scott

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