



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131

February 28, 2022

Agenda Date: March 9, 2022

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Item #7

Subject: Public Hearing to Review and Provide Recommendation to Board of Supervisors Regarding Amendments to SCCC 13.10 Wireless Communication Facilities and CEQA Notice of Exemption. Amendments to County Code Chapters 13.10 are Amendments to the Local Coastal Implementation Plan and will require Coastal Commission certification after County Adoption.

Members of the Commission:

Recommended Action(s):

- 1) Conduct a public hearing to review proposed amendments to the Santa Cruz County Code (SCCC) that would modify regulations related to wireless communication facilities (wireless communication facilities), with associated CEQA Notice of Exemption; and
- 2) Adopt the attached resolution (Exhibit A), recommending that the Board of Supervisors:
 - a. Direct staff to file the California Environmental Quality Act (CEQA) Notice of Exemption (Exhibit B) with the Clerk of the Board; and
 - b. Adopt the ordinance (Exhibit C) modifying County Code regarding Wireless Communication Facilities; and
 - c. Direct staff to transmit the amendments to the California Coastal Commission.

Executive Summary

The Board of Supervisors directed staff to propose amendments to the wireless communication regulations in the Santa Cruz County Code ("SCCC" or "County Code") to update outdated requirements and bring the County Code into compliance with state and federal law. The County adopted its current wireless communication regulations in 2003. Not only has wireless communication changed dramatically since 2003, state and federal laws have also changed, placing more limitations on how local governments can regulate wireless communication facilities. Despite these limitations, the County maintains the ability to regulate wireless communication facility design, location, operation, and construction.

The County's existing regulations do not contain up-to-date standards for deployment of wireless communication facilities consistent with state and federal law. The proposed amendments

overhaul the current wireless regulations to such an extent that staff recommends the County repeal and replace its current regulations. As written, the current regulations do not allow permit processing to fit within time constraints required by state and federal law. Review standards are difficult to understand and application requirements are often ambiguous, unenforceable, or difficult to interpret. On December 7, 2021, the Board conducted a study session to review the current state of the County's wireless regulations and directed staff to take replacement regulations to the Planning Commission for review and recommendations before going back to the Board for final consideration.

Background

On August 7, 2001, the Board of Supervisors ("Board") adopted an Interim Wireless Communications Facilities Ordinance, codified as SCCC 13.10.659. The Interim Wireless Communications Facilities Ordinance was originally intended to be in effect for one year but was extended to June 18, 2003, to allow time to revise the final Wireless Communications Facilities Ordinance. On March 18, 2003, the Board repealed SCCC 13.10.659 and adopted a final Wireless Communications Facilities Ordinance, which amended the County Code and, save two minor updates in 2004 and 2014, is not much different from the County's current wireless regulations, codified as SCCC 13.10.660 through 13.10.668. In fact, the current wireless regulations are not much different from the Interim Wireless Communications Facilities Ordinance that was adopted over twenty years ago. Needless-to-say, the County's wireless regulations are in desperate need of an update.

Replacing the current County Code is due in major part to the current wireless regulations being either out of compliance with state and federal law, or difficult to follow without violating state and federal law. The most pressing among these laws is California's recent adoption of Assembly Bill 537 ("AB 537"), which became law on January 1, 2022. Fundamentally, AB 537 codifies into state law the Federal Communications Commission's ("FCC") time constraints or "shot clocks" under which local governments must review and approve or disapprove an application for a wireless communication facility.

On September 27, 2018, the FCC issued a Declaratory Ruling and Third Report and Order ("FCC Order") to remove certain state and local regulatory barriers that inhibit the deployment of small wireless facilities that the telecom industry deem necessary to densify wireless networks for 5G services. These new rules under the FCC Order became effective on January 14, 2019, chief among them being the new time constraints or shot clock rules. Several appeals were filed by local governments arguing that the FCC Order exceeded the FCC's authority. With the passage of AB 537, however, California is codifying the shot clocks as set forth in the FCC Order. The shot clocks are as follows:

- Collocation of small wireless facilities: 60 days to act upon an application.
- Collocation of facilities other than small wireless facilities: 90 days.
- Construction of new small wireless facilities: 90 days.
- Construction of new facilities other than small wireless facilities: 150 days.

Further, the FCC requires any request to modify an existing wireless communication facility, otherwise known as an eligible facilities request, to be reviewed and acted upon within 60 days of

submittal. It is worth noting that “collocation” means “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” (47 C.F.R. § 1.6100(b)(2).) In other words, collocation can mean a new wireless antenna attached to an existing wireless communication tower or a new wireless antenna attached to the top of a utility pole.

Under federal law, local governments have the authority to regulate the “placement, construction, and modification” of wireless communication facilities, subject to certain limitations. (47 U.S.C. § 332(c)(7)(A).) Among those limitations, a local government’s regulations may not “unreasonably discriminate among providers of functionally equivalent services” and may not “prohibit or have the effect of prohibiting the provision of personal wireless services.” (47 U.S.C. § 332(c)(7)(B)(I)(I), (II).) Any denial of an application to place, construct, or modify a wireless communication facility must be based on “substantial evidence contained in a written record.” (47 U.S.C. § 332(c)(7)(B)(iii).) Notably, any such denial *cannot* be based on environmental or health impacts of the wireless facility. Specifically, federal law provides that a local government may not “regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” (47 U.S.C. § 332(c)(7)(B)(iv).) The FCC has regulatory jurisdiction over RF emissions, including impacts of radio frequency radiation from cell phones.

Notably, the regulation of environmental health impacts from wireless communication facilities is a matter of federal jurisdiction, and the County has no regulatory authority in this area as matter of federal law. Thus, the County is limited to regulating the siting, aesthetics, operation, construction, and modification of wireless communication facilities in the unincorporated areas of Santa Cruz County.

Analysis

With the passage of AB 537, the California Legislature and the Governor signaled that they agree with the FCC’s approach to facilitate faster deployment of wireless communication facilities in California. The bill itself states that “[t]he public’s increased reliance on high-speed internet access for remote work and school, telehealth, emergency response, and commerce due to the COVID-19 pandemic demonstrates the need for legislation to accelerate the deployment of broadband infrastructure.” It is undeniable that our reliance on high-speed internet during the COVID-19 pandemic has laid bare not only where there are gaps in wireless coverage but the inequities in service. AB 537 makes clear that since each jurisdiction in California has its own permitting processes and timelines, a more uniform approach to processing wireless communication facility applications is needed. Hence, the adoption of the FCC shot clocks.

The shot clocks, however, are extremely challenging to comply with under the County’s current wireless regulations. To adapt to these new shot clock rules, the County needs a complete overhaul of its wireless regulations. For example, to comply with the 60-day shot clock for collocated small wireless facilities the County must transition from a discretionary process to a ministerial process. Performing discretionary review, which involves review from a legislative body, is difficult within 60 days. Moreover, wireless carriers have signaled an intent to deploy more small wireless facilities or “small cells” to facilitate 5G service. Accordingly, staff proposes a new section, SCCC

13.10.662, to address deployment of small cells in public rights-of-way that will provide a ministerial application process and objective siting, design, and construction standards.

The County's current processing of wireless communication facility applications requires the County to enter into an agreement with wireless carriers to toll the applicable shot clock. If the shot clock is not tolled, under the FCC Order, and now under AB 537, an application will be deemed approved once the shot clock expires. The proposed wireless regulations offer a streamlined process to help the County abide by the shot clocks, while maintaining the maximum discretion and authority allowed for local governments under State and federal law.

Over the past year-and-a-half, the Board has expressed an interest in amending the current wireless regulations to limit the amount of interpretation needed to review wireless communication facility applications regarding issues of height, visual impact assessment, and alternatives analyses. In the proposed regulations, most of the vague or ambiguous language has been clarified, most subjective requirements have been removed or reserved for sensitive locations, and many repetitive sections (e.g., collocation and visual impacts) have been merged or removed.

Overall, the proposed regulations contain more objective standards while eliminating language that is subject to varying interpretations. Because the proposed regulations required extensive editing, including a streamlined process for applications to comply with AB 537, replacement regulations were drafted for the Planning Commission's review and are attached as Exhibit C. Further, instead of including a strikethrough-underline version of the regulations, Exhibit D provides a crosswalk showing where the current Code provisions exist in the proposed regulations, which were removed, and including a brief explanation of the proposed changes.

On December 7, 2021, the Board of Supervisors conducted a study session to review the proposed amendments to the Santa Cruz County Code regarding wireless communication facilities and provided feedback to staff on proposed amendments. At the time of the study session, the proposed ordinance contained placeholders for the categories of wireless communication facilities that would qualify for ministerial processing and staff informed the Board of the intent to add the categories and objective criteria to the proposed ordinance for presentation to the Planning Commission. The Board expressed support for the proposed amendments overall and specifically for the creation of categories of wireless communication facility projects and objective criteria that would qualify a project for a ministerial permit process.

Ministerial Permits

The proposed ordinance creates categories of wireless communication facility projects that would qualify for ministerial processing outside of the public rights-of-way ("ROW") and in the public ROW. Outside the public ROW the ministerial permit process is the building permit process. A new section of the proposed ordinance contains the objective criteria for building permits for wireless communication facility (13.10.661(C)(3)). In the public ROW, the ministerial permit process is the encroachment permit process currently administered by the Department of Public Works. A new section in the proposed ordinance addresses wireless communication facilities in the public ROW in general and contains the objective criteria for an encroachment permit for wireless communication facilities (13.10.662(C)(4)). Any wireless communication facility project

that would not qualify for a building permit or encroachment permit only would continue to require approval of a discretionary conditional use permit by the Zoning Administrator at a public hearing prior to obtaining either a building permit or encroachment permit for the wireless communication facility. In addition, a wireless communication facility project located in the Coastal Zone would continue to require a Coastal Development Permit prior to obtaining a building permit or encroachment permit.

Building Permits

Because of the limitations imposed by the “shot clock” rules, development of the categories for ministerial processing relate to the shot clock requirements. All types of wireless communication facilities are subject to a shot clock requirement but with varying lengths of time allowed for processing. The first category of wireless communication facility projects that would qualify for ministerial permit processing outside the public ROW would include collocated wireless communication facilities, which are subject to a 60-day shot clock for collocated small wireless facilities and eligible facilities requests and a 90-day shot clock for all other collocations (See 13.10.661(C)(3)(a)). To qualify for ministerial processing the key criteria would be the collocated wireless communication facility must not defeat the existing concealment elements of the existing tower or base station. In other words, the collocated wireless communication facility would look the same as the existing wireless communication facility with the added antenna(s) and equipment. If the existing wireless communication facility is not adequately concealed, then the existing and collocated wireless communication facility must be camouflaged or concealed using the standards described below for the second category of wireless communication facilities located outside the public ROW and qualifying for ministerial processing.

The second category of wireless communication facilities located outside the public ROW that would qualify for ministerial processing would include new wireless communication facilities mounted on commercial, industrial, or public facilities within the PF, C-1, C-2, C-4, M-1, M-2, or M3 zone districts (13.10.661(3)(C)(b)). These wireless communications facilities would be subject to a 90-day shot clock for new small wireless facilities and a 150-day shot clock for new wireless facilities other than small wireless facilities. The key criteria in this category requires the wireless communication facility to be adequately concealed or camouflaged such that the facility is not visible at all or minimally visible and camouflaged. Two new definitions are introduced to capture these two concepts. A “completely concealed and integrated facility” is completely non-visible even to a trained eye (see 13.10.660(B)(8)) and an “architecturally integrated” facility may be noticeable to the trained eye but would not generally be noticeable by the casual observer (See 13.10.660(B)(4)). Examples would be a wireless communication facility integrated into the normal design of a building such as behind an otherwise standard parapet wall completely concealing all evidence of the existence of a wireless communication facility, both antenna(s) and equipment. An architecturally integrated facility may be camouflaged in such a way that it appears to be an integral part of the building but the camouflaging technique may still be noticeable to the trained observer such as an antenna disguised as a chimney or vent pipe or other mechanical or decorative feature typically seen on a building.

Because of the wide variety of existing and future wireless communication facilities and possibilities for concealing and camouflaging collocations and new facilities, it is difficult to

establish more specific objective criteria such as color, height, dimensions, and general design. However, by including the two new definitions combined with the requirement for collocations and new installations on existing commercial, industrial, or public facility structures, makes it possible for providers to come up with designs that meet the clear intent of the requirement for concealment and camouflage.

It should be noted the proposed ordinance includes a provision allowing the Director to require discretionary review for applications when appropriate due to sensitive location within a designated or protected scenic area, historic site, sensitive habitat, coastal zone, or site visible from a scenic road or public beach, or, if in the opinion of the Director, the project merits discretionary review. In addition, wireless communication facilities proposed in prohibited and/or restricted zone districts or areas would not be eligible for ministerial review.

Encroachment Permits

The proposed ordinance includes a new section addressing wireless communication facilities in the public ROW including a list of objective criteria for encroachment permits (13.10.662(C)(4)). If a proposed wireless communication facility does not meet the listed criteria or is located in the Coastal Zone it would require a discretionary conditional use permit and/or a Coastal Development Permit prior to obtaining the required encroachment permit. The criteria begin with a list of prohibited locations including County-owned traffic signal infrastructure due to numerous safety and logistical issues associated with these facilities. Other prohibited locations include locations requiring the removal or significant modification of any existing public infrastructure or landscaping, locations directly in front of residences on either side of the street or within driveway and intersection sight lines, locations on strand or overhead lines, decorative poles, and site locations that are within 300 feet of another small cell facility. Types of infrastructure where wireless communication facilities would be allowed include wood utility poles or metal street light poles

The criteria for wood utility poles would include height and antenna and equipment volume limitations consistent with the federal definition of a small cell facility. When attached to an existing or replacement utility pole no more than one wireless communication facility could not extend the height of the existing pole to a height of more than 50 feet or by more than 10 percent, whichever is greater. Antennas may be either top-mounted or side-mounted and match the pole profile. Side-mounted antennas would not exceed the height of the pole and would not extend more than 2' from the centerline of the pole with no visible cabling allowed. Top-mounted antennas must blend with the top of the pole utilizing an antenna skirt to conceal cabling. Each antenna would not exceed three cubic feet in volume excluding mounting hardware and cabling and would be shrouded or otherwise concealed using stealth technologies or camouflage techniques.

All wireless equipment would be placed in cabinets flush mounted on the wood pole and stacked vertically on one side of the pole. Cabinets would not exceed the width of the pole where mounted and would not extend more than 12" from the pole. Height and number of cabinets would be minimized, and cabinets would not be any lower than 8 feet above the ground. All components, antennas, shrouds, brackets, cable conduits, and equipment cabinets would be painted to match the

color of the pole. Electrical supply lines would be undergrounded, and no visible cabling would be allowed. Passive cooling would be required instead of mechanical fans. Any required lighting on equipment would be shielded from public view and required signage would be minimized.

The criteria for metal street light poles would include height and antenna and equipment volume limitations consistent with the federal definition of a small cell facility. When attached to an existing or replacement street light pole no more than one wireless communication facility could not extend the height of the existing pole to a height of more than 50 feet or by more than 10 percent, whichever is greater. Replacement street light poles would match existing streetlights in the area in pole height, color, diameter, cobra arm height and design, luminaire design and intensity, and maintain a cohesive appearance. Antennas could only be top mounted within an antenna shroud blending with the top of the pole. For a metal pole, all wireless equipment would be housed internal to the pole or mounted directly above the top of the light arm connection within the antenna shroud. Similar to the requirements for wood poles electrical supply lines would be undergrounded and would be separated from the electrical infrastructure for the light pole. Cooling fans would be prohibited and any required lighting on equipment would be shielded from public view and required signage would be minimized.

Environmental Review

Adoption of the proposed ordinance is not a “project” within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in direct or indirect physical change in the environment. The proposed ordinance modifies the County’s existing wireless communication facilities regulations to streamline application processing, clarify current County regulations, and comply with recent updates to state and federal law. Accordingly, adoption of the proposed ordinance is not a project because none of the changes to current County regulations would result in reasonably foreseeable specific environmental impacts; wireless facilities will continue to deploy with or without adoption of this ordinance. Further, each project deployed pursuant to the updated regulations promulgated in this ordinance will undergo separate environmental review. However, if the ordinance itself were interpreted to be a “project,” it would be exempt from CEQA because future wireless facility projects resulting from adoption of this ordinance are likely exempt from CEQA review in accordance with CEQA Guidelines Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), Section 15303 (new construction or conversion of small structures), and/or Section 15304 (minor alterations to land).

Strategic Plan Elements

1.C (Comprehensive Health & Safety: Local Justice) Wireless communication facilities are needed to support communication for emergency service responders and community members, allowing improved health and safety during emergencies.

4.D (Sustainable Environment: Climate Change) Wireless communication facilities support improved communications enabling remote work which reduces vehicle miles traveled, improves air quality, and reduces traffic congestion.

5.A (Dynamic Economy: Regional Workforce) Wireless communication facilities support remote work and regional employment opportunities.

Submitted By,

David Carlson
Resource Planner
Policy Section

Exhibits:

- A. Resolution
- B. CEQA Notice of Exemption
- C. Chapter 13.10.660 through 13.10.664 Ordinance
- D. Ordinance Crosswalk
- E. Chapter 13.10 Use Charts Strikethrough-Underline
- F. Existing wireless communication facility Regulations Chapter 13.10.660 through 668

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

**RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY
OF SANTA CRUZ RECOMMENDING REPEALING SANTA CRUZ
COUNTY CODE SECTIONS 13.10.660 THROUGH 13.10.668, ADDING
NEW SECTIONS 13.10.660 THROUGH 13.10.664, AMENDING SECTIONS
13.10.312, 13.10.322, 13.10.332, 13.10.342, 13.10.352, 13.10.362, AND 13.10.372
REGARDING WIRELESS COMMUNICATION FACILITIES, AND
RECOMMENDING THE FILING OF A CEQA NOTICE OF EXEMPTION**

WHEREAS, the County of Santa Cruz (“County”) has maintained a wireless communication facilities ordinance since 2001; and

WHEREAS, the current wireless communication facilities regulations are not much different from the original ordinance adopted over twenty years ago and the County’s wireless regulations are in desperate need of an update.; and

WHEREAS, wireless communication has changed dramatically since 2001 and State and federal laws have also changed, placing more limitations on how local governments can regulate wireless communication facilities.; and

WHEREAS, the County wishes to amend SCCC 13.10 to update outdated requirements and bring the County Code into compliance with state and federal law; and

WHEREAS, SCCC 13.10 is a Local Coastal Program implementing ordinances; and

WHEREAS, the Planning Commission has reviewed the County’s proposed County Code amendments and finds that they are necessary to implement State and federal law, are consistent with all elements of the General Plan/Local Coastal Program, and comply with the California Coastal Act; and

WHEREAS, adoption of the proposed ordinance is not a “project” within the meaning of Section 15378 of the State California Environmental Quality Act (“CEQA”) Guidelines because it has no potential for resulting in direct or indirect physical change in the environment. The proposed ordinance modifies the County’s existing wireless communication facilities regulations to streamline application processing, clarify current County regulations, and comply with recent updates to state and federal law. Accordingly, adoption of the proposed ordinance is not a project because none of the changes to current County regulations would result in reasonably foreseeable specific environmental impacts; wireless facilities will continue to deploy with or without adoption

of this ordinance. Further, each project deployed pursuant to the updated regulations promulgated in this ordinance will undergo separate environmental review. However, if adoption of the ordinance were interpreted to be a “project,” it would be exempt from CEQA because future wireless facility projects resulting from adoption of this ordinance are likely exempt from CEQA review in accordance with CEQA Guidelines Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), Section 15303 (new construction or conversion of small structures), and/or Section 15304 (minor alterations to land).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed ordinance repealing sections, adding sections, and amending the Santa Cruz County Code regarding wireless communication facilities as presented on this date.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors confirm that a Notice of Exemption is appropriate under CEQA.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this ____ day of ____, 2022 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:

ASSISTANT COUNTY COUNSEL

cc: County Counsel
Planning Department



County of Santa Cruz

PLANNING DEPARTMENT

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NOTICE OF EXEMPTION

To: Clerk of the Board
Attn: Stephanie Cabrera
701 Ocean Street, Room 500
Santa Cruz, CA 95060

Project Name: Wireless Facilities Regulations Update

Project Location: Countywide

Assessor Parcel No.: N/A

Project Applicant: County of Santa Cruz Planning Department

Project Description: The project updates the Santa Cruz County Code for wireless facilities to comply with State and federal laws and remove areas of confusion in the County regulations.

Agency Approving Project: County of Santa Cruz Board of Supervisors

County Contact: David Carlson

Telephone No. 831-454-3173

Date Completed: _____

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on _____ (date) and found the project to be exempt from CEQA under the following criteria:

Exempt status: (*check one*)

- ☒ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☐ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
Specify type: 15282(h)
- ☐ **Categorical Exemption**

Reasons why the project is exempt:

The proposed ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in direct or indirect physical change in the environment. The proposed ordinance modifies the County's existing wireless communication facilities regulations to streamline application processing, clarify current County regulations, and comply with recent updates to state and federal law. Accordingly, adoption of the proposed ordinance is not a project because none of the changes to current County regulations would result in reasonably foreseeable specific environmental impacts; wireless facilities will continue to deploy with or without adoption of this ordinance. Further, each project deployed pursuant to the updated regulations promulgated in this ordinance will undergo separate environmental review. However, if the ordinance itself were interpreted to be a "project," it would be exempt from CEQA because future wireless facility projects resulting from adoption of this ordinance are likely exempt from CEQA review in accordance with CEQA Guidelines Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), Section 15303 (new construction or conversion of small structures), and/or Section 15304 (minor alterations to land).

Signature: _____ Date: _____ Title: Environmental Coordinator

Revised 3/1/2022

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ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CRUZ REPEALING SANTA CRUZ COUNTY
CODE SECTIONS 13.10.660 THROUGH 13.10.668, ADOPTING NEW
SECTIONS 13.10.660 THROUGH 13.10.664, AND AMENDING SECTIONS
13.10.312, 13.10.322, 13.10.332, 13.10.342, 13.10.352, 13.10.362, AND
13.10.372 REGARDING WIRELESS COMMUNICATION FACILITIES**

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

SECTION I

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Agricultural Uses Chart in SCCC 13.10.312 to read as follows:

USE	CA	A	AP (P Comb.⁺)
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, inclusive	BP/5	BP/5	BP/5

SECTION II

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Residential Uses Chart in SCCC 13.10.322 to read as follows:

USE	RA	RR	R-1	RM	RB
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, inclusive	BP/5	BP/5	BP/5	BP/5	BP/5

SECTION III

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Commercial Uses Chart in SCCC 13.10.332 to read as follows:

USE	PA	VA	Ct	C-1	C-2	C-4
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, inclusive	BP/5	BP/5	BP/5	BP/5	BP/5	BP/5

SECTION IV

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Industrial Uses Chart in SCCC 13.10.342 to read as follows:

USE	M-1	M-2	M-3
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, inclusive	BP/5	BP/5	BP/5

SECTION V

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Parks, Recreation and Open Space PR District Uses Chart in SCCC 13.10.352 to read as follows:

USE	PR
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, BP/5 inclusive	

SECTION VI

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Public and Community Facilities PF District Uses Chart in SCCC 13.10.362 to read as follows:

USE	PF
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, BP/5 inclusive	

SECTION VII

The Santa Cruz County Code is hereby amended by changing the “Wireless communication facilities” portion of the Commercial Uses Chart in SCCC 13.10.372 to read as follows:

USE	TP
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.664, BP/5 inclusive	

SECTION VIII

The Santa Cruz County Code is hereby amended by repealing SCCC 13.10.660 through 13.10.668 and replacing with SCCC 13.10.660 through 13.10.664 to read as follows:

Sections

- 13.10.660 Regulations for the siting, aesthetics, operation, and construction of wireless communication facilities.**
- 13.10.661 Applications for wireless communication facilities.**
- 13.10.662 Wireless communication facilities in public rights-of-way.**
- 13.10.663 Modifications to wireless communication facilities.**
- 13.10.664 Indemnification for wireless communication facilities.**

13.10.660 Regulations for the siting, aesthetics, operation, and construction of wireless communication facilities.

(A) Purpose. The purpose of SCCC 13.10.660 through 13.10.664 is to establish regulations for the siting, aesthetics, operation, construction, and modification of wireless communication facilities in the unincorporated areas of Santa Cruz County, while minimizing adverse visual and operational effects of such facilities. The regulations in these sections are intended to be consistent with state and federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to: (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of prohibiting wireless communication facilities within Santa Cruz County; or (3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental/health effects of radio frequency emissions, to the extent that the services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

(B) Definitions.

- (1) “Alternatives analysis” means the evaluation and consideration of various options in siting, design, and construction of wireless communication facilities, including a detailed report on the approach, methods, and information employed in the site and facility selection process.
- (2) “Application” means a formal request, including all required and requested fees, forms, documentation, and information submitted by an applicant to the County for a wireless communication facility permit.
- (3) “Applicant” means a person or entity filing an application for placement or modification of a wireless communication facility.
- (4) “Architecturally-integrated” means that the wireless telecommunications facility is designed to closely blend into the surrounding environment and to be minimally visible to the casual observer. Antennas and related equipment are either not readily visible beyond the property on which it is located, or if visible, appear to be part of the existing building

or environment rather than a wireless facility. The wireless facility may be incorporated into a building's architectural features, such as a steeple, parapet wall, clock tower, flagpole, cupola, chimney, vent pipe or light standard or be screened by an equipment screen or other equally suitable method. It may include alternative tower structures, such as freestanding flagpoles, treepoles, windmills, signs and similar support structures that conceal the presence of a wireless facility within that structure. Related equipment shall be designed to match the architecture of adjacent buildings and/or be screened from public view by walls, fences, parapets, landscaping, and similar treatments.

(5) "Base station" shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b), or any successor provision.

(6) "Camouflage" means the incorporation of elements and/or techniques designed to mask or blend a wireless communication facility with the surrounding environment in such a manner to minimize its visual intrusion on the surrounding environment.

(7) "Collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. Collocation also means when more than one wireless service providers share a single wireless communication facility. A collocated facility can be comprised of a tower, pole, or structure that supports one or more antennas, dishes, or similar wireless communication devices, that are separately owned or used by more than one public or private entity.

(8) "Completely concealed and integrated facility" means a wireless facility that is indistinguishable from the built and/or natural environment of the surrounding area. CCIFs apply camouflaging and concealment methods to wireless facilities to blend them into an existing/proposed structure or visual backdrop in a way that renders the wireless facility completely non-visible, including antennas, cables, and equipment/equipment areas.

(9) "County Code" means the Santa Cruz County Code.

(10) "County infrastructure" means County-owned or controlled property structures, objects, and equipment in the public rights-of-way, including, but not limited to, streetlights, traffic control structures, banners, street furniture, or other poles, lighting fixtures, or electroliners located within the public rights-of-way.

(11) "CPUC" means the California Public Utilities Commission.

(12) "Director" means the Director of the Santa Cruz County Planning Department or their designee.

(13) "Eligible facilities request" shall have the meaning as set forth in 47 C.F.R. Section 1.6100(b)(3), or any successor provision, which defines the term to mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station and involves collocation of new wireless equipment, the removal of wireless equipment, or the replacement of wireless equipment.

- (14) “Equipment shelter” means a ground-mounted, fully enclosed cabinet or underground vault containing equipment serving wireless antenna.
- (15) “FCC” means the Federal Communications Commission or its lawful successor.
- (16) “Least Visually Obtrusive” means any technically feasible, viable, and environmentally superior facility site and/or design alternatives, as demonstrated by the alternative analysis, that render the facility the most visually inconspicuous relative to other 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 within the visual setting and from scenic resources.
- (17) “Public right-of-way” shall have the same meaning as in Santa Cruz County Code Section 9.70.030(H) but shall also include any portion of any road or public way which the County has the responsibility to maintain or manage.
- (18) “Right of way” means all land or interest therein, which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the use of the public for road and street purposes.
- (19) “Radiofrequency emissions” or “RF emissions” means radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz and below), including microwaves, television VHF and UHF signals, radio signals, and low to ultra-low frequencies.
- (20) “Significant Gap” means a gap in a wireless provider’s own wireless services that is significant as certified by the wireless carrier.
- (21) “Small cell wireless facility” or “small cell facility” means a type of wireless communication facility that has the same meaning as set forth in 47 C.F.R. 1.6002(I), or any successor provision, which defines the term to mean a wireless communication facility where each antenna is no more than three cubic feet in volume, the associated wireless equipment is no more than 28 cubic feet in volume, and the facility is mounted on structures 50 feet or less in height, including antennas, or mounted on structures no more than 10 percent taller than adjacent structures, or that do not extend existing structures on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (22) “Stealth” means a design with concealment elements so visibility of any antenna or other transmission equipment associated with the facility is generally unnoticeable and so that the wireless facility fits into the context of its surroundings. By way of example, and not of limitation, a faux pine tree in an area with other natural pine trees would be considered stealth.
- (23) “Support structure” means any structure supporting a base station, small cell site, tower, wireless antenna or other wireless communication facility equipment.

- (24) “Technically feasible” means capable of being accomplished based on existing technology compatible with an applicant’s existing network.
- (25) “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
- (26) “Underground areas” means those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right of way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled to be converted from overhead to underground. Electrical facilities are distribution facilities owned by an electric utility and do not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.
- (27) “Utility pole” means a long slender usually cylindrical structure in the right-of-way designed to support electric, telephone, and similar utility lines. A tower is not a utility pole.
- (28) “Viable” means when an alternative site for which there is a property owner/manager interested in renting, leasing, selling, or otherwise making available, space for one or more wireless communication facilities upon said site on reasonable terms commensurate with the market in Santa Cruz County.
- (29) “Visual impact” means the placement or design of a wireless communication facility or the associated equipment such that they are not fully screened or shielded or are plainly visible and are likely to be noticeable or otherwise conspicuous. Any wireless communication facility outside the 300-foot setback from a public viewshed shall not be considered a significant visual impact.
- (30) “Wireless communication facility, or wireless facility” means the transmitters, antenna structures, and other types of installations used for the provision of personal wireless services at a fixed location, including without limitation, small cell facilities, any associated tower(s), support structure(s), and base station(s).
- (31) “Wireless encroachment permit” means a permit issued pursuant to this Chapter authorizing the placement or modification of a wireless facility of a design specified in the permit at a particular location within the right-of-way; and the modification of any existing support structure to which the wireless facility is proposed to be attached.
- (32) “Wireless regulations” means SCCC 13.10.660 through 13.10.664, inclusive, and any other regulations adopted by the Santa Cruz County Board of Supervisors to implement the provisions of this Chapter related to wireless facilities. The regulations comply with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, applicable regulations, orders, and decisions of the Federal Communications Commission

and the California Public Utilities Commission and applicable state law. The regulations are designed to regulate the siting, aesthetics, construction, modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County, and do not supersede federal and state authority.

(33) “Wireless service provider” means an entity that provides wireless services to end users.

(C) Restrictions.

(1) Federal and state regulations. All wireless communication facilities shall comply with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, applicable regulations, orders, and decisions of the FCC and CPUC and applicable state law.

(2) Radio frequency emissions. All wireless communication facilities shall comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, permittee or its representative must conduct and provide evidence of onsite, post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

(3) Federal Aviation Administration regulations. All wireless communication facilities shall comply with all applicable Federal Aviation Administration (“FAA”) regulations, including requirements of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 [commencing with Section 21001] of Division 9 of the Public Utilities Code).

(4) Zoning. New wireless communication facilities outside of public rights-of-way are prohibited in the following zoning districts: CA, R-1, RM, RB, and MH, unless the proposed facility is a small wireless facility, or is collocated on an existing facility, or modifies an existing facility, or the applicant provides documentation prepared by a qualified professional engineer to enable the County to find:

(a) The proposed facility eliminates or substantially reduces one or more significant gaps in the applicant carrier’s network; and

(b) The proposed facility is located on the least intrusive site, where the applicant provides substantial evidence that it chose the best solution for the community after a meaningful comparison of alternative sites and designs, including but not limited to considering less sensitive sites, alternative system designs, alternative tower designs, placement of antennae on existing structures, and other viable, technically feasible, and environmentally (i.e., visually) equivalent or superior potential alternatives.

(5) Coastal Zone. All wireless communication facilities in any portion of the Coastal Zone shall be consistent with the County Local Coastal Program and the California Coastal Act. No portion of a wireless communication facility shall extend onto or impede access to a publicly used beach. Power and telecommunication lines servicing wireless communication facilities in the Coastal Zone shall be required to be placed underground unless the County identifies an environmentally superior alternative. New wireless communication facilities located in the public right-of-way of the first through public road parallel to the sea shall be prohibited unless the applicant complies with SCCC 13.10.660(C)(4)(a) and (b). When so located, the inland side of the right of way shall be preferred unless otherwise justified by site-specific camouflage or stealth factors.

(D) Exemptions. Wireless communication facilities intended solely for personal, non-commercial uses, such as short-wave radio, by occupants of the site on which such facilities are located, are exempt from provisions of the County's wireless regulations but are subject to restrictions which pertain to buildings or structures in the zoning district in which such facilities are located. Wireless communication facilities located on County- owned property or on privately-owned property used solely for public or quasi-public use, are exempt.

(E) Siting requirements for wireless communication facilities outside of public rights-of- way.

(1) Collocation. New wireless communication facilities shall be required to be collocated onto existing facilities, base stations, or utility poles, unless there is no existing facility that would provide substantially similar coverage and the proposed facility is visually screened, camouflaged, or otherwise integrated into the surrounding character or scenic resource.

(2) Setbacks. Wireless communication facilities and any above-ground equipment, excepting fencing or barriers, shall comply with the setback standards for the applicable zoning district. Depending upon specific site constraints and circumstances, this requirement may not apply to antennas proposed to be collocated on existing facilities, base stations, or utility poles, nor to underground equipment shelters, if the required setbacks would prohibit the use of the proposed facility site.

(3) Scenic Resources. Wireless communication facilities proposed for mapped scenic areas, scenic road viewsheds, ridgelines, hilltop locations, or locations visible from public beaches shall be hidden from public view, where feasible and as demonstrated by an alternatives analysis, and shall incorporate camouflage and stealth techniques to minimize visual impacts.

(4) Visual Setting. New wireless communication facilities shall utilize existing natural or human-made features, including but not limited to topography, vegetation, buildings, or other structures, to conceal and integrate the facility into the visual environment to the extent feasible.

(F) Aesthetic requirements for wireless communication facilities outside of public rights-of-way.

(1) Screening. All components of wireless communication facilities and associated enclosures shall be designed to include stealth, camouflage, or screening techniques appropriate to the proposed location, design, visual environment, and nearby uses and/or structures. Only noninvasive species shall be used as vegetative screening, with a preference for species that are native to Santa Cruz County.

(2) Coating. All wireless communication facilities shall be constructed of and/or covered with nonflammable material, unless otherwise specified by the County. All components of wireless communication facilities shall be of a color approved by the County, shall be non-reflective, and shall be repainted and maintained in good repair.

(3) Lighting. Constant lighting shall be prohibited unless otherwise required under FAA regulations. Permittees shall install only timed or motion-sensitive lights and design all lights associated with the wireless communication facility so that direct light rays shall be confined to the premises and light intensity minimized to the extent feasible.

(4) Facility Type. Wireless communication facilities shall be self-supporting monopoles, towers, or other concealment structures whether free-standing or mounted on structures.

(5) Supporting Equipment. Supporting equipment, such as equipment shelters, shall be placed underground where technically feasible. Supporting equipment not placed underground shall be located and designed to minimize its visibility and, if appropriate, to disguise it to render it less conspicuous. Supporting equipment shall be no taller than 12 feet in height and shall blend with existing architecture and/or the natural surroundings in the area or shall be screened from sight by mature landscaping.

(G) Construction requirements for wireless communication facilities outside of public rights-of-way.

(1) Height. All towers shall be designed to be the shortest height possible to minimize visual impacts. The height of a free-standing facility shall be measured from the existing undisturbed ground surface below the center of the base of the facility to the top of the facility itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of structure-mounted facilities, the height of the facility includes the height of the structure directly below the facility. The maximum facility/antenna heights allowed in each zone district are as follows:

Zone District	Structure-Mounted	Free-Standing
Residential	50 feet	75 feet
Non-residential	60 feet	85 feet
Timber Production (TP)	125 feet	150 feet

(2) Height exceptions. Any applications for facilities of a height more than the allowed height for facilities in each zone district must include a written justification proving the need for a facility of that height and comply with SCCC 13.10.660(C)(4)(a) and (b).

(H) Operations and maintenance.

(1) Fire prevention and emergency. All wireless communication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting or intensifying a fire. To this end, all of the following measures shall be implemented for all wireless communication facilities, when determined necessary by the County Fire Marshall or Fire District 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 10 feet of the facility and all new structures, including telecommunication towers, shall be reviewed for fire safety purposes by the Fire Chief. Requirements established by the Fire Chief shall be followed;
- (d) All tree trimmings, debris, and refuse surrounding the facility shall be regularly removed from the site; and
- (e) For the protection of emergency response personnel, each wireless facility shall have an on-site emergency power shut-off (“kill switch”) to de-energize all facilities at the site in the event of an emergency.

(2) Noise. All wireless communication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. The following measures shall be implemented for all wireless communication facilities:

- (a) Outdoor noise producing construction activities shall only take place on nonholiday weekdays between the hours of 8:00 a.m. and 6:00 p.m., unless allowed at other times by the Director; and
- (b) Backup generators shall only be operated during power outages and for testing and maintenance purposes. Such generators shall comply with the noise thresholds of the General Plan Noise Element at the property line.

(I) Administration.

(1) The Director is responsible for administering the County’s wireless regulations. As part of the administration of these regulations, the Director may:

- (a) Interpret the provisions of SCCC 13.10.660 through 13.10.664 and any other wireless regulations adopted by the Board of Supervisors;

- (b) Develop forms, procedures, administrative practice guidelines, and application requirements related to siting or modification of wireless facilities;
- (c) Determine the amount of and collect, as a condition of accepting any application, the fees established by resolution of the Board of Supervisors or the County Code;
- (d) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
- (e) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
- (f) Subject to appeal as provided in SCCC 18.10, determine whether to approve, approve subject to conditions, or deny an application; and
- (g) Take such other steps as may be required to timely act upon applications for siting of wireless facilities, including issuing written decisions and entering into agreements with applicants to extend the time for action on an application.

(2) Appeal. Any person adversely affected by the decision of the Director pursuant to this Section may appeal the Director's decision in accordance with the provisions contained in SCCC 18.10, Article VI.

(J) Termination/Abandonment of Wireless Communication Facilities. The site shall be restored as nearly as possible to its natural or preconstruction state within six (6) months of termination of use or abandonment of the site. Applicant shall enter into a site restoration agreement, subject to the approval of the Director.

13.10.661 Applications for wireless communication facilities.

(A) General requirements. New 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; and all applications for wireless communication facilities shall be subject to review under SCCC 18.10, shall be subject to the California Environmental Quality Act, and shall not be accepted as submitted or reviewed until an application fee is received.

(1) Pre-application meeting. Prior to application submission, an applicant is strongly encouraged, not required, to schedule a pre-application meeting with the Director to discuss the proposed facility, the requirements of the wireless regulations, and any potential impacts of the proposed facility. This meeting shall not be considered the first required step in submission of an application.

(2) Application Fee(s). The first required step in the application submission process is the payment and receipt of the application fee(s). The Board of Supervisors is authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s)

from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless permit unless paid as a refundable deposit.

(3) Submission. An applicant shall submit a paper copy, unless the County advises otherwise, and an electronic copy of any application, amendment or supplement to an application, or responses to requests for information regarding an application to the Director at the County Planning Department, 701 Ocean Street, Room 400, Santa Cruz, California, 95060.

(4) Content. An applicant shall submit an application on the forms approved by the Director, which may be updated from time-to-time, and which shall require, in addition to submittal requirements specified in SCCC 18.10, the submission of all required fees, documents, information, and any other materials necessary to allow the Director to make required findings and ensure that the proposed facility will comply with applicable local, state, and federal law and will not endanger the public health, safety, or welfare. The application shall include a completed checklist, on a form supplied by the County, representing that each item required for a complete application is included in the submission.

(5) Waivers. Requests for waivers from any requirement of the wireless regulations shall be made in writing to the Director. The Director may grant or deny a request for a waiver pursuant to this subsection. The Director may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the County will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be granted only on a case-by-case basis and narrowly tailored to minimize deviation from the requirements of the County Code.

(6) Rejection for Incompleteness. For all wireless communication facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the Director shall notify the applicant and specify the material omitted from or information needed to complete the application.

(B) Required permits. All new wireless communication facilities, except as provided by SCCC 13.10.661(C), 13.10.662, and 13.10.663, shall be subject to a development permit. All projects located within the Coastal Zone shall require a coastal development permit, unless otherwise exempt or excluded. Additionally, a building permit will be required for construction of new wireless communication facilities.

(C) Ministerial review.

(1) The following applications shall be processed ministerially:

(a) Collocated wireless communication facilities mounted on existing structures, not otherwise subject to 13.10.662; and

(b) Wireless communication facilities mounted on commercial, industrial, or public facilities within the PF, C-1, C-2, C-4, M-1, M-2, or M3 zone districts.

(2) Exceptions. The Director shall require discretionary review for applications when appropriate due to sensitive location within a designated or protected scenic area, historic site, sensitive habitat, coastal zone, or site visible from a scenic road or public beach, or, if in the opinion of the Director, the project merits discretionary review. Wireless communication facilities proposed in prohibited and/or restricted zone districts or areas shall not be eligible for ministerial review.

(3) Criteria. The required criteria for ministerial review shall be as follows:

(a) Criteria for collocated wireless communication facilities mounted on existing structures, not otherwise subject to 13.10.662 and located outside the Coastal Zone.

(i) For towers outside the public rights-of-way and for all base stations, the collocation qualifies as an eligible facilities request as defined in this chapter; or,

(ii) For all other collocations none of the conditions in 13.10.663(G)(3) through 13.10.663(G)(6) are found.

(iii) For collocations where the existing wireless communications facilities are not adequately camouflaged or concealed, the proposed and existing facilities shall meet the standards in subsection (b)(i) below as a first priority and (b)(ii) as a second priority.

(b) Criteria for wireless communication facilities mounted on commercial, industrial, or public facilities within the PF, C-1, C-2, C-4, M-1, M-2, or M3 zone districts and located outside the Coastal Zone.

(i) The wireless communications facility, including antennas, cables and cable trays, and equipment and equipment areas must be a completely concealed and integrated facility; or,

(ii) For wireless communication facilities that cannot be completely concealed and integrated with the existing building, all components of the facility shall be architecturally integrated with the existing building to the extent feasible.

(D) Discretionary review.

(1) Required findings. To grant a development permit for a wireless communication facility, excluding projects processed ministerially under SCCC 13.10.661(C), 13.10.662, or 13.10.663, the approving body must make the required development permit findings (SCCC 18.10) and, if applicable, the required coastal development permit findings (SCCC 13.20), as well as the following findings:

- (a) Either:
- (i) the development of the proposed wireless communications facility, as conditioned, will not significantly affect any designated visual resources, environmentally sensitive habitat (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6), and/or other significant designated or protected County natural, cultural, or historic resources, including but not limited to agricultural and open space resources; or
 - (ii) there is no alternative to the proposed wireless communication facility, as conditioned, that is technically feasible and environmentally equivalent or superior to the proposed wireless communication facility including with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.
- (b) For sites located in one of the prohibited and/or restricted areas set forth in SCCC 13.10.660(C), that the applicant has provided documentation to enable the decision-making body to make the findings in SCCC 13.10.660(C)(4)(a) and (b) above.
- (c) That the subject property upon which the wireless communication facility is to be located is free of violations or compliant with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Chapter, as determined by the County, and that all zoning violation abatement costs, if any, have been paid.
- (d) That the proposed wireless communication facility, as conditioned, will not create a hazard for aircraft in flight.
- (2) Conditions of approval. Conditions of approval may be imposed by the Director to ensure compliance with the wireless regulations, and applicable local, state, and federal law.
- (3) Alternatives analysis. For applications with wireless communication facilities proposed in prohibited or otherwise restricted areas specified in SCCC 13.10.660(C)(4), an alternatives analysis must be submitted by the applicant. The alternatives analysis should identify all technically feasible potential location sites which reasonably meet the service provider's coverage objectives, particularly building-mounted sites, within the project vicinity, provide analysis as to the feasibility of those alternatives and compare the level of visual impact with that of the proposed project. At a minimum, this analysis should identify the location of all existing wireless communication facilities within a quarter mile of the proposed site; provide an explanation of why collocation has not been proposed at each of these sites.
- (4) Onsite visual demonstration. Unless waived by the Director, onsite visual demonstration structures (i.e., mock-ups) shall be required for all proposed wireless communication facilities in time, place, and manner as determined by the Director.

Generally, onsite visual demonstrations are not required for collocated and small cell facilities that do not propose a significant visual impact.

(5) Additional technical review. The applicant will be notified if the County requires an independent technical review of any submitted technical materials. The applicant shall pay all the costs of said review and may be required to deposit funds in advance to cover the estimated costs.

(E) Records. A permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation an approval, the approved plans and photo simulations incorporated into an approval, all conditions associated with an approval, and any ministerial permits or approvals issued in connection with approval of an application. If the permittee does not maintain such records as required or fails to produce true and complete copies of such records within a reasonable time after a written request from the County, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee.

(F) Attorneys' Fees. In the event the County determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a permit, and such legal action is taken, the permittee shall be required to pay any and all costs of such legal action, including reasonable attorneys' fees, incurred by the County, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the County should otherwise agree with permittee to waive said fees or any part thereof.

13.10.662 Wireless communication facilities in public rights-of-way.

(A) Purpose. The purpose of this Section is to establish a process for managing, and providing uniform standards for acting upon, requests for the siting of wireless communication facilities within the public rights-of-way of Santa Cruz County consistent with the County's obligation to promote public health, safety, and welfare, to manage the public rights-of-way, and to ensure that the public is not inconvenienced by the use of the public rights-of-way for the siting of wireless facilities. The County recognizes the importance of wireless communication facilities to provide high-quality communications service to the residents and businesses within the County, and the County also recognizes its obligation to comply with applicable state and federal law regarding the placement of wireless communication facilities in its public rights-of-way. This Section shall be interpreted as consistent with those provisions.

(B) Scope.

(1) General. A wireless encroachment permit shall be subject to all the same requirements as an encroachment permit would under SCCC 9.70 in addition to all the requirements of this Section. Unless exempted, placement of a wireless communication facility in the public right-of-way or modification of an existing wireless facility in the public right-of-way requires a wireless encroachment permit authorizing the siting, design, or modification in accordance with this Chapter. Except for small cell facilities, facilities qualifying as eligible facilities requests, or any other type of facility expressly allowed in the public right-of-way by state or federal law, no other wireless facilities shall be permitted pursuant to this Section.

- (2) Exemptions. This Section does not apply to:
- (a) The siting or modification of facilities by the County or by any other agency of the State solely for public safety purposes.
 - (b) Installation of temporary cell service structures for a fixed period of time in connection with an emergency or event, but no longer than required for the emergency or event, provided that installation does not involve significant excavation, movement, or removal of existing facilities.
- (3) Other Applicable Requirements. In addition to the wireless encroachment permit required herein, the placement of a wireless facility in the right-of-way requires the persons who will own or control those facilities to obtain all permits required by applicable law, including but not limited to, a coastal development permit, and to comply with applicable law, including, but not limited, applicable law governing RF emissions.
- (4) Pre-existing Facilities in the Right-of-Way. Any wireless facility already existing in the right-of-way as of the date of this Section's adoption shall remain subject to the provisions of the County Code in effect prior to this Section, unless and until an extension of such facility's then-existing permit is granted, at which time the provisions of this Section shall apply in full force going forward as to such facility. The review of any request for a renewal of a permit for such pre-existing facilities shall be conducted pursuant to this Section, rather than the portion(s) of the County Code that it was previously reviewed under.
- (5) Public use. Except as otherwise provided by California law, any use of the public right-of-way authorized pursuant to this Section will be subordinate to the County's use and use by the public.

(C) General Standards for Wireless Facilities in the Public Right-of-Way.

- (1) Generally. Wireless facilities in the right-of-way shall meet the minimum requirements set forth in this Section and all applicable requirements in the County's wireless regulations, in addition to the requirements of any other applicable state or federal law.
- (2) Regulations. The wireless regulations outlined in this Section shall apply, unless it is determined that an applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations. If that determination is made, the requirements of this Section may be waived but only to the minimum extent required to avoid the prohibition or violation.
- (3) Minimum Standards. Wireless facilities shall be installed and modified in a manner consistent with this Section; minimize risks to public safety; avoid placement of aboveground facilities in underground utility districts; avoid installation of new support structures or equipment cabinets in the public rights-of-way; maintain the integrity and character of the neighborhoods and corridors in which the facilities are located; ensure that

installations are subject to periodic review to minimize the intrusion on the rights-of-way; ensure that the County bears no risk or liability as a result of the installations; and provide that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the County or other government agencies to improve, modify, relocate, abandon, or vacate the public rights-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the rights-of-way.

(4) Objective Criteria. The required criteria for review of wireless communication facilities in public rights-of-way shall be as follows:

(a) Prohibited Locations

- (i) County-owned traffic signal infrastructure in the public rights-of-way
- (ii) Locations requiring the removal or significant modification of any existing public infrastructure or landscaping.
- (iii) Locations directly in front of residences on either side of the street or within driveway and intersection sight lines.
- (iv) Locations on strand or overhead lines
- (v) Site locations that are within 300 feet of another Small Cell Facility and any associated equipment; provided, however, that this restriction may be waived upon a demonstration that the refusal to allow an additional facility within a 300-foot radius will otherwise violate an applicable state or federal law
- (vi) Decorative poles

(b) Design (wood utility poles)

- (i) Small cell wireless facilities in the public right-of-way attached to existing or replacement utility poles shall not extend the height of the existing pole to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (ii) No more than one small cell wireless facility and associated equipment per pole.
- (iii) Antennas may be either top-mounted or side-mounted and match the pole profile. Side-mounted antennas shall not exceed the height of the pole and shall not extend more than 2' from the centerline of the pole with no visible cabling allowed. Top-mounted antennas must blend with the top of the pole utilizing an antenna skirt to conceal cabling. Each antenna shall not

exceed three cubic feet in volume excluding mounting hardware and cabling.

(iv) Antennas shall be shrouded or otherwise concealed using stealth technologies or camouflage techniques.

(v) All wireless equipment shall be placed in cabinets flush mounted on the pole and stacked vertically on one side of the pole. Individual cabinets shall not exceed the width of the pole where mounted and shall not extend more than 12" from the pole. Height and number of cabinets shall be minimized as necessary to accommodate wireless equipment and combined volume of all cabinets shall not exceed 28 cubic feet. Cabinets shall be mounted behind any existing road signs located on a pole and not block any road signs.

(vi) Electrical supply lines must be undergrounded. No overhead lines are allowed.

(vii) Cooling fans are prohibited, and all equipment cabinets must be passively cooled.

(viii) All components, antennas, brackets, cabling conduits, and equipment cabinets shall be painted to match the color of the pole. No visible cabling is allowed

(ix) Minimum height clearance for equipment mounted to the outside of the pole shall be eight feet above grade.

(x) All unnecessary equipment manufacturers logos or decals shall be removed or painted over.

(xi) Any required lighting on equipment shall be shielded from public view.

(xii) If required, utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government or electric utility regulations. Place the RF sticker as close to the antenna as possible. Other required signage shall be the smallest and lowest visibility possible. Background color of signage shall match the pole/equipment color. Place signage on the underside of cabinets or on the side of the cabinet facing the typical travel direction.

(c) Design (metal street light poles)

- (i) Small cell wireless facilities in the public right-of-way attached to existing or replacement street light poles shall not extend the height of the existing pole to a height of more than 50 feet or by more than 10 percent, whichever is greater.

- (ii) No more than one small cell wireless facility and associated equipment per pole.
- (iii) Replacement street light poles shall match existing streetlights in the area in pole height, color, diameter, cobra arm height and design, luminaire design and intensity, and maintain a cohesive appearance.
- (iv) Antennas shall be top-mounted within an antenna shroud that must blend with the top of the pole utilizing an antenna skirt to conceal cabling and create a tapered transition. Each antenna shall not exceed three cubic feet in volume excluding mounting hardware and cabling.
- (v) All wireless equipment shall be housed internal to the pole or mounted directly above the top of the light arm connection within the antenna shroud.
- (vi) Electrical supply lines must be undergrounded. No overhead lines are allowed.
- (vii) Cooling fans are prohibited, and all equipment must be passively cooled.
- (viii) All electrical infrastructure shall be separate from the County street light electrical infrastructure.
- (ix) All unnecessary manufacturers logos or decals on the pole shall be removed or painted over to match the pole color.
- (x) If required, utilize the smallest and lowest visibility (e.g. yellow instead of blue) radio-frequency (RF) warning sticker required by government regulations. Place the RF sticker as close to the antenna as possible. If required, any other signage shall be the smallest and lowest visibility possible. Background color of signage shall match the pole color.
- (xi) All current attachments to a pole, such as signs, decorative vegetation, banners, pole number labels, etc., shall remain on the pole and continue to fulfill its intended purposed.

(5) Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.

(6) Noninterference. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No infrastructure, structure, improvement, or property owned by the County shall be moved to accommodate a permitted activity or encroachment, unless the County determines that such movement will not adversely affect the County or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the County's structure, improvement, or property. Prior to commencement of any work pursuant to a wireless

encroachment permit, the permittee shall provide the County with documentation establishing to the County's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement, or property within the public right-of-way or County utility easement to be affected by permittee's facilities.

(7) Modifications. No changes shall be made to the approved plans without review and approval in accordance with this Section.

(8) New infrastructure. Any new infrastructure for wireless communication facilities in the right-of-way shall be considered a new wireless facility and must comply with the requirements set forth in Sections 660 and 661 of this Chapter. Any replacement infrastructure, unless replaced in kind pursuant to 13.10.662(C)(4), for the purpose in whole or in part to accommodate wireless communication facilities in the right-of-way shall be considered a new wireless facility for purposes of this Chapter.

(D) Applications for Wireless Facilities in the Public Right-of-Way. Wireless communication facilities in the right-of-way shall comply with all applicable goals, objectives, and policies of the General Plan/Local Coastal Program, area plans, zoning regulations, and development standards; and all applications shall be subject to the California Environmental Quality Act and shall not be accepted as submitted or reviewed until an application fee is received.

(1) Pre-application meeting. Prior to application submission, an applicant is strongly encouraged, not required, to schedule a pre-application meeting with the Director of Public Works or their designee to discuss the proposed facility(ies), the requirements of this Section, and any potential impacts of the proposed facility(ies). This meeting shall not be considered the first required step in submission of an application.

(2) Application Fee(s). The first required step in the application submission process is the payment and receipt of the application fee(s). The Board of Supervisors is authorized to determine, or cause to be determined, the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant for a wireless permit unless paid as a refundable deposit.

(3) Submission. An applicant shall submit a paper copy, unless the County advises otherwise, and an electronic copy of any application, amendment or supplement to an application, or responses to requests for information regarding an application to the Director of Public Works at 701 Ocean Street, Room 410, Santa Cruz, California, 95060.

(4) Content. An applicant shall submit an application on the forms approved by the Director of Public Works, which may be updated from time-to-time, and which shall require the submission of all required fees, documents, information, and any other materials necessary to allow the Director of Public Works or their designee to confirm the required objective findings and ensure that the proposed facility(ies) will comply with applicable local, state, and federal law and will not endanger the public health, safety, or welfare. The application shall include a completed checklist, on a form supplied by the County,

representing that each item required for a complete application is included in the submission.

(5) Waivers. Requests for waivers from any requirement of the wireless regulations shall be made in writing to the Director of Public Works. The Director of Public Works may grant or deny a request for a waiver pursuant to this subsection. The Director of Public Works may grant a request for waiver if it is demonstrated that, notwithstanding the issuance of a waiver, the County will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be granted only on a case-by-case basis and narrowly tailored to minimize deviation from the requirements of the County Code.

(6) Rejection for Incompleteness. For small cell wireless communication facilities and eligible facilities requests, applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. When an application is determined to be incomplete, the Director of Public Works or their designee shall notify the applicant and specify the material omitted from or information needed to complete the application.

(E) Administration. The Director of Public Works is responsible for administering the County's small cell wireless facility regulations in the right-of-way. As part of the administration of these regulations, the Director of Public Works may:

- (1) Interpret the provisions of this Section;
- (2) Develop forms, procedures, administrative practice guidelines, and application requirements related to siting or modification of wireless facilities;
- (3) Determine the amount of and collect, as a condition of accepting any application, the fees established by resolution of the Board of Supervisors or the County Code;
- (4) Establish deadlines for submission of information related to an application, and extend or shorten deadlines where appropriate and consistent with state and federal laws and regulations;
- (5) Issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued;
- (6) Require, as part of, and as a condition of completeness of any application, notice to members of the public that may be affected by the siting or modification of the wireless facility and proposed changes to any support structure;
- (7) Subject to appeal as provided in SCCC 18.10, determine whether to approve, approve subject to conditions, or deny an application; and

(8) Take such other steps as may be required to timely act upon applications for siting of wireless facilities, including issuing written decisions and entering into agreements to mutually extend the time for action on an application.

(F) Permit Duration. A wireless encroachment permit shall be valid for a period of ten (10) years, unless pursuant to another provision of the County Code, it expires sooner, or is terminated. At the end of ten (10) years from the date of issuance, such permit shall automatically expire, unless an extension or renewal has been granted. A person holding a wireless encroachment permit must either: (1) remove the facility within thirty (30) days following the permit's expiration (provided that removal of a support structure owned by the County, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically permitted by the County); or (2) at least ninety (90) days prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility must remain in place until it is acted upon by the County and all appeals from the County's decision exhausted.

(G) Inspections; Emergencies. The County or its designee may enter onto the facility area to inspect the facility upon forty-eight (48) hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the County. The County reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The County shall make a good faith effort to contact the permittee prior to disabling or removing any facility elements but in any case, shall notify permittee within twenty-four (24) hours of doing so.

(H) No Right, Title, or Interest. The permission granted by a wireless encroachment permit shall not in any way constitute an easement on or an encumbrance against the public right-of-way. No right, title, or interest (including franchise interest) in the public right-of-way, or any part thereof, shall vest or accrue in permittee by reason of a wireless encroachment permit or the issuance of any other permit or exercise of any privilege given thereby. No possessory interest is created by a wireless encroachment permit. However, to the extent that a possessory interest is deemed created by a governmental entity with taxation authority, permittee acknowledges that County has given to permittee notice pursuant to California Revenue and Taxation Code Section 107.6 that the use or occupancy of any public property pursuant to a wireless encroachment permit may create a possessory interest which may be subject to the payment of property taxes levied upon such interest. Permittee shall be solely liable for, and shall pay and discharge prior to delinquency, any possessory interest taxes or other taxes, fees, and assessments levied against permittee's right to possession, occupancy, or use of any public property pursuant to any right of possession, occupancy, or use created by this permit.

(I) Agreement with County. If not already completed, permittee shall enter into the appropriate agreement with the County, as determined by the County, prior to constructing, attaching, or operating a facility on County-owned infrastructure, buildings, or support structures. An encroachment permit is not a substitute for such agreement.

(J) Installation without a Permit. A wireless facility installed without a wireless encroachment permit (except for those exempted under this Section) must be removed; provided that removal of a support structure owned by the County, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed but must be restored to its prior condition, except as specifically permitted by the County. All costs incurred by the County in connection with the revocation and removal shall be paid by persons or entities who own or control any part of the wireless facility.

13.10.663 Modifications to wireless communication facilities.

(A) Eligible Facilities Requests. This Section implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as interpreted by the Federal Communications Commission, which requires the County to approve any eligible facilities request for a modification of transmission equipment of an existing tower or base station submitted with a written request for approval under Section 6409(a) that does not result in a substantial change to the physical dimensions of such tower or base station.

(B) Application. Applicants shall comply with the requirements set forth in SCCC 13.10.661 unless the Director has waived specific requirements in writing prior to submission. Requests for information related to the proposed modification shall be limited to the information necessary for the County to consider whether an application is an eligible facility request. The application does not require the applicant to demonstrate a need or business case for the proposed modification. An application will not be accepted as submitted without payment of required fees.

(C) Review. Upon receipt of an application and payment of required application fees for an eligible facilities request pursuant to this Section, the Planning Department shall review such application to determine whether the application so qualifies.

(D) Timeframe for Review. Within sixty (60) days of the date on which an applicant submits an application seeking approval under this Section, the County shall approve the application unless it determines that the application is not an eligible facilities request and not otherwise covered by this Section.

(E) Tolling of the Timeframe for Review. The sixty (60)-day review period begins to run when the application is filed and may be tolled only by mutual agreement by the County and the applicant, or in cases where the County determines that the application is incomplete.

(1) To toll the timeframe for incompleteness, the County will provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. The application is considered submitted when a valid payment for the application is received.

(2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the County's notice of incompleteness.

(3) Following a supplemental submission, the County will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section.

Second or subsequent notices of incompleteness will not specify missing documents or information that were not delineated in the original notice of incompleteness.

(F) Interaction with Telecommunications Act Section 332(c)(7). If the County determines that the applicant's request is not covered by Section 6409(a) as delineated under this Section, the presumptively reasonable timeframe under Section 332(c)(7), will begin to run from the issuance of the County's decision that the application is not a covered request. To the extent such information is necessary, the County may request additional information from the applicant to evaluate the application under Section 332(c)(7), pursuant to the limitations applicable to other Section 332(c)(7) reviews.

(G) Substantial Change. An eligible facilities request for a modification, including collocation, replacement, or removal, of the transmission equipment of an existing tower or base station will result in a substantial change if any of the following are found:

- (1) Towers outside public rights-of-way:
 - (a) Cumulatively increases height by more than 20 feet or 10 percent, whichever is greater;
 - (b) Protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- (2) Towers in public rights-of-way and for all base stations:
 - (a) Cumulatively, increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater;
 - (b) Protrudes from the edge of the structure more than 6 feet;
- (3) Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (4) Entails any excavation or deployment outside the current site of the tower or base station except that, for towers outside public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction;
- (5) Would defeat existing concealment elements of the tower or base station; or
- (6) Does not comply with conditions associated with the prior approval of the tower or base station unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

(H) Failure to Act. In the event the County fails to approve or deny a request seeking approval under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the

applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

13.10.664 Indemnification for wireless communication facilities.

No permit shall be issued pursuant to SCCC 13.10.660 through 13.10.663, inclusive, until the permittee has executed and filed with the County an indemnity agreement satisfactory to the Office of the County Counsel. The permittee shall be responsible for and indemnify the County from all claims, demands, expenses (including attorneys' fees) or liability, including but not limited to, personal injury and property damage arising out of or related to the subject of, or work contemplated by, the permit. If any claim of such liability is made against the County, its Board of Supervisors, officers, officials or employees, permittee shall defend, indemnify, and hold the County, its Board of Supervisors, officers, officials, and employees, harmless from such claim.

SECTION IX

Adoption of this ordinance is not a "project" within the meaning of Section 15378 of the State California Environmental Quality Act ("CEQA") Guidelines because it has no potential for resulting in direct or indirect physical change in the environment. This ordinance modifies the County's existing wireless communication facilities regulations to streamline application processing, clarify current County regulations, and comply with recent updates to state and federal law. Accordingly, adoption of this ordinance is not a project because none of the changes to current County regulations would result in reasonably foreseeable specific environmental impacts; wireless facilities will continue to deploy with or without adoption of this ordinance. Further, each project deployed pursuant to the updated regulations promulgated in this ordinance will undergo separate environmental review. However, if adoption of this ordinance were interpreted to be a "project," it would be exempt from CEQA because future wireless facility projects resulting from adoption of this ordinance are likely exempt from CEQA review in accordance with CEQA Guidelines Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), Section 15303 (new construction or conversion of small structures), and/or Section 15304 (minor alterations to land).

SECTION X

The Board of Supervisors further finds and determines in its reasonable discretion on the basis of the entire record before it that the proposed amendments to SCCC 13.10 are consistent and compatible with and will not frustrate the objectives, policies, general land uses, and programs specified in the General Plan and Local Coastal Program.

SECTION XI

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION XII

This ordinance shall take effect outside the Coastal Zone 30 days after adoption by the Board of Supervisors and inside the Coastal Zone upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____ 2022, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
 Clerk of the Board

APPROVED AS TO FORM:

Office of the County Counsel

Exhibit D Ordinance Crosswalk

Existing Ordinance	Crosswalk	Proposed Ordinance
13.10.660 Regulations for the siting, design, and construction of wireless communication facilities.	Minor modification of title	13.10.660 Regulations for the siting, aesthetics, construction, and removal of wireless communication facilities
(A) Purpose.	Minor edit	13.10.660(A) Purpose
(B) Findings.	Delete	See 13.10.660(A) for statement of purpose of ordinance
(C) Applicability.	Delete	See 13.10.660(A) for statement regarding consistency with federal law
(D) Definitions.	Additions and deletions of various definitions as applicable	13.10.660(B) Definitions
(E) Exemptions.	Delete long list of exemptions and simply state that WCFs for personal, non-commercial use, or located on County property, or solely for public use are exempt	13.10.660(D)
13.10.661 General requirements for wireless communications facilities.		
(A) Required Permits.	No change	13.10.661(B)
(B) Prohibited Areas.		
(1) Prohibited Zoning Districts.	No change to zone districts. Add criteria for exceptions for small cell wireless, collocation, modifications, and general exceptions	13.10.660(C)(4)
(2) Prohibited Coastal Areas.	Modify to include additional requirements and criteria for exceptions	13.10.660(C)(5)

Existing Ordinance	Crosswalk	Proposed Ordinance
(3) Prohibited School Grounds.	Delete	All public facilities would be potential sites for WCFs. See 13.10.660(C)(4)
(4) Exceptions to Prohibited Areas Prohibition.	Delete	See 13.10.660(C)(4)(a) and (b)
(C) Restricted Areas.	Delete	See 13.10.660(C)(4)(a) and (b). Streamline ordinance to include prohibited areas with exception criteria
(D) Compliance with FCC Regulations.	No change	13.10.660(C)(1) and (2)
(E) Compliance with FAA Regulations.	No change	13.10.660(C)(3)
(F) Site Selection - Visual Impacts.	Clarify criteria for locating with respect to visual resources	13.10.660(E)(3) and (4)
(G) Collocation.	Simplify and clarify co-location is required unless certain criteria are met	13.10.660(E)(1)
(H) Public Notification	Delete	See 18.10 Permit and Approval Procedures for normal public noticing requirements
(I) Major Modification to Power Output	Delete	See 13.10.660(C)(1) and (2)
(J) Major Modification to Visual Impact	Delete	See 13.10.661(D)(2) Conditions of approval and 18.10.134 Permit amendment
(K) Transfer of Ownership	Delete	See 13.10.661(E) Records and 13.10.662(I) Agreement with County
13.10.662 Application requirements for wireless communication facilities.		
(A) Preapplication Meeting.	No change	13.10.661(A)(1)

Existing Ordinance	Crosswalk	Proposed Ordinance
(B) Submittal Information - All Applications.	Eliminate detailed application requirements. A separate list of required information (LORI) will be prepared by staff	13.10.661(A)(4)
(C) Alternatives Analysis.	Eliminate detailed requirements in ordinance. Separate standards would be adopted by resolution of BOS.	13.10.661(D)(3) and 13.10.660(I)(1)(b)
(D) On-Site Visual Demonstration Structures (Mock-Ups).	Simplify by providing discretion to staff regarding time, place, and manner	13.10.661(D)(4)
(E) Amendment.	Delete	See 13.10.661(A)(4) for content of application for WCFs
(F) Technical Review.	Simplify by providing discretion to staff	13.10.661(D)(5)
(G) Technical Feasibility.	Delete	Technical feasibility is addressed in various sections most notable 13.10.660(C)(4)(a) and (b), 13.10.661(D)(3) Alternative Analysis, and 13.10.661(D)(1) Findings
(H) Fees.	Delete	See 13.10.661(A)(2)
13.10.663 General development/performance standards for wireless communication facilities.		
(A) Site Location.		
(1) Visual Character of Site.	Simplify without diminishing standard	13.10.660(E)(3) and (4) and 13.10.660(F)(1)
(2) Collocation.	Delete, repetitive	13.10.660(E)(1)
(3) Ridgeline Visual Impacts.	No change	13.10.660(E)(3)

Existing Ordinance	Crosswalk	Proposed Ordinance
(4) Site Disturbance.	Delete	Site disturbance addressed by other code sections including SCCC 16.22 Erosion Control, for example
(5) Exterior Lighting.	No change	See 13.10.660(F)(3)
(6) Aviation Safety.	Delete	See 13.10.660(C)(3) and (F)(3), Aviation safety is also addressed by SCCC 13.12 Airport Combining Zone District
(7) Coastal Zone Considerations.	Modify to include additional requirements and criteria for exceptions	See 13.10.660(C)(5)
(8) Consistency with Other County Land Use Regulations.	Delete	See 13.10.661(D)(1) Findings
(9) Visual Impacts to Neighboring Parcels and Public Schools.	Delete	See 13.10.660(E)(3) and (4), 13.10.660(F) and definition of visual impact in 13.10.660(B)(29)
(10) Setbacks.	No change	13.10.660(E)(2)
(B) Design Review Criteria.		
(1) Nonflammable Materials.	No change	13.10.660(F)(2)
(2) Tower Type.	No change	13.10.660(F)(4)
(3) Support Facilities.	No change	13.10.660(F)(5)
(4) Exterior Finish.	No change	13.10.660(F)(2)
(5) Visual Impact Mitigation.	Delete	See 13.10.660(E)(3) and (4), 13.10.660(F)
(6) Height.	New height standards applicable specifically to WCFs including requirement to minimize height and exception criteria	13.10.660(G)(1) and (2)
(7) Lighting.	No change	13.10.660(F)(3)

Existing Ordinance	Crosswalk	Proposed Ordinance
(8) Roads and Parking.	Delete	Roads and parking address by other sections of the zoning ordinance
(9) Vegetation.	Delete	See 13.10.660(E)(3) and (4), 13.10.660(F)(1)
(10) Fire Prevention/Emergency Response.	No change	13.10.660(H)(1)
(11) Noise and Traffic.	No change	13.10.660(H)(2)
(12) Facility and Site Sharing (Collocation).	Delete repetitive	See 13.10.660(E)(1)
(13) Coastal Zone Design Criteria.	Delete	See 13.10.660(C)(5) and existing SCCC 13.20.130
(14) Signage.	Delete	See 13.10.660(C)(2) requiring compliance with FCC regulations
(15) Existing Facilities.	Delete	See 13.10.663 Modifications to WCFs
(16) Approved Project.	Delete	See 13.10.661(D)(2) Conditions of approval
(17) Ongoing Evaluation.	Delete, not a requirement	N/A
13.10.664 Non-ionizing electromagnetic radiation (NIER) safety and monitoring requirements for wireless communication facilities.		
(A) Public Health and Safety.	Simplify. LORI and conditions of approval would address RF emissions requirements	13.10.660(C)(1) and (2) and 13.10.661(D)(2) Conditions of approval
(B) Non-Ionizing Electromagnetic Radiation (NIER) Measurements.	Simplify. LORI and conditions of approval would address RF emissions requirements	13.10.660(C)(1) and (2) and 13.10.661(D)(2) Conditions of approval
13.10.665 Required findings for wireless communication facilities.		

Existing Ordinance	Crosswalk	Proposed Ordinance
(A) through (F)	Same findings except delete specific findings regarding compliance with FCC/CPUC and LCP	13.10.661(D)(1) WCF Findings and 18.10.230 Development permit findings
13.10.666 Site restoration upon termination/abandonment of wireless communication facilities.		
(A) and (B)	No change	13.10.660(J)
13.10.667 Indemnification for wireless communication facilities.	No change	13.10.664
13.10.668 Telecommunications Act exception procedure.	Delete	See 13.10.660(C)(4)(a) and (b)
N/A	New section on administration of ordinance	13.10.660(I) Administration
N/A	New section specifically authorizing imposition of conditions of approval	13.10.661(D)(2) Conditions of Approval
N/A	New section specifying WCFs subject to ministerial review (building permit only)	13.10.661(C) Ministerial review
N/A	New section requiring record keeping by permittee	13.10.661(E) Records
N/A	New section requiring permittee to pay attorney fees for County enforcement, if necessary	13.10.661(F) Attorneys' Fees
N/A	New section addressing WCFs in the public right-of-way	13.10.662 WCFs in public rights-of-way
N/A	New section addresses Spectrum Act requirements for "eligible facilities requests"	13.10.663 Modifications to WCFs

Exhibit E Proposed Use Charts for Wireless Communication Facilities Strikethrough-Underline

13.10.312 Uses in agricultural districts.

USE	CA	A	AP (P Comb. ⁺)
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>

13.10.322 Residential uses.

USE	RA	RR	R-1	RM	RB
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>

13.10.332 Commercial uses.

USE	PA	VA	Ct	C-1	C-2	C-4
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>

13.10.342 Uses in industrial districts.

USE	M-1	M-2	M-3
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>	<u>BP/5</u>	<u>BP/5</u>

13.10.352 Parks, recreation and open space uses.

USE	PR
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>

13.10.362 Public and community facilities uses.

USE	PF
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.66 84 , inclusive	<u>BP/5</u>

13.10.372 Uses in the Timber Production TP District.

USE	TP
Wireless communication facilities, subject to SCCC 13.10.660 through 13.10.668 4 , <u>BP/5</u> inclusive	

13.10.660 Regulations for the siting, design, and construction of wireless communication facilities.

(A) Purpose. The purpose of SCCC 13.10.660 through 13.10.668, inclusive, is to establish regulations, standards and circumstances for the siting, design, construction, major modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of SCCC 13.10.660 through 13.10.668, inclusive, 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 SCCC 13.10.660 through 13.10.668, inclusive, to locate and design wireless communication towers/facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, agricultural and open space land resource impacts, impacts to the community and aesthetic character of the built and natural environment, attractive nuisance, noise and falling objects, and the general safety, welfare and quality of life of the community. It is also the purpose of SCCC 13.10.660 through 13.10.668, inclusive, 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, satellite dishes, and other wireless communication facility structures 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 unsightly commercial facilities, particularly in residential, historically significant, scenic coastal areas, and other environmentally sensitive areas.

(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 Communications 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, siting, major modification, and operation of wireless communication facilities and their compatibility with surrounding land uses.

(5) Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County and, therefore, should not be located on residentially zoned parcels unless it can be proven that there are no alternative nonresidential sites from which can be provided the coverage needed to eliminate or substantially reduce significant gaps in the applicant carrier's coverage network.

(C) Applicability. Activities and development regulated by this chapter include the siting, design, construction, major modification, and operation of all wireless communication facilities, including Federal Communications Commission (FCC) regulated dish antennas, 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.). The regulations in this chapter are intended to be consistent with State and Federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to: (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of prohibiting personal wireless services within Santa Cruz County; or (3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental/health effects

of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

(D) Definitions.

“Antennas” means any system of wires, poles, rods, reflecting discs, dishes, flat panels, or similar devices, including “whip antennas,” attached to a telecommunications tower, mast or other structure, which in combination with the radio-frequency radiation generating equipment associated with a base station are used for the transmission or reception of electromagnetic waves.

“Available space” means the space on a tower or structure to which antennas of a telecommunications provider are both structurally and electromagnetically able to be attached.

“Base station” means the primary sending and receiving site in a wireless telecommunications network, including all radio-frequency generating equipment connected to antennas. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.

“Cellular service” means 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.

“CEQA” means the California Environmental Quality Act.

“Channel” means the segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.

“Co-location” or “co-located facility” means when more than one wireless service providers share a single wireless communication facility. A co-located facility can be comprised of a single tower, mast/pole or structure that supports 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 can consist of additions or extensions made to existing towers so as to provide enough space for more than one user, or it can involve the construction of a new replacement tower with more antenna space that supplants an older tower with less capacity. Placing new wireless communication facilities/antennas upon existing or new P. G. & E. or other utility towers or poles (e.g., “microcell” sites) is also considered co-location.

“Communication equipment shelter” means a structure located at a base station designed principally to enclose equipment used in connection with telecommunication transmissions.

“dBm” means the unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one milliwatt.

“Dish antenna” means 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.

“Equipment building, shelter or cabinet” means a cabinet or building used to house equipment used by wireless communication providers at a facility.

“FAA” means the Federal Aviation Administration.

“Facility site” means a property, or any part thereof, which is owned or leased by one or more wireless service providers and upon which one or more wireless communication facility(s) and required landscaping are located.

“FCC” means the Federal Communications Commission, the Federal government agency responsible for regulating telecommunications in the United States.

“GHz” means gigahertz, or 1,000,000,000 hertz.

“Ground-mounted wireless communication facility” means any antenna with its base placed directly on the ground, or that is attached to a mast or pipe, with an overall height of not exceeding 16 feet from the ground to the top of the antenna.

Hertz. One hertz is a unit of measurement of an electric or magnetic field which reverses its polarity at a frequency of once per second (i.e., one cycle or wavelength per second).

“Least visually obtrusive,” with regard to wireless communication facilities, shall refer to technically feasible facility site and/or design alternatives that render the facility the most visually 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.

“Macrocell site” means a radio transceiver (i.e., transmits and receives signals) facility that is comprised of an unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, omni-directional whip, panel or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower) or building. A macrocell site typically includes 60 radio transmitters.

“Major modification to power output” means any of the following resulting in an increase in the wireless communication facility’s power output and/or increase in the intensity or change in the directionality of NIER propagation patterns: increase or intensification, or proposed increase or intensification, in power output or in size or number of antennas; change in antenna type or model; repositioning of antenna(s); change in number of channels per antenna above the maximum number previously approved by the County of Santa Cruz, including changes to any/all RF-generating equipment/componentry that are attached to antennas (e.g., conversion of wireless communication to wireless Internet that requires continuous transmitting at full power).

“Major modification to visual impact” means any increase or intensification, or proposed increase or intensification, in dimensions of an existing and/or permitted wireless communications facility (including, but not limited to, its telecommunications tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment) resulting in an increase of the visual impact of said wireless communications facility.

“MHz” means megahertz, or 1,000,000 hertz.

“Microcell site” means a small radio transceiver facility comprised of an unmanned equipment cabinet with a total volume of 100 cubic feet or less that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (approximately one foot by two feet or one foot by four feet) directional panel antennas, mounted on a single pole, an existing conventional utility pole, or some other similar support structure.

“Minor antenna” or “minor wireless communication facility” means any of the following:

- (1) A ground- or building-mounted receive-only radio or television antenna that is: (a) six inches or less in diameter or width; and (b) 10 feet or less in height as measured from existing grade (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for noncommercial antennas in the zoning district;
- (2) A ground- or building-mounted citizens band radio antenna that is: (a) six inches or less in diameter or width; and (b) 10 feet or less in height as measured from existing grade (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for noncommercial antennas in the zoning district;
- (3) A ground- or building-mounted satellite receiving dish that: (a) is not more than one meter in diameter for a residential zoned parcel, or is not more than two meters in diameter for a commercial or industrial zoned parcel; and (b) does not exceed the height limit for noncommercial antennas in the zoning district; or

(4) A ground-, building-, or tower-mounted antenna operated on a noncommercial basis 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 noncommercial antennas in the zoning district.

“MMDS” means multi-channel, multi-point distribution services (also known as “wireless cable”).

“Monitoring” means the measurement, by the use of instruments in the field, of radio-frequency/non-ionizing radiation exposure at a site as a whole, or from individual wireless communication facilities/towers/antennas/repeaters.

“Monitoring protocol” means an industry accepted radio-frequency (RF) radiation measurement protocol used to determine compliance with FCC RF radiation exposure standards, in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the RF radiation modeling specifications of OET Bulletin 65 (or any superseding reports/standards), which is to be used to measure the emissions and determine radio-frequency radiation exposure levels from existing and new telecommunications facilities. RF radiation exposure measurements are to be taken at various locations, including those from which public RF exposure levels are expected to be the highest.

“Monopole” means a single pole-structure erected on the ground to support one or more wireless communication antennas.

“MTSOs” means mobile telephone switching offices.

“Non-ionizing electromagnetic radiation (NIER)” means radiation from the portion of the electromagnetic spectrum with frequencies of approximately 1,000,000 GHz and below, including all frequencies below the ultraviolet range, such as visible light, infrared radiation, microwave radiation, and radio frequency radiation.

“Nonmajor modification or maintenance activity” means a modification that is not a major modification to power output and is not a major modification to visual impact, or a maintenance activity that does not result in a major modification to power output or a major modification to visual impact.

“PCS” or “personal communications services” means digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as personal communications network (PCN).

“Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communication services, specialized mobile radio services, and paging services.

“PUC” or “CPUC” means the California Public Utilities Commission.

“Radio-frequency (RF) radiation” means radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz and below), including microwaves, television VHF and UHF signals, radio signals, and low to ultra low frequencies.

“Repeater” means a small receiver/relay transmitter of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

“Significant gap” means a gap in the service provider’s (applicant carrier’s) own personal wireless services network within the County of Santa Cruz, as defined in Federal case law interpretations of the Federal Telecommunications Act of 1996, including *Sprint Spectrum v. Willoth* (1999) 176 F.3d 630 and *Cellular Telephone Company v. Zoning Board of Adjustment of the Borough of Ho-Ho-Kus* (1999) 197 F.3d 64.

“Stealth technology/techniques” means camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous.

“Structurally able” means the determination that a tower or structure is capable of carrying the load imposed by the new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

“Structure-mounted wireless communication facility” means 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.

“Technically feasible” means capable of being accomplished based on existing technology compatible with an applicant’s existing network.

“Telecommunication tower (tower)” means a mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas.

Viable. Primarily in reference to the alternatives analysis, an alternative site for which there is a property owner/manager interested in renting, leasing, selling, or otherwise making available, space for one or more wireless communication facilities upon said site on reasonable terms commensurate with the market in Santa Cruz County.

“Visual impact” means an adverse effect on the visual and/or aesthetic environment. This may derive from blocking of a view, or introduction of elements that are incompatible with the scale, texture, form or color of the existing natural or human-made landscape, including the existing community character of the neighborhood.

“Wireless communication (or “telecommunications”) facility” means a facility, including all associated equipment, 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. These types of facilities can include, but are not limited to, the following: antennas, repeaters, 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 areas, and other accessory development.

“Wireless communication facilities GIS map” means a map maintained by the County in Geographic Information System (GIS) format that includes location and other identifying information about wireless communication facilities in the County.

(E) Exemptions. The types of wireless communications facilities, devices and activities listed below are exempt from the provisions of SCCC 13.10.660 through 13.10.668, inclusive, except that SCCC 13.10.663(A)(1) through (A)(8) shall continue to apply if the facility, device and/or activity requires a coastal development permit pursuant to Chapter 13.20 SCCC. This exemption is not intended to limit or expand the scope of other Federal, State and local policies and regulations, including but not limited to the General Plan/Local Coastal Program, which apply to these facilities, devices and/or activities.

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast that is operated on a noncommercial basis.
- (2) A ground-, building- or tower-mounted antenna operated on a noncommercial basis 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, and which, for a television dish antenna, does not exceed three 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 feet in diameter and is located in any area where commercial or industrial uses are allowed by the land use designation.
- (5) Temporary mobile wireless services, including mobile wireless communication facilities and services providing public information coverage of news events, of less than two weeks’ duration. Any mobile wireless service facility intended to operate in any given location for more than two weeks is subject to the provisions of SCCC 13.10.660 through 13.10.668, inclusive.
- (6) Handheld devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

(7) Wireless communication facilities and/or components of such 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, first responder medical services, hospitals, etc.). Unless otherwise prohibited by law or exempted by action of the Board of Supervisors, public safety agencies shall be required to provide a map of facility locations for inclusion in the County's wireless communication facilities GIS map. If a wireless communication facility approved for an authorized public safety agency is not or ceases to be operated by an authorized public safety agency, and if a nonpublic safety agency operator proposes to use the approved facility, then the change in operator shall require that the new operator submit an application for the wireless communication facility to be evaluated as if it were a new facility subject to SCCC 13.10.660 through 13.10.668, inclusive, and the General Plan/Local Coastal Program. The facility shall not be operated by the new operator until a final decision has been rendered on the application.

(8) Any "minor" antenna or facility described under subsection (D) of this section.

(9) Any "nonmajor" modification or maintenance activities, as defined by subsection (D) of this section, carried out as part of the routine operation of existing permitted wireless communication facilities.

(10) Small scale, low powered, short-range and visually inconspicuous, wireless Internet transmitter/receivers (e.g., "wi-fi hotspots"). [Ord. 5182 § 9, 2014; Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.661 General requirements for wireless communications facilities.

All wireless communications facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards, are subject to Level V review (Zoning Administrator public hearing pursuant to Chapter 18.10 SCCC), are subject to the California Environmental Quality Act (CEQA), and shall comply with the following requirements:

(A) Required Permits. All new wireless communication facilities shall be subject to a commercial development permit, and also a coastal development permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new wireless communication facilities.

(B) Prohibited Areas.

(1) Prohibited Zoning Districts. Wireless communication facilities are prohibited in the following zoning districts, unless a Telecommunications Act exception is approved pursuant to SCCC 13.10.668:

- (a) Single-Family Residential (R-1);
- (b) Multifamily Residential (RM);
- (c) Single-Family Ocean Beach Residential (RB);
- (d) Commercial Agriculture (CA); and
- (e) The combining zone overlays for:
 - (i) Mobile Home Parks (MH).

(2) Prohibited Coastal Areas. Wireless communication facilities are prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a Telecommunications Act exception is approved pursuant to SCCC 13.10.668.

(3) Prohibited School Grounds. Wireless communication facilities are prohibited on all public and private K—12 school sites, unless a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668.

(4) Exceptions to Prohibited Areas Prohibition. If a Telecommunications Act exception is approved pursuant to SCCC 13.10.668 that allows for siting a wireless communications facility within any of the above-listed prohibited areas, then such facility shall comply with the remainder of SCCC 13.10.660 through

13.10.668, inclusive, and shall be co-located. Applicants proposing new wireless communication facilities in any of the above-listed prohibited areas must submit as part of their application an alternatives analysis, as described in SCCC 13.10.662(C). Non-co-located wireless communication facilities may be sited in the prohibited areas listed above only in situations where the applicant can prove that:

- (a) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and
- (b) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited areas identified in subsection (B) of this section that could eliminate or substantially reduce said significant gap(s).

Any wireless communications facility and any associated development allowed in a prohibited area: (i) shall be sited and designed so that it is not visible from public vantage points to the maximum extent feasible; or (ii) where some portion or all of such a facility and/or any associated development is unavoidably sited and/or designed in a manner that makes it visible from public vantage points (and cannot be sited and/or designed to not be visible), that portion shall be screened and/or camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view.

(C) Restricted Areas.

(1) Restricted Zoning Districts. Non-co-located wireless communication facilities are discouraged in the following zoning districts, subject to the exceptions described in subsection (C)(3) of this section and/or unless a Telecommunications Act exception is approved pursuant to SCCC 13.10.668:

- (a) Residential Agricultural (RA);
- (b) Rural Residential (RR);
- (c) Special use (SU) with a residential General Plan designation; and
- (d) The combining zone overlays for:
 - (i) Historic Landmarks (L); and
 - (ii) Salamander Protection Areas (SP).

(2) Restricted Coastal Right-of-Way Area. Wireless communications facilities are discouraged in the right-of-way of the first through public road parallel to the sea, subject to the exceptions described in subsection (C)(3) of this section. If a wireless communications facility is allowed within said right-of-way pursuant to subsection (C)(3) of this section, then the wireless communications facility shall, in addition to complying with the remainder of SCCC 13.10.660 through 13.10.668, inclusive, comply with all of the following:

- (a) The facility shall be of the microcell site type (as defined in SCCC 13.10.660(D)) and:
 - (i) Shall be mounted upon an existing or replacement utility pole (where "replacement" means that there exists a utility pole in that location and it is immediately replaced with a pole that has the same or a reduced visual impact, and has the same or lesser dimensions as the existing utility pole); and
 - (ii) Shall have antennas no larger than one foot by two feet that are flush mounted and of a color that blends with that of the supporting utility pole; and
 - (iii) Shall have an equipment cabinet that is no more than 24 inches high, 18 inches wide, and 10 inches deep if mounted upon the utility pole or on the ground, or is located in an underground vault; and
 - (iv) Shall be fully camouflaged through stealth techniques to render the facility as visually inconspicuous as possible.

- (b) The facility shall be located on the inland side of the right-of-way unless a location on the seaward side of the right-of-way would result in less visual impact; and
 - (c) The facility shall only be allowed in the coastal right-of-way provided the applicant's agreement(s) with the owner and operator of the right-of-way and the utility pole specifies that the facility shall be removed and the site restored by the applicant if informed by the owner and operator that the utility pole is to be removed because the utilities the pole supports are to be relocated underground.
- (3) Exceptions to Restricted Area Prohibition. Wireless communication facilities (WCFs) that are co-located upon existing wireless communication facilities/towers or other utility towers/poles (e.g., P.G.&E. poles), and which do not significantly increase the visual impact of the existing facility/tower/pole, are allowed in the restricted zoning districts listed in subsection (C)(1) of this section. Proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine total individual antennas, and/or more than three above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. Applicants proposing new non-co-located wireless communication facilities in the restricted areas must submit as part of their application an alternatives analysis, as described in SCCC 13.10.662(C). In addition to complying with the remainder of SCCC 13.10.660 through 13.10.668, inclusive, non-co-located wireless communication facilities may be sited in the restricted zoning districts listed above only in situations where the applicant can prove that:
- (a) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and
 - (b) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited and restricted areas identified in subsections (B) and (C) of this section that could eliminate or substantially reduce said significant gap(s).
- (D) Compliance with FCC Regulations. Wireless communication facilities shall comply with all Federal Communications Commission (FCC) rules, regulations, and standards. Inhabitants of the County shall be protected from the possible adverse health effects associated with exposure to harmful levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the FCC.
- (E) Compliance with FAA Regulations. 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 (Chapter 13.12 SCCC).
- (F) Site Selection—Visual Impacts. Wireless communication facilities shall be sited in the least visually obtrusive location that is technically feasible, unless such site selection leads to other resource impacts that make such a site the more environmentally damaging location overall.
- (G) Co-Location. Co-location of new wireless communication facilities into/onto existing wireless communication facilities and/or existing telecommunication towers is generally encouraged if it does not create significant visual impacts. Proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine total individual antennas, and/or more than three above-ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. Co-location may require that height extensions be made to existing towers to accommodate additional users, or may involve constructing new multi-user capacity towers that replace existing single-user capacity towers. Where the visual impact of an existing tower/facility must be increased to allow for co-location, the potential increased visual impact shall be weighed against the potential visual impact of constructing a new separate

tower/facility nearby. Where one or more wireless communication tower/facilities already exist on the proposed site location, co-location shall be required if it will not significantly increase the visual impact of the existing facilities, or result in more than nine total individual antenna panels and/or three above-ground equipment enclosures/shelters located on the same parcel, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. This may require that the existing tower(s) on the site be dismantled and its antennas be mounted upon the new tower, particularly if the new tower would be less visually obtrusive than the existing tower(s). If a co-location agreement cannot be obtained, or if co-location is determined to be technically infeasible, documentation of the effort and the reasons why co-location was not possible shall be submitted.

(H) **Public Notification.** Public hearing notice shall be provided pursuant to SCCC 18.10.223. However, due to the potential adverse visual impacts of wireless communication facilities the neighboring parcel notification distance for wireless communication facility applications is increased from the normal 300 feet to 1,000 feet from the outer boundary of the subject parcel. To further increase public notification, on-site visual mock-ups as described in SCCC 13.10.662(D) are also required for all proposed wireless communication facilities, except for co-located and microcell facilities that do not represent a major modification to visual impact as defined in SCCC 13.10.660(D).

(I) **Major Modification to Power Output.** Any proposed major modification that would increase the power output of a wireless communication facility, as defined in SCCC 13.10.660(D), shall require the submission of an affidavit by a professional engineer registered in the State of California that the proposed facility improvements will not result in RF exposure levels to the public in excess of the FCC's NIER exposure standard. In addition, within 90 days of commencement of operation of the modified facility, the applicant shall conduct RF exposure level monitoring at the site, utilizing the monitoring protocol, and shall submit a report to the Planning Department documenting the results of said monitoring.

(J) **Major Modification to Visual Impact.** Any proposed major modification that would increase the visual impact of a wireless communication facility, as defined in SCCC 13.10.660(D), shall be subject to all requirements of SCCC 13.10.660 through 13.10.668, inclusive.

(K) **Transfer of Ownership.** In the event that the original permittee sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding carrier to the Planning Department within 30 days of transfer of interest of the facility. [Ord. 5020 §§ 1, 2, 2008; Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.662 Application requirements for wireless communication facilities.

All new wireless communication facilities must be authorized by a commercial development permit, and also by a coastal development permit if located in the Coastal Zone, and are subject to the following permit application requirements:

(A) **Preapplication Meeting.** All applicants for proposed wireless communication facilities are encouraged to apply for the development review group process, pursuant to Chapter 18.10 SCCC, in order to allow Planning Department staff to provide feedback to the applicant regarding facility siting and design prior to formal application submittal.

(B) **Submittal Information—All Applications.** For all wireless communication facilities, in addition to the submittal requirements for Level V projects as specified in SCCC 18.10.210(B), the information listed below must accompany each application (for the purpose of permit processing, the Planning Director or his/her designee may release an applicant from having to provide one or more of the pieces of information on this list upon a written finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted):

- (1) The identity and legal status of the applicant, including any affiliates.
- (2) The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the application information.

- (3) 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.
- (4) The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates (NAD 83) in decimal degree format, of the proposed facility location on the site.
- (5) A description of the applicant service provider's existing wireless communication facilities network, and the provider's currently proposed facilities and anticipated future facilities for all proposed sites for which an application has been submitted, and for all proposed sites for which site access rights or agreements have been secured by the provider. This must include a map, and a table (in hardcopy and digital formats) listing facility situs/addresses, site names/identification, facility types, and precise latitude/longitude coordinates (NAD 83) in decimal degree format, for all of the applicant carrier's existing and proposed facilities, within both the unincorporated and incorporated areas of Santa Cruz County, for inclusion on the County's wireless communication facility GIS map. In lieu of submitting this information with multiple applications, if this information has been previously submitted by the applicant, the applicant alternatively may certify in writing that none of the submitted information has changed. Information regarding proposed network expansions will be kept confidential by the County if identified in writing as trade secrets by the applicant.
- (6) 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.
- (7) Information sufficient to determine that the applicant has applied for and/or 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.
- (8) Information sufficient to determine that the applicant has applied for and/or 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.
- (9) 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 of a written opinion submitted, by a professional engineer registered in the State of California, at the time of application.
- (10) A plan for safety/security considerations, consistent with SCCC 13.10.664. A detailed description of the proposed measures 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 superseding standards, must be submitted as part of the application. The submitted plans must also show that the outer perimeter of the facility site (or NIER hazard zone in the case of rooftop antennas) will be posted with bilingual NIER hazard warning signage that also indicates the facility operator and an emergency contact. The emergency contact shall be someone available on a 24-hour-a-day basis who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation. For the protection of emergency response personnel, each wireless communication facility shall have an on-site emergency shut-off switch to de-energize all RF-related circuitry/componentry at the base station site (including a single shut-off switch for all facilities at a co-location site), or some other type of emergency shut-off by emergency personnel acceptable to the local Fire Chief, unless the applicant can prove that the FCC public exposure limits cannot be exceeded in the vicinity of the proposed facility, even if firefighters or other personnel work in close proximity to the antenna(s) or other RF radiation emitting devices/components.
- (11) A detailed visual analysis, including computer photo simulations of the proposed wireless communication facility, shall be provided along with a written description from the installer. Photo simulations shall be submitted of the proposed wireless communication facility from various locations and/or angles from which the public would typically view the site. All photo simulations shall include a site map indicating the location from which the photo was taken, and a description of the methodology and equipment used to generate the simulation. More in-depth visual analyses shall be required for facilities proposed in visual resource areas

designated in Section 5.10 of the County General Plan/LCP. The visual analysis shall identify and include all potential mitigation measures for visual impacts, consistent with the technological requirements of the proposed telecommunication service.

(12) Detailed maps of proposed wireless communication facility site and vicinity, in full-size and eight-and-one-half-inch by 11-inch reduction formats. Reduced plans shall include a graphic scale to allow for direct measurement from them. The following maps are required at the time of application submittal:

- (a) Topographic/Area Map. Copy a portion of the most recent U.S.G.S. Quadrangle topographical map (with 20-foot contour intervals), at a scale of 1:24,000, indicating the proposed wireless communication facility site, and showing the area within at least two miles from the proposed site.
- (b) Proximity Map and Aerial Photo. Prepare a map and an aerial photo at a scale of approximately one inch equals 200 feet (1:2,400), with contour intervals (for map only) no greater than 20 feet, showing the entire vicinity within a 1,500-foot radius of the wireless communication facility site, and including topography (map only), public and private roads, driveways on the subject parcel, buildings and structures, bodies of water, wetlands, landscape features, and historic sites. Draw a 1,500-foot radius circle on the map and aerial photo with the proposed facility at its center and indicate all structures within 1,500 feet of the proposed tower/antennas. Indicate property lines of the proposed tower/facility site parcel and of all parcels and rights-of-way abutting the tower/facility site parcel.

(13) Detailed plans and cross sections of proposed wireless communication facility and site, in full-size and eight-and-one-half-inch by 11-inch reduction formats. Reduced plans shall include a graphic scale to allow for direct measurement from them. Full-size plans shall be on 24-inch by 36-inch sheets, on as many as necessary, and at scales which are no smaller than those listed below. Each plan/cross section sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and signature(s) of the professional(s) who prepared the plan. The following plans and cross sections are required at the time of application submittal:

- (a) Proposed Site Plan. Proposed wireless communication facility site layout, grading and utilities at a scale no smaller than one inch equals 40 feet (1:480) with topography drawn at a minimum of 10-foot contour intervals, showing existing utilities, property lines, existing buildings or structures, walls or fence lines, existing trees, areas with natural vegetation, existing water wells, springs, and the boundaries of any wetlands, watercourses and/or floodplains.
 - (i) Proposed tower/facility location and any associated components, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances from those boundaries to the base(s) of the tower/mast and to each facility-related structure and/or component. Include dimensions of all proposed improvements.
 - (ii) Indicate existing and proposed grade elevations where the existing and proposed grade intersects the proposed tower/mast, any guy wires, and all facility-related structures and/or components.
 - (iii) Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
 - (iv) Limits of area where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
 - (v) Any direct or indirect alteration proposed to environmentally sensitive habitat areas, including wetlands and riparian corridors. Note that such alteration is only allowed under very specific circumstances and subject to specific requirements governed by the LCP's environmentally sensitive habitat area, wetland, riparian corridor, and other similar resource protection requirements; these requirements are not suspended in any way by this section.

- (vi) Detailed drainage plans designed to control and direct all site runoff, including specific measures to control erosion and sedimentation, both during construction and as a permanent measure. The plan shall incorporate structural and nonstructural best management practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and other runoff leaving the site.
 - (vii) Plans indicating locations and descriptions of proposed screening, landscaping, ground cover, irrigation systems, fencing, and any exterior lighting or signs. For any vegetation proposed to be used for screening purposes, the plans shall identify the expected dimensions and other characteristics of each individual species over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached), and the expected dimensions and other characteristics of any overall vegetation screen over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached). All species to be planted shall be non-invasive species native to Santa Cruz County, and specifically native to the project location. See also SCCC 13.10.663(B)(9).
 - (viii) Plans of proposed access driveway or roadway and parking area at the facility site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
 - (ix) Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of a proposed modification of the facility. Note that changes to wetlands and other sensitive habitat areas are only allowed under very specific circumstances and subject to specific requirements governed by the General Plan/LCP environmentally sensitive habitat area, wetland, and other similar resource protection requirements; these requirements are not suspended in any way by this section.
- (b) Proposed Tower/Facility and Related Structures and/or Components.
- (i) Plans, elevations, sections and details at appropriate scales, but no smaller than one inch equals 10 feet.
 - (ii) Two cross sections through proposed tower/facility drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of any vegetation clearing or beyond the fall zone of the tower/mast, whichever is greater, and showing any guy wires or supports. Dimension the proposed height of the tower/mast above average grade at tower/mast base. Show all proposed antennas including their location on the tower/facility.
 - (iii) Detail proposed exterior finish of the tower/facility. Provide precise depictions, photo examples, and/or detail drawings for all stealth features (such as "monopine" branches).
 - (iv) Indicate relative height of the tower/facility as compared to the tops of surrounding trees as they presently exist, and to existing and proposed finished grades.
 - (v) Illustration of the modular structure of the proposed tower/facility indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands (including potential future co-location).
 - (vi) A structural professional engineer's written description of the proposed tower/facility structure and its capacity to support additional antennas or other communication facilities at different heights and the ability of the tower to be shortened if future communication facilities no longer require the original height.
 - (vii) A description of the available space on the tower, providing illustrations and examples of the type and number of co-located wireless communication facilities which could be mounted on the structure.
 - (viii) Photographs precisely depicting the tower/facility type to be installed.

- (c) Proposed Communications Equipment Shelter. Including (i) floor plans, elevations and cross sections at a scale of no smaller than one-quarter-inch equals one foot (1:48) of any proposed structural component, (ii) representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials, and (iii) a description of all equipment to be contained therein, including number, make and model of each electromagnetic and radio-frequency apparatus to be installed.
- (d) Proposed Equipment Plan.
- (i) Plans, elevations, sections and details at appropriate scales but no smaller than one inch equals 10 feet.
 - (ii) Number of antennas and repeaters, as well as the exact locations, of antenna(s) and all repeaters (if any) located on a map as well as by degrees, minutes and seconds of latitude and longitude (in decimal degree format).
 - (iii) Mounting locations on tower or structure, including height above existing and proposed finished grades.
 - (iv) A recent survey of the facility site at a scale no smaller than one inch equals 40 feet (1:480) showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit.
 - (v) For applications for new wireless communication facilities in any of the prohibited or restricted areas, as set forth in SCCC 13.10.661(B) and (C), the applicant must also disclose:
 - A. Number, type(s), manufacturer(s) and model number(s) for all antennas and other RF-generating equipment.
 - B. For each antenna, the antenna gain and antenna radiation pattern.
 - C. Number of channels per antenna, projected and maximum.
 - D. Power input to each antenna.
 - E. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.
 - F. Output frequency of the transmitter(s).
 - (vi) For modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.
- (14) If co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site. Such information shall include:
- (a) Whether it is feasible to locate proposed sites where facilities currently exist;
 - (b) Information on the existing structure that is closest to the site of the applicant's proposed facility relative to the existing structure's structural capacity, radio frequency interface, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities; and
 - (c) Written notification of refusal of the existing structure owner to lease space on the structure.
- (15) For any application that involves a major modification to, or replacement of, an applicant's wireless communication facility, the applicant shall submit a brief narrative description and any supporting graphics (such as plans, photos, relevant literature, etc.) detailing any changes in wireless communication facility

technologies that would allow the existing facility to be modified to provide for the same or increased level of service with less environmental impact, including less visual resource impact, as technically feasible.

(C) Alternatives Analysis. For applications for wireless communication facilities proposed to be located in any of the prohibited areas specified in SCCC 13.10.661(B) and non-co-located wireless communication facilities proposed to be located in any of the restricted areas specified in 13.10.661(C), an alternatives analysis must be submitted by the applicant, subject to independent RF engineering review, which shall at a minimum:

(1) Identify and indicate on a map, at a minimum two viable, technically feasible, and potentially environmentally equivalent or superior alternative locations outside the prohibited and restricted areas which could eliminate or substantially reduce the significant gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility. If there are fewer than two such alternative locations, the applicant must provide evidence establishing that fact. The map shall also identify all locations where an unimpaired signal can be received to eliminate or substantially reduce the significant gap(s). For all non-co-located wireless communication facilities proposed in a restricted/prohibited area, the applicant must also evaluate the potential use of one or more microcell sites (i.e., smaller facilities often mounted upon existing or replacement utility poles), and the use of repeaters, to eliminate or substantially reduce said significant gaps in lieu of the proposed facility. For each alternative location so identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative resource impacts (e.g., the use of stealth camouflaging techniques).

(2) Evaluate the potential for co-location with existing wireless communication facilities as a means to eliminate or substantially reduce the significant gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility.

(3) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed site with those of each of the identified technically feasible alternative locations and facility designs. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e., from least to most environmentally damaging), and shall support such ranking with clear analysis and evidence.

(4) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

(5) Document good faith and diligent attempts to rent, lease, purchase or otherwise obtain the use of at least two of the viable, technically feasible alternative sites which may be environmentally equivalent or superior to the proposed project site. The decision-making body may determine that an alternative site is not viable if good faith attempts to rent, lease, purchase or otherwise obtain the site have been unsuccessful.

The Planning Director (or his/her designee) or the decision-making body may also require an alternatives analysis for proposed wireless communication facility projects that are located in environmentally sensitive areas other than those set forth in SCCC 13.10.661(B) and/or (C), such as visual resource areas as identified in General Plan/LCP Section 5.10.

(D) On-Site Visual Demonstration Structures (Mock-Ups). On-site visual demonstration structures (i.e., mock-ups) shall be required for all proposed wireless communication facilities, except for co-located and microcell facilities that do not represent a major modification to visual impact as defined in SCCC 13.10.660(D). For proposed rooftop or ground-mounted antennas, a temporary mast approximating the dimensions of the proposed facility shall be raised at the proposed antenna/mast location. For proposed new telecommunications towers the applicant will be required to raise a temporary mast at the maximum height and at the location of the proposed tower. At minimum, the on-site demonstration structure shall be in place prior to the first public hearing to consider project approval, on at least two weekend days and two weekdays between the hours of 8:00 a.m. to 6:00 p.m., for a minimum of 10 hours each day. A project description, including photo simulations of the proposed facility, shall be posted at the proposed project site for the duration of the mock-up display. The Planning Director or his/her designee may release an applicant from the requirement to conduct on-site visual mock-ups upon a written finding that in the specific case involved said mock-ups are not necessary to process or make a decision on the application and would not serve as effective public notice of the proposed facility.

(E) Amendment. Each applicant/registrant shall inform the County within 30 days of any change of the information required pursuant to SCCC 13.10.660 through 13.10.668, inclusive.

(F) Technical Review. The applicant will be notified if an independent technical review of any submitted technical materials is required. The Planning Director or his/her designee shall review and, in his or her discretion, procure additional information and data as may assist him/her in reviewing the following: (1) reports concerning conformance with the FCC RF radiation exposure levels; (2) reports concerning the need for a facility; and/or (3) reports concerning availability or suitability of alternatives to a proposed facility. The Planning Director may employ, on behalf of the County, an independent technical expert or experts to review any technical materials submitted including but not limited to those required under this section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The review and procurement of such additional information/data shall be undertaken for all applications that seek approval of a facility in a prohibited or restricted area, unless the Planning Director, his/her designee, or the approving body determines in writing that such review is unnecessary to inform the decision-making process. In addition, the review and procurement of information for applications in other areas may be required if the Planning Director determines that such review is necessary to inform the decision-making process. The applicant shall pay all the costs of said review and may be required to deposit funds in advance to cover the estimated 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.

(G) Technical Feasibility. For any technical infeasibility claims made, the applicant shall be required to conclusively demonstrate, including submitting adequate evidence to that effect, the reasons for the technical infeasibility.

(H) Fees for review of all commercial development permits for wireless communication facilities shall be established by resolution of the Board of Supervisors. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.663 General development/performance standards for wireless communication facilities.

(A) Site Location. The following criteria shall govern appropriate locations and designs for wireless communication facilities, including dish antennas and multi-channel, multi-point distribution services (MMDS)/wireless cable antennas, and may require the applicant to select an alternative site other than the site shown on an initial permit application for a wireless facility:

(1) Visual Character of Site. Site location and development of wireless communications facilities shall preserve the visual character, native vegetation and aesthetic values of the parcel on which such facilities are proposed, the surrounding parcels and road rights-of-way, and the surrounding land uses to the greatest extent that is technically feasible, and shall minimize visual impacts on surrounding land and land uses to the greatest extent feasible. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, and every effort shall be made to avoid, or minimize to the maximum extent feasible, visibility of a wireless communication facility within significant public viewsheds. Utilization of camouflaging and/or stealth techniques shall be encouraged where appropriate. Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.

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

(3) Ridgeline Visual Impacts. Wireless communication facilities proposed for visually prominent ridgeline, hillside or hilltop locations shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities should be sited so the top of the proposed

tower/facility is below any ridgeline when viewed from public roads in the vicinity. If the tower must extend above a ridgeline the applicant must camouflage the tower by utilizing stealth techniques and hiding it among surrounding vegetation.

(4) Site Disturbance. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

(5) Exterior Lighting. 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.

(6) Aviation Safety. 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. In addition, 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 only technically feasible location for the provision of personal wireless services as required by the FCC.

(7) Coastal Zone Considerations. 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 communication facility shall extend onto or impede access to a publicly used beach. Power and telecommunication lines servicing wireless communication facilities in the Coastal Zone shall be required to be placed underground.

(8) Consistency with Other County Land Use Regulations. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan and all applicable development standards for the zoning district in which the facility is to be located, particularly policies for protection of visual resources (i.e., General Plan/LCP Section 5.10). Public vistas from scenic roads, as designated in General Plan Section 5.10.10, shall be afforded the highest level of protection.

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

(10) Setbacks. All components of new wireless communication facilities must comply with the setback standards for the applicable zoning district. Depending upon specific site constraints and circumstances, this requirement may not apply to antennas proposed to be co-located on existing towers or utility poles (e.g., microcell sites), nor to underground equipment shelters, if it would prohibit use of the proposed facility site.

(B) Design Review Criteria. The following criteria apply to all wireless communication facilities:

(1) Nonflammable Materials. All wireless communication facilities shall be constructed of nonflammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure may be necessary to minimize visual impact).

(2) Tower Type. All telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a nonmonopole (such as a guyed or lattice tower) is required or environmentally superior. All guy wires must be sheathed for their entire length with a plastic or other suitable covering.

(3) **Support Facilities.** The County strongly encourages all support facilities, such as equipment shelters, to be placed in underground vaults, so as to minimize visual impacts. Any support facilities not placed underground shall be located and designed to minimize their visibility and, if appropriate, disguise their purpose to make them less prominent. These structures should be no taller than 12 feet in height, and shall be designed to blend with existing architecture and/or the natural surroundings in the area or shall be screened from sight by mature landscaping.

(4) **Exterior Finish.** All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the decision-making body. If a facility is conditioned to require paint, it shall initially be painted with a flat (i.e., nonreflective) paint color approved by the decision-making body, and thereafter repainted as necessary with a flat paint color, unless it is determined that flat paint color would lead to more adverse impact than would another type of paint color. Components of a wireless communication facility which will be viewed against soils, trees, or grasslands shall be of a color or colors consistent with these landscapes. All proposed stealth tree poles (e.g., “monopines”) must use bark screening that approximates natural bark for the entire height and circumference of the monopole visible to the public, as technically feasible.

(5) **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. Use of less visually obtrusive design alternatives, such as “microcell” facility types that can be mounted upon existing utility poles, is encouraged. Telecommunication towers designed to look like trees (e.g., “monopines”) may be favored on wooded sites with existing similar looking trees where they can be designed to adequately blend with and/or mimic the existing trees. In other cases, stealth-type structures that mimic structures typically found in the built environment where the facility is located may be appropriate (e.g., small-scale water towers, barns, and other typical farm-related structures on or near agricultural areas). Rooftop or other building mounted antennas designed to blend in with the building’s existing architecture shall be encouraged. Co-location of a new wireless communication facility onto an existing telecommunication tower shall generally be favored over construction of a new tower. Owners/operators of wireless communication towers/facilities are required to maintain the appearance of the tower/facility, as approved, throughout its operational life. Public vistas from scenic roads, as designated in General Plan/LCP Section 5.10.10, shall be afforded the highest level of protection.

(6) **Height.** The height of a wireless communication tower shall be measured from the existing 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. All towers shall be designed to be the shortest height possible so as to minimize visual impact. Any applications for towers of a height more than 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, and shall, in addition to any other required findings and/or requirements, require a variance approval pursuant to SCCC 13.10.230.

(7) **Lighting.** Except as provided for under subsection (A)(5) of this section, all wireless communication facilities shall be unlit except when authorized personnel are present at night.

(8) **Roads and Parking.** All wireless communication facilities shall be served by the minimum sized roads and parking areas feasible.

(9) **Vegetation Protection and Facility Screening.**

(a) In addition to stealth structural designs, vegetative screening may be necessary to minimize wireless communication facility visibility within public viewsheds. All new vegetation to be used for screening shall be compatible with existing surrounding vegetation. Vegetation used for screening purposes shall be capable of providing the required screening upon completion of the permitted facility (i.e., an applicant cannot rely on the expected future screening capabilities of the vegetation at maturity to provide the required immediate screening).

(b) Because Santa Cruz County contains many unique and threatened plant species and habitat areas, all telecommunications facilities to be located in areas of extensive natural vegetation shall be installed in such a manner so as to maintain the existing native vegetation. Where necessary, appropriate mature landscaping can be used to screen the facility. However, so as to not pose an invasive or genetic contamination threat to local gene pools, all vegetation proposed and/or required to be planted that is associated with a wireless communication facility shall be noninvasive species native to Santa Cruz County, and specifically native to the project location. Nonnative and/or invasive species shall be prohibited (such as any species listed on the California Exotic Pest Plant Council "Pest Plant List" in the categories entitled "A," "B," or "Red Alert"). Cultivars of native plants that may cause genetic pollution (such as all manzanita, oak, monkey flower, poppy, lupine, paintbrush and ceanothus species) shall be prohibited in these relatively pristine areas. All wireless communication facility approvals in such areas shall be conditioned for the removal of nonnative invasive plants (e.g., iceplant) in the area disturbed by the facility and replanting with appropriate non-invasive native species capable of providing similar or better vegetated screening and/or visual enhancement of the facility unless the decision-making body determines that such removal and replanting would be more environmentally damaging than leaving the existing nonnative and/or invasive species in place (e.g., a eucalyptus grove that provides over wintering habitat for Monarch butterflies may be better left alone). All applications shall provide detailed landscape/vegetation plans specifying the non-invasive native plant species to be used, including identification of sources to be used to supply seeds and/or plants for the project. Any such landscape/vegetation plan shall be prepared by a qualified botanist experienced with the types of plants associated with the facility area. 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. All nursery stock, construction materials and machinery, and personnel shall be free of soil, seeds, insects, or microorganisms that could pose a hazard to the native species or the natural biological processes of the areas surrounding the site (e.g., Argentine ants or microorganisms causing sudden oak death or pine pitch canker disease). Underground lines shall be routed outside of plant drip lines to avoid damage to tree and large shrub root systems to the maximum extent feasible.

(c) 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. All owners of the property and all operators of the facility shall be jointly and severally responsible for maintenance (including irrigation) and replacement of all required landscaping for as long as the permitted facility exists on the site.

(10) Fire Prevention/Emergency Response. 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 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;
- (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; and
- (e) For the protection of emergency response personnel, at any wireless communication facility where there is the possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, said facility shall have an on-site emergency power shut-off (e.g., "kill switch") to de-energize all RF-related circuitry/componentry at the base station site, or some other method (acceptable to the local Fire Chief) for de-energizing the facility. For multi-facility (co-location) sites where there is a possibility

that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, a single power shut off switch (or other method acceptable to the local Fire Chief) shall be installed that will de-energize all facilities at the site in the event of an emergency.

(11) 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 nonholiday weekdays between the hours of 8:00 a.m. and 6:00 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 100 feet 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.

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

- (a) To respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
- (b) To negotiate in good faith for shared use of the wireless communication facility by third parties; and
- (c) To allow shared use of the wireless communication facility if an applicant agrees in writing to pay reasonable charges for co-location.

(13) Coastal Zone Design Criteria. In addition to the requirements set forth herein, all wireless communication facilities requiring a coastal development permit shall conform with the Coastal Zone design criteria requirements of SCCC 13.20.130.

(14) Signage. A notice shall be posted at the main entrance of all buildings or structures where structure-mounted or free-standing wireless communication facilities are located on the same parcel. The notice shall be

12 inches by 12 inches and shall inform the public that a wireless communication facility is located on the building, structure or property and shall be consistent with the requirements of Federal law.

(15) Existing Facilities. Where applications involve existing wireless communication facilities, modifications to the existing facilities to reduce environmental impacts, including visual impacts, shall be pursued as technically feasible. If such modifications would reduce impacts, then such modifications shall be made as feasible, technically and otherwise, provided the reduction in impact is roughly commensurate with the cost to make the modifications.

(16) Approved Project. Approvals of wireless communication facilities shall require that the facility, including, but not limited to, all stealth design measures and vegetation screening, be maintained in its approved state for as long as it exists on the site. Approved facility plans, detailing the approved facility and all camouflaging elements, and including all maintenance parameters designed to ensure that camouflaging is maintained over the life of the project, shall be required for all approvals.

(17) Ongoing Evaluation. Wireless communication service providers are encouraged to evaluate their wireless communication facilities on a regular basis to ensure that they are consistent with the goals, objectives, policies, and requirements of the General Plan/Local Coastal Program, including specifically siting and design standards meant to minimize any negative impacts to visual resources and the character of the built and natural environment. Wireless service providers are encouraged to individually and collectively pursue modifications to their networks and/or individual facilities to reduce environmental impacts, including visual impacts; particularly over time as new technologies may be developed that allow for less visually intrusive wireless communication facilities, and/or a lesser number of them, while still allowing for the same or better level of wireless communication service associated with both any individual wireless service provider's facilities and the overall universe of wireless communication facilities in the County. [Ord. 5020 §§ 3—5, 2008; Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.664 Non-ionizing electromagnetic radiation (NIER) safety and monitoring requirements for wireless communication facilities.

Initial post-construction monitoring of wireless communication facility NIER/radio-frequency (RF) radiation exposures is required for all wireless communication facilities constructed under the auspices of SCCC 13.10.660 through 13.10.668, inclusive, to prove that all new wireless communication facilities operate in compliance with the FCC RF radiation exposure standards. NIER monitoring is to be conducted utilizing the Monitoring Protocol described in SCCC 13.10.660(D). The County may require that the required NIER/RF radiation monitoring reports described below may be independently reviewed by a qualified telecommunications/RF engineer, at the applicant's expense. The following applies to all wireless communication facilities:

(A) Public Health and Safety. 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 Federal government. Areas in the immediate vicinity of all antennas or other transmitting devices in which the FCC RF radiation exposure standards could potentially be exceeded, especially near rooftop antennas, must be clearly demarcated and/or fenced off, with warning signs in English, Spanish and international symbols clearly visible.

(B) Non-Ionizing Electromagnetic Radiation (NIER) Measurements.

(1) Consistent with SCCC 13.10.662(B)(9), all applications for new wireless communication facilities must include written certification by a professional engineer registered in the State of California that the proposed facility will comply with the FCC's RF radiation exposure standard.

(2) Post-Construction NIER Measurement and Reporting. Monitoring of NIER/RF radiation to verify compliance with the FCC's NIER standards is required for all new wireless communication facilities and for all wireless communication facilities proposing to undergo a major modification of power output (as defined in SCCC 13.10.660(D)). This requirement shall be met through submission of a report documenting NIER measurements at the facility site within 90 days after the commencement of normal operations, or within 90

days after any major modification to power output of the facility. The NIER measurements shall be made, at the applicant's expense, by a qualified third-party telecommunications or radio-frequency engineer, during typical peak-use periods, utilizing the monitoring protocol described in SCCC 13.10.660(D). The report shall list and describe each transmitter/antenna present at the facility, indicating the effective radiated power of each (for co-located facilities this would include the antennas of all other carriers at the site). The report shall include field measurements of NIER emissions generated by the facility and also other emission sources, from various directions and particularly from adjacent areas with residential dwellings. The report shall compare the measured results to the FCC NIER standards for such facilities.

The report documenting the measurements and the findings with respect to compliance with the established FCC NIER exposure standard shall be submitted to the Planning Director within 90 days of commencement of facility operation. Failure to comply with this requirement may result in the initiation of permit revocation proceedings by the County.

(3) 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 and other remedy provisions. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.665 Required findings for wireless communication facilities.

In order to grant any commercial development permit for a wireless communication facility 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 (SCCC 18.10.230) and the required coastal development permit findings if in the Coastal Zone (SCCC 13.20.110) as well as the following findings:

(A) That either: (1) the development of the proposed wireless communications facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive habitat resources (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6.), and/or other significant County resources, including agricultural, open space, and community character resources; or (2) there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned (including alternative locations and/or designs) with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.

(B) That the site is adequate for the development of the proposed wireless communications facility and, for sites located in one of the prohibited and/or restricted areas set forth in SCCC 13.10.661(B) and (C), that the applicant has demonstrated that there are not environmentally equivalent or superior and technically feasible: (1) alternative sites outside the prohibited and restricted areas; and/or (2) alternative designs for the proposed facility as conditioned.

(C) 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.

(D) That the proposed wireless communication facility as conditioned will not create a hazard for aircraft in flight.

(E) That the proposed wireless communication facility as conditioned is in compliance with all FCC and California PUC standards and requirements.

(F) For wireless communication facilities in the Coastal Zone, that the proposed wireless communication facility as conditioned is consistent with all the applicable requirements of the Local Coastal Program.

Any decision to deny a permit for a wireless communication 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. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.666 Site restoration upon termination/abandonment of wireless communication facilities.

(A) The site shall be restored as nearly as possible to its natural or preconstruction state within six months of termination of use or abandonment of the site.

(B) Applicant shall enter into a site restoration agreement, consistent with subsection (A) of this section, subject to the approval of the Planning Director. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.667 Indemnification for wireless communication facilities.

Each permit issued pursuant to SCCC 13.10.660 through 13.10.668, inclusive, shall have as a condition of the permit a requirement that the applicant defend, indemnify and hold harmless the County and its officers, agents, and employees from and against any claim (including attorney's fees) against the County, its officers, employees or agents to attack, set aside, void or annul the approval of the permit or any subsequent amendment of the permit. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.668 Telecommunications Act exception procedure.

If the application of the requirements or limitations set forth in SCCC 13.10.660 through 13.10.668, inclusive, including but not limited to applicable limitations on allowed land uses, would have the effect of violating the Federal Telecommunications Act as amended, the approving body shall grant a Telecommunications Act exception to allow an exception to the offending requirement or application. The applicant shall have the burden of proving that application of the requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist which would render the approval of a Telecommunications Act exception unnecessary. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].