



County of Santa Cruz

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PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

AGENDA: June 26, 2001

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

SUBJECT: CONTINUED 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 June 12, 2001, your Board considered a draft Wireless Communications Facilities Ordinance, an Interim Ordinance Regarding Wireless Communication Facilities and the three applications for facilities on the North Coast brought to your Board under special consideration by Supervisor Wormhoudt. Following public testimony and deliberation by your Board, you took the following actions:

approved the draft Wireless Communications Facilities Ordinance, with modifications, and directed Planning staff to process the ordinance according to the requirements of Chapter 13.10 of the County Code; and

continued consideration of the Interim Ordinance to this date for adoption and directed staff to incorporate the modifications approved by your Board; and

continued the public hearing on the three applications until this date.

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The following discussion will present a summary of your Board's changes to the Wireless Communications Facilities Ordinance that have been incorporated into the proposed Interim Ordinance.

REVISED WIRELESS COMMUNICATION FACILITIES ORDINANCE

As indicated above, your Board accepted staffs recommendation and approved, in concept, the proposed Wireless Communication Facilities Ordinance with several modifications. Staff has incorporated the changes requested by your Board into a revised Wireless Communication Facilities Ordinance (Attachment 1). This revised ordinance will now undergo CEQA review, followed by public hearings before the Planning Commission and your Board. The modifications to the ordinance include the following:

restricting the placement of new wireless communication facilities in all residential zone districts

Staff has added the Residential Agriculture (RA), Rural Residential (RR) and Special Use (SU; when designated residential by the General Plan) zone districts to the restricted zoning section under General Requirements (page 6, Section (f)(2)).

extending the general prohibition of new wireless communication facilities in the area between the coastline and the first through-road to the entire Coastal Zone

References to Bonny Doon and North Coast have been deleted thereby including the entire coastal zone.

adding a definition of "least visually intrusive"

A specific definition was added to define this term. The definition was derived from a similar definition used by the Monterey County.

clarifying the term "feasible alternatives"

This term has been modified to be "technically feasible and environmentally superior alternative" to clearly define the limits for consideration of alternatives.

adding language regarding where the non-ionizing electromagnetic radiation (NIER) measurements should be made for compliance with FCC regulations

The NIER monitoring requirements have been modified to include a range of distances that

need to be monitored as well as to include other sources of NIER in the area (cumulative assessment).

adding schools to the locational criteria

Schools have been added to the sites where wireless communication facilities are prohibited.

deleting wireless communication facilities for public safety purposes as an exemption

This exemption has been eliminated.

Staff was also requested to report back on the requirements for 'blinking lights' on the top of towers. The Federal Aviation Administration (FAA) requires lighting of all towers greater than 200-feet in height, and may require towers of any height to be lighted under specific circumstances such as terrain, proximity to aircraft operations, etc. Section 13.10659(h)(1)(viii) prohibits the installation of any wireless communication facility where the special lighting or painting would be required by the FAA unless it is demonstrated that the proposed location is the only feasible location.

Staff is concerned about the Board's modification that would restrict wireless communication facilities in all residential zone districts. The intent of the original language, to restrict new wireless communication facilities in the urban zone districts (R-1, RM and RB zones), was to restrict the installation of these facilities within areas of relatively high density residential development. Staff continues to believe that the installation of wireless communication facilities in the rural areas of the County deserves further consideration by your Board. If the lands zoned RA, RR and SU (with a General Plan designation of Residential) are included in the ordinance as restricted areas, it appears that the only other lands available for wireless communication facilities are agricultural, public facility, Timber Production and the various commercial and industrial zones. An analysis of the effects of this provision of the ordinance is warranted given the amount of land in the rural areas of the County with those zone districts.

INTERIM ORDINANCE

As directed by your Board, staff has prepared an Interim Ordinance that incorporates all of the modifications requested by your Board on June 12, 2001(Attachment 2). If adopted by your Board, this Interim Ordinance would become effective immediately and would be in effect for 45 days. Government Code 65858 permits an interim ordinance to be extended by the Board of Supervisors for an additional 10 months and 15 days (a total length of 1 year) if the ordinance is re-enacted following a legally noticed public hearing. If your Board adopts

the Interim Ordinance today, a companion action should be to direct the Clerk of the Board to schedule a public hearing for August 7, 2001, to consider extending the Interim Ordinance.

A Categorical Exemption has been issued as the CEQA determination for the proposed Interim Ordinance (Attachment 3). The approved Categorical Exemption, Section 15308 of the CEQA Guidelines, entitled "Actions by Regulatory Agencies for Protection of the Environment" recognizes the fact that there are currently no specific regulations regarding the design and placement of wireless communication facilities, and that the proposed Interim Ordinance will enact specific regulations to be used while the development of a permanent wireless communication facilities ordinance is in process.

PENDING APPLICATIONS

On May 22, 2001, your Board indicated its intent to adopt an interim ordinance and to remand the three applications to the Planning Commission for review under the authority of the interim ordinance. At that time, your Board indicated that it was your intent that these applications be heard by the Commission in August. Staff will try to meet this schedule, however, it may not be possible to schedule these applications if all of the required application information required by the Interim Ordinance is not received by staff with sufficient time to perform an adequate analysis.

CONCLUSION AND RECOMMENDATION

Following the Board's deliberations and actions on June 12, 2001, staff has revised the Draft Wireless Communications Facilities Ordinance (Attachment 1). Following action on the Interim Ordinance, staff will commence the ordinance review process. If any additional changes are made to the Interim Ordinance, these will be reflected in the ordinance which will be processed through CEQA and the public hearings.

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. This Interim Ordinance (Attachment 2) includes all of the modifications requested by your Board on June 12, 2001.

As discussed above, staff does not recommend including the rural residential zone districts in the Interim Ordinance. However, staff has not had sufficient time to prepare an analysis of the effects of such a restriction on the location of new wireless communication facilities. Staff will prepare such an analysis for consideration by the Planning Commission and recommendation to your Board as a part of the preparation of the permanent ordinance.

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It is, therefore, RECOMMENDED that your Board:

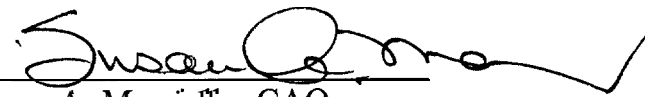
1. Adopt the Ordinance Establishing Interim Zoning Regulations Regarding Wireless Communication Facilities Ordinance (Attachment 2) and direct Planning staff to file the Notice of Exemption with the Clerk of the Board (Attachment 3); and
2. Direct the Clerk of the Board to schedule a public hearing on August 7, 2001, to consider an extension to the Interim Ordinance; and
3. Remand Application Nos. 99-0828, 00-03 19 and 00-0352 (To Construct Wireless Communication Facilities Including Towers and Accessory Buildings) to the Planning Commission for public hearings under the requirements of the interim ordinance.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:


Susan A. Mauriello, CAO

Attachments: 1. Revised Draft Wireless Communication Facilities Ordinance
 2. Interim Ordinance
 3. Categorical Exemption

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

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REVISED DRAFT(from 6/12/01)
(Additions in *Italics*, Deletions in ~~Strikeout~~)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ, ESTABLISHING DEVELOPMENT
STANDARDS FOR WIRELESS COMMUNICATION FACILITIES**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.

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- (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.
- (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-location or Co-located Facility – When more than one wireless service providers share a single wireless A-new communication facility, such as a telecommunications tower. A co-located facility can be comprised of a single tower (including P.G. & E. transmission or other types of utility or water towers) or building that supports ing one or two or more antennas, dishes, or similar wireless communication devices, that are separately owned or used by more than one public or private entity. Co-location ed facilities can consist of additions or extensions made to existing towers so as to that provide enough space for more than one user, or it they can consist of be a new replacement towers with more antenna space that replace supplants an older existing smaller towers with less capacity. Placing new wireless communication facilities/antennas upon existing or new P. G. &E. or other utility towers or poles can also be considered co-location.*

- (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 not exceeding sixteen (16) feet from the ground to the top of the antenna.
- (10) *Least Visually Obtrusive* – with regard to wireless communication facilities, this shall refer to technically feasible facility site *and/or* design alternatives that render the facility the most inconspicuous relative to other technically feasible sites *and/or* designs. It does not mean that the facility must be completely hidden, but it may require screening or other camouflaging so that the facility is not immediately recognizable as a wireless communication facility from adjacent properties and roads used by the public.
- (11) "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 (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.
- (121) MMDS – Multi-channel, Multi-point Distribution Services (also known as “wireless cable”)
- (132) MTSOs - Mobile Telephone Switching Offices
- (143) 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.
- (154) PCS - Personal Communications Services - Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
- (165) PUC - California Public Utilities Commission.
- (176) Stealth Technology/Techniques – Camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous or invisible.
- (187) Structure-Mounted Wireless Communication Facility - Any immobile antenna (including panels and directional antennas) attached to a structure, *such as a building facade or a water tower*, or mounted upon a roof
- (198) Telecommunication Tower - A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
- (2049) Visual Impact – A modification or change that ~~could be~~ is incompatible with the scale, texture, form or color of the existing natural or human-made landscape.
- (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 (*including wireless internet*); 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

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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, and may be allowed in any zoning district.

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast.
- (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.
- (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 911 Emergency Services, police, sheriff, and/or fire departments, etc.), that are co-located with an existing wireless communication tower or other facility, as defined under Subdivision (d) part (4). All new non co-located public safety-related wireless communication facilities require a Level V approval (i.e., zoning administrator approval with public hearing required).~~
- (78) Any "minor" antenna or facility described under Subdivision (d), part (110).

(f) GENERAL REQUIREMENTS:

All wireless communications facilities, except for exempt facilities described in Subdivision (e), shall comply with the following requirements:

- (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.

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- (2) Wireless communication facilities shall generally be allowed on parcels in any zoning districts, with a Level V review, except for certain restrictions in the following zoning districts: Single Family Residential (R-1), Multi-Family Residential (RM), Ocean Beach Residential (RB), Residential Agriculture (RA), Rural Residential (RR), Special Use (SU; with a Residential General Plan designation), and the Combining Zone overlays for Historic Landmarks (L), Mobile Homes (MH) and Salamander Protection areas (SP). In these zoning districts, new wireless communication towers shall not be permitted, except for on *some types of* publicly, or quasi-publicly, owned or controlled properties, *including police/fire stations and churches but not including schools, where appropriate*, or in situations where the applicant can prove that no *technically feasible potential* alternative designs (e.g., camouflaged ground- or structure- mounted antennas), or sites outside the restricted zoning district, exist that would provide *adequate comparable* coverage. ~~In addition~~, Camouflaged structure-mounted or camouflaged ground-mounted antennas, or co-located facilities ~~that are co-located onto existing towers~~, may be permitted in these zoning districts *cited above*, subject to Level V review, ~~but they are discouraged only if adequate coverage cannot be provided from alternative sites outside these zoning districts.~~

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. Co-located 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 *technically feasible and environmentally superior* alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.

The section above was revised to add specificity to the term “feasible” and to better address concerns about visual impacts on all coastal areas, not just the North Coast, while still allowing for flexibility to wireless service providers if there are no alternatives that would provide service to coastal areas.

- (4) All new wireless communication facilities shall be subject to a Wireless Communication Facilities Use Permit, and also a Coastal Development Permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new towers and facilities.
- (5) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
- (6) 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).

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- (7) Wireless communication facilities shall be sited in the least visually obtrusive location as ~~is technically feasible~~. See Number (8) below regarding increased visual impacts due to co-location.
- (8) Co-location shall be strongly encouraged. 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 that maintain the existing tower's *or structure's* level of visual impact shall be the preferred method. Where the visual impact of an existing tower must be 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.
- (9) 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), 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.

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- (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) 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. *Calculations shall be made of expected NIER exposure levels during peak operation periods at a range of distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with all other existing NIER transmission sources within a one-mile radius.* 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 revision to the section above requires applicants, prior to project approval, to perform NIER calculations at specific distances from the facility and to take cumulative effects from nearby facilities into account.

- (x) A plan for security considerations (e.g., proposed fences, locks, alarms, etc.).

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- (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).
- (xiii) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the installer, *including a map* 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. Photo-simulations shall be submitted of the proposed wireless communication facility, *and also potential alternative facility design options*, from ~~the nearest residential neighbors and/or~~ locations from which the public would typically view the site, as appropriate. *More in-depth visual analyses will be required for facilities proposed in visual resource areas, as designated in Section 5.10 of the County General Plan/LCP.* The analysis shall 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 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 require a more in depth visual analysis in visually sensitive areas as described in the General Plan/LCP.

- (xiv) An alternative sites analysis shall be submitted by the applicant, subject to the approval of the appropriate decision making authority, which identifies 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 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 *technically* feasible alternatives. 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 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, 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. 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, 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 *that is technically* feasible, and shall minimize impacts on public views to the ocean. Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.
- (ii) Co-location is strongly encouraged in any situation where it is the least visually obtrusive option, such as when increasing the height/bulk of an exiting tower would create less visual impact than constructing a new separate tower in a nearby location.
- (iii) Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or adverse visual impacts.
- (iv) Wireless communication facilities shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless

communication facilities must be sited below the ridgeline, unless no other technically feasible *and environmentally superior* 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 *technically* feasible location for the provision of services as required by the FCC.
- (ix) 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/structure, 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 *technically feasible and environmentally superior* 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 the California Coastal Act. No portion of a wireless facility shall extend onto or impede access to a public beach.

The sections above were revised to better define “feasible” and to better address concerns about visual impacts along the entire coastline, not just the North Coast, 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.
- (xi) In situations where a new wireless communication facility is proposed to be sited within 1,000 feet of residential *or* school uses, the new tower/antenna shall be located on a portion of the site that is as far away as possible from the residential or school uses. This provision will remain in force unless it can be proven by the applicant that a proposed location closer to residential *or* school uses is the only technically feasible alternative. This provision does not apply to facilities proposed to be co-located onto existing towers/facilities/*structures*.

The section above was revised to add school uses to residential uses with regard to concerns about proximity of wireless facilities, without overly constraining the ability of wireless companies to provide service or to co-locate.

(2) Design Review Criteria

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

- (i) Non-Flammable Materials. Towers and monopoles shall 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.
- (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 a height more than 25 feet above 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), 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
 - 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 *non-holiday* 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 *technically* feasible and appropriate. Other new wireless communication facility appurtenances, including but not limited to parking areas, access roads, and utilities should also be designed so as not to preclude site sharing by multiple users, as *technically* feasible 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) 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) MONITORING:

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

- (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 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. Initial compliance with the FCC's NIER standards shall be demonstrated for any new wireless communication facility, including co-located facilities, through submission of a report documenting initial NIER monitoring at the facility site after the commencement of normal operations. 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. *Measurements shall be made of NIER exposure levels during peak operation periods at a range of distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with all other existing NIER transmission sources within a one-mile radius* The report shall compare the measured results to the FCC NIER standards for such facilities. The report documenting 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.

The changes to the above section address concerns about NIER exposure by requiring the facility operator to conduct NIER monitoring measurements at specific distances from the facility and take cumulative NIER from nearby facilities into account.

- (23) Ongoing Monitoring of NIER Levels. Every wireless communication facility authorized under this section, shall demonstrate continued compliance with the NIER standard established by the FCC, and any NIER standards of other regulatory agencies as may become effective. By July 1st of every second year, a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning Director. 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 NIER measurements shall be made **of** NIER exposure levels during peak operation periods **at a range of** distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with **all** other existing NIER transmission sources within a one-mile radius.* 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, at specific distances from the facility and to take cumulative NIER effects from nearby facilities into account.

- (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, shall be grounds for review of the use permit or other entitlement.

(j) REQUIRED LEVEL OF REVIEW:

All new wireless communication facilities, except for exempt facilities as described in Subdivision (e), require a Wireless Communication Facility Use Permit. If the proposed facility is located in the Coastal Zone, a separate Coastal Development Permit 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). All Wireless Communication Facilities Use Permits shall require at least a Level V approval. Table 1 below summarizes the restrictions on new wireless communication facilities:

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, RB, M H , 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 Structure ₁ or Ground*-Mounted	Not Permitted ₅	Not Permitted ₅	Level V
Camouflaged Structure ₁ or Ground ₂ -Mounted	Level V	Not Permitted ₅	Level V
Telecommunication Towers ₃	Not Permitted ₅	Not Permitted ₅	Level V
Co-Located ₄ 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 (*including P. G. & E./utility towers*) or to existing ground/structure mounted antennas/masts.
5. Permitted with Level V review if no *technically feasible or environmentally superior* 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/Overlay Zone

Changes were made to the table above to keep it consistent with changes made to the text, and to remove redundancies.

(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, or otherwise environmentally sensitive areas or resources, as defined in the Santa Cruz County General Plan/LCP (Sections 5.1, 5.10, and 8.6.6.), or there is no other *environmentally superior and* technically feasible alternative to the proposed location with less visual impacts *and the proposed facility has been **modified** to minimize its visual and environmental 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 *environmentally superior and* 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 communication 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 *as nearly as possible* 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), subject to the approval of the Planning Director.

(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.

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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

APPROVED AS TO FORM:

Assistant County Counsel

DISTRIBUTION: County Counsel
CAO
Planning Department

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:

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.
- (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-location or Co-located Facility – When more than one wireless service providers share a single wireless communication facility, such as a telecommunications tower. A co-located facility can be comprised of a single tower (including P.G. & E. transmission or other types of utility or water towers) or building that supports ing one or two or more antennas, dishes, or similar wireless communication devices, that are separately owned or used by more than one public or private entity. Co-location ed facilities can consist of additions or extensions made to existing towers so as to that provide enough space for more than one user, or it they can consist of be a new replacement towers with more antenna space that replace supplants an older existing smaller towers with less capacity. Placing new wireless communication facilities/antennas upon existing or new P. G. & E. or other utility towers or poles can also be considered co-location.*
- (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 not exceeding sixteen (16) feet from the ground to the top of the antenna.
- (10) *Least Visually Obtrusive* – with regard to wireless communication facilities, this shall refer to technically feasible **facility site and/or design alternatives that render the facility the most inconspicuous relative to other technically feasible sites and/or designs. It does not mean that the facility must be completely hidden, but it may require screening or other camouflaging so that the facility is not immediately recognizable as a wireless communication facility from adjacent properties and roads used by the public.**
- (11) “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 (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.

- (121) MMDS – Multi-channel, Multi-point Distribution Services (also known as “wireless cable”)
- (132) MTSOs - Mobile Telephone Switching Offices
- (143) 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.
- (154) PCS - Personal Communications Services - Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
- (165) PUC - California Public Utilities Commission.
- (176) Stealth Technology/Techniques – Camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous or invisible.
- (183) Structure-Mounted Wireless Communication Facility - Any immobile antenna (including panels and directional antennas) attached to a structure, *such as a building façade or a water tower*, or mounted upon a roof.
- (198) Telecommunication Tower - A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
- (2019) Visual Impact – A modification or change that ~~could be~~ *is* incompatible with the scale, texture, form or color of the existing natural or human-made landscape.
- (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 (*including wireless internet*); 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, and may be allowed in any zoning district.

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast.
- (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.
- (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 911 Emergency Services, police, sheriff, and/or fire departments, etc.), that are co-located with an existing wireless communication tower or other facility, as defined under Subdivision (d) part (4). All new non-co-located public safety-related wireless communication facilities require a Level V approval (i.e., zoning administrator approval with public hearing required).~~
- (78) Any "minor" antenna or facility described under Subdivision (d), part (110).

(f) GENERAL REQUIREMENTS:

All wireless communications facilities, except for exempt facilities described in Subdivision (e), shall comply with the following requirements:

- (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, with a Level V review, except for certain restrictions in the following zoning districts: Single Family Residential (R-1), Multi-Family Residential (RM), Ocean Beach Residential (RB), Residential Agriculture (RA), Rural Residential (RR), Special Use (SU; with a Residential General Plan designation) and the Combining Zone overlays for Historic Landmarks (L), Mobile Homes (MH) and Salamander Protection areas (SP). In these zoning districts, new wireless communication towers shall not be permitted, except

for on *some types of* publicly, or quasi-publicly, owned or controlled properties, including *police/fire stations and churches but not including schools, where appropriate*, or in situations where the applicant can prove that no *technically feasible potential* alternative designs (e.g., *camouflaged ground- or structure- mounted antennas*), or sites outside the restricted zoning district, exist that would provide *adequate comparable* coverage. ~~In addition,~~ Camouflaged *structure-mounted* or camouflaged ground-mounted antennas, or co-located facilities ~~that are co-located onto existing towers~~, may be permitted in these zoning districts *cited above*, subject to Level V review, ~~but they are discouraged only if adequate coverage cannot be provided from alternative sites outside these zoning districts.~~

- (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. Co-located 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 *technically feasible and environmentally superior* alternatives, and that the prohibition would effectively prevent the provision of wireless communication services to a given area.
- (4) All new wireless communication facilities shall be subject to a Wireless Communication Facilities Use Permit, and also a Coastal Development Permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new towers and facilities.
- (5) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
- (6) 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).
- (7) Wireless communication facilities shall be sited in the least visually obtrusive location as ~~is technically feasible~~. See Number (8) below regarding increased visual impacts due to co-location.
- (8) Co-location shall be strongly encouraged. 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 that maintain the existing tower's *or structure's* level of visual impact shall be the preferred method. Where the visual impact of an existing tower must be 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.

- (9) 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), 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) 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. *Calculations shall be made of expected NIER exposure levels during peak operation periods at a range of distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with all other existing NIER transmission sources within a one-mile radius.* 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).
- (xiii) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the installer, *including a map* 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. Photo-simulations shall be submitted of the proposed wireless communication facility, *and also potential alternative facility design*

options, from ~~the nearest residential neighbors and/or~~ locations from which the public would typically view the site, as appropriate. *More in-depth visual analyses will be required for facilities proposed in visual resource areas, as designated in Section 5.10 of the County General Plan/LCP.* The analysis shall 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 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 shall be submitted by the applicant, subject to the approval of the appropriate decision making authority, which identifies 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 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 *technically* feasible alternatives. 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 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, 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. 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, 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 *that is technically* feasible, and shall minimize impacts on public views to the ocean. Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.
- (ii) Co-location is strongly encouraged in any situation where it is the least visually obtrusive option, such as when increasing the height/bulk of an existing tower would create less visual impact than constructing a new separate tower in a nearby location.
- (iii) Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or adverse visual impacts.
- (iv) Wireless communication facilities shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities must be sited below the ridgeline, unless no other technically feasible *and environmentally superior* 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 technically* feasible location for the provision of services as required by the FCC.
- (ix) 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/structure, 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 *technically feasible and environmentally superior* 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 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.
- (xi) In situations where a new wireless communication facility is proposed to be sited within 1,000 feet of residential *or school* uses, the new tower/antenna shall be located on a portion of the site that is as far away as possible from the residential *or school* uses. This provision will remain in force unless it can be proven by the applicant that a proposed location closer to residential *or school* uses is the only technically feasible alternative. This provision does not apply to facilities proposed to be co-located onto existing towers/facilities/structures.

(2) Design Review Criteria

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

- (i) Non-Flammable Materials. Towers and monopoles shall 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.
- (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 a height more than 25 feet above 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), 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.

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- (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
 - 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 ~~non-holiday~~ 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 *technically* feasible and appropriate. Other new wireless communication facility appurtenances, including but not limited to parking areas, access roads, and utilities should also be designed so as not to preclude site sharing by multiple users, as *technically* feasible 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) 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) MONITORING:

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

- (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 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. Initial compliance with the FCC's NIER standards shall be demonstrated for any new wireless communication facility, including co-located facilities, through submission of a report documenting initial NIER monitoring at the facility site after the commencement of normal operations. 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, *Measurements shall be made of NIER exposure levels during peak operation periods at a range of distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with all other existing NIER transmission sources within a one-mile radius* The report shall compare the measured results to the FCC NIER standards for such facilities. The report documenting 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.

- (23) Ongoing Monitoring of NIER Levels. Every wireless communication facility authorized under this section, shall demonstrate continued compliance with the NIER standard established by the FCC, and any NIER standards of other regulatory agencies as may become effective. By July 1st of every second year, a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning Director. 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 NIER measurements shall be made of NIER exposure levels during peak operation periods at a range of distances from 50 to 1,000 feet, taking into account cumulative NIER exposure levels from the proposed source in combination with all other existing NIER transmission sources within a one-mile radius.* 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, shall be grounds for review of the use permit or other entitlement.

(j) REQUIRED LEVEL OF REVIEW:

All new wireless communication facilities, except for exempt facilities as described in Subdivision (e), require a Wireless Communication Facility Use Permit. If the proposed facility is located in the Coastal Zone, a separate Coastal Development Permit 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).

All Wireless Communication Facilities Use Permits shall require at least a Level V approval.
Table 1 below summarizes the restrictions on new wireless communication facilities:

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 the Coastline and the First Public Through Road	All Other Areas
Non-Camouflaged Structure ¹ or Ground*-Mounted	Not Permitted ⁵	Not Permitted ⁵	Level V
Camouflaged Structure ¹ or Ground*-Mounted	Level V	Not Permitted ⁵	Level V
Telecommunication Towers ³	Not Permitted ⁵	Not Permitted ⁵	Level V
Co-Located ⁴ 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 (*including P. G. & E./utility towers*) or to existing **ground/structure** mounted **antennas/masts**.
5. Permitted with Level V review if no *technically feasible or environmentally superior* alternatives are available.
- ~~6. On existing structures or towers only.~~

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

(I) **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, or otherwise environmentally sensitive areas or resources, as defined in the Santa Cruz County General Plan/LCP (Sections 5.1, 5.10, and 8.6.6.), or there is no other *environmentally superior and technically feasible* alternative to the proposed location with less visual impacts *and the proposed facility has been modified to minimize its visual and environmental 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 *environmentally superior and 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 communication 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 *as nearly as possible* 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), subject to the approval of the Planning Director.

(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 10 months and 15 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: _____

Pablo Garcia
Assistant County Counsel

DISTRIBUTION: County Counsel CAO Planning Department
Sheriff General Services

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 1506 1 - 15329 of CEQA for the reason(s) which have been checked on this document. 562

Application No. N/A

Assessor Parcel No. County-wide

Project Location: County-wide

Project Description: Interim Ordinance regulating the siting and design of wireless communication facilities

Person or Agency Proposing Project:

Phone Number:

A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. _____ Statutory Exemption other than a Ministerial Project.
Specify type:

D. Categorical Exemption

1. Existing Facility
2. Replacement or Reconstruction
3. New Construction of Small Structure
4. Minor Alterations to Land
5. Alterations in Land Use Limitations
6. Information Collection
7. Actions by Regulatory Agencies for Protection of the

XX 8. Actions by Regulatory Agencies for Protection of Nat. Resources

9. Inspection
10. Loans
11. Accessory Structures
12. Surplus Govt. Property Sales
13. Acquisition of Land for Wild-Life Conservation Purposes
14. Minor Additions to Schools
15. Minor Land Divisions
16. Transfer of Ownership of Land to Create Parks

17. Open Space Contracts or Easements

18. Designation of Wilderness Areas

19. Annexation of Existing Facilities/Lots for Exempt Facilities

20. Changes in Organization of Local Agencies

21. Enforcement Actions by Regulatory Agencies

22. Educational Programs

23. Normal Operations of Facilities Environment for Public Gatherings

24. Regulation of Working Conditions

25. Transfers of Ownership of Interests in Land to Preserve Open Space

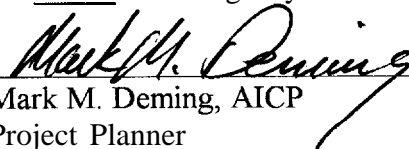
26. Acquisition of Housing for Housing Assistance Programs

27. Leasing New Facilities

28. Small Hydroelectric Projects at Existing Facilities

29. Cogeneration Projects at Existing Facilities

E. _____ Lead Agency Other Than County:


Mark M. Deming, AICP
Project Planner

Date: -June 19, 2001__



Fire Chiefs Association ⁴²³ of Santa Cruz County

June 19, 2001

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

Board Members,

On June 26, **2001**, the Board is considering an ordinance regulating the installation, maintenance and modifications of wireless communication facilities and systems. An exemption for Public Safety facilities and systems has been removed **from the** ordinance. The removal **of the** exemption for Public Safety **facilities** and systems will have a profound, negative impact on Public Safety Agencies. Law, **ambulance**, **public** works, State Parks, our 911 emergency communications center and fire will all be adversely effected by this ordinance.

This ordinance will require Public Safety Agencies to apply for a Level 5 -permit with the planning **department**. This permit will add time delays to projects that are currently planned for-the **coming** fiscal year. The permit process will add additional costs for consultants, engineers, reports, studies and planning department fees.

Would your Board direct the Planning Department to report what the full impact of this ordinance will have on Public Safety Agencies? This ordinance does not provide for repairs and equipment upgrades. What will be required of a Public Safety Agency when repairs or replacement of equipment are needed? How **will this** ordinance effect our daily emergency operations? The **Loma** Prieta earthquake damaged some of our radio repeater sites. What **effect** will there be on Public Safety Agencies if another earthquake creates damage to our communication facilities?..

I respectfully ask the Board to reconsider and include an exemption for Public Safety Agencies in this ordinance.

Sincerely,,

Ron Rickabaugh, President
Fire Chief, **Felton** Fire District