

ATTACHMENT E: ARTICLE II ORDINANCE

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, AND DIVISION 7, GENERAL REGULATIONS, TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELECOMMUNICATIONS FACILITY COLOCATED, ADD NEW DEFINITIONS OF HUB SITE, MOBILE COMMUNICATIONS TEMPORARY FACILITY, AND VAULT, AMEND PROCESSING REQUIREMENTS FOR VERY SMALL FACILITIES AND TENANT IMPROVEMENTS, ADD NEW FINDINGS REQUIRING DEMONSTRATION OF NEED FOR SERVICE AND DEMONSTRATION OF EFFORTS TO REDUCE THE INTRUSIVENESS OF THE FACILITY THROUGH DESIGN AND SITING, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 11ORD-00000-00007 (Article II)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to amend the existing definitions of “Colocated Telecommunications Facility” and “Substantially Visible” to read as follows:

Substantially Visible. A facility is considered to be substantially visible if any portion of the facility stands out as a conspicuous feature of the landscape or breaks the skyline when viewed with the naked eye.

Telecommunications Facility Colocated. A telecommunication facility composed of one or more antennas mounted to an existing tower or other structure.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-58, Definitions, to add new definitions of “Hub Site,” “Temporary Facility” and “Vault” to read as follows and renumber the remaining definitions as appropriate:

Hub Site. A supplemental equipment site that is void of transeiving antennas operated as an accessory to a wireless telecommunications facility. Equipment may include cabinets, switchboards, computer servers, batteries, utility racks, air conditioning units, and emergency back-up generators including fuel storage.

Mobile Telecommunications Temporary Facility. A facility that transmits or receives electromagnetic signals for communication purposes including data transfer function that would operate for a limited duration (determined on a case by case basis) and is wholly contained within and/or on a mobile non-permanent vehicle (e.g. trailer, van, or truck). Facility equipment including poles, masts, antennas, computer servers, batteries, generators or similar equipment must be mounted on the vehicle, or located inside.

Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and

personnel access such as a door, hatch, manhole or cover.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-137.3, Processing, of Section 35-137, Temporary Uses to amend Section 35-137.3.1, Exempt temporary uses, to read as follows:

1. **Exempt temporary uses.** The following temporary uses of property, as defined in this ordinance and which meet all of the criteria in a. through c. of this section, which may include, but are not limited to, the erection of temporary structures such as fences, booths, tents or the parking of trailers, are exempt from any Coastal Development Permit or Conditional Use Permit requirements:
 - a. The temporary use will not occupy any portion of a sandy beach, public park area; public pier, or public beach parking area between Memorial Day weekend and Labor Day unless either: (1) the period of the use will be of less than one day in duration, including set-up and take-down or (2) the location is remote with minimal demand for public use;
 - b. A fee will not be charged for general public admission and/or seating if the temporary use will occupy any portion of a sandy beach, public park area; public pier, or public beach parking area where no fee is currently charged for use of the same area; or, if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
 - c. The proposed temporary use has been reviewed in advance by the Director of the Planning Department, and the Director determined that it meets all of the following criteria:
 - 1) The temporary use will result in no adverse impact on opportunities for public use of, or access to, the area due to the proposed location and/or timing of the event either individually or together with other temporary events scheduled before or after the particular event;
 - 2) There will be no direct or indirect impacts from the temporary use and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources in compliance with the policies and sections of the certified Local Coastal Program;
 - 3) The temporary use has not previously required a Coastal Development Permit to address and monitor associated impacts to coastal resources;
 - d. The Director of the Planning and Development Department, or the decision-maker, may determine that temporary use shall be subject to Coastal Development Permit and/or Conditional Use Permit review, even if the development meets all of the criteria in a. through c. of this section, if the Director, or decision-maker, determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. In addition, the following temporary uses of property are exempt from Coastal Development Permit or Conditional Use Permit requirements only if the following provisions, in addition to all of the criteria in a. through c. of this section above, are met:
 - 1) **Car washes.** Car washes, located on commercially zoned property, and limited to two days each month at each location, for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious or service organizations directly engaged in civic or charitable efforts, on nonresidential properties.
 - 2) **Charitable functions on property located outside the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided:
 - a) On property that is less than five acres in size, use of the subject property for such

activities does not exceed five times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.

- b) On property that is five acres or greater in size, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 3) **Charitable functions on property located within the Montecito Planning Area.** The use of property for charitable and other noncommercial functions, including but not limited to fundraisers, parties, receptions, weddings and other similar gatherings, provided the use of the subject property for such activities does not exceed three times within the same calendar year, the owner of the property receives no remuneration and the number of persons present at the event at any one time does not exceed 300.
- 4) **Mobile telecommunications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
 - a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sherriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.
- 5) **Public assembly facilities.** Events occurring in approved convention centers, meeting halls, theaters or other approved public assembly facilities where the event is consistent with the uses allowed in that facility in compliance with an approved development permit.
- 6) **Public property.** Events held at a County park or on other County-owned land when conducted with the approval of the County.
- 7) **Similar temporary uses.** Other temporary uses which, in the opinion of the Director of the Planning and Development Department, are similar to those identified in this section.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35-144F, Commercial Telecommunications Facilities, to read as follows:

Sec. 35-144F Commercial Telecommunications Facilities

- A. **Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. **Applicability.**
 1. **Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging).

This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.

2. Allowable zones and permit requirements. The following table, Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities, below, establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

a. Coastal Development Permit processing requirement.

- (1) Unless exempt in compliance with Section 35-169.2 (Applicability), all development requires a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).
- (2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan in compliance with Section 35.169.4 (Processing).

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Coastal Development Permit	35-144F.C.1.a
Tier 1 (b) Project - Hub sites	All zones	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 2 (a) Project - Very small facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.a 35-144F.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.b 35-144F.D
Tier 2 (c) Project - Colocated Facilities	Nonresidential zones	Development Plan approved by the Director	35-144F.C.2.c 35-144F.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35-144F.C.2.d 35-144F.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit	35-144F.C.3.a 35-144F.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Minor Conditional Use Permit	35-144F.C.3.b 35-144F.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35-144F.C.4.b 35-144F.D
Notes:			
(1) Not allowed in or within 300 feet of a residential zone.			

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to zone regulations in compliance with Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed only as specified in this Section.

1. Tier 1 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with Section 35-137.3.1.

- b. Standards for Tier 1 projects, hub sites.** Wireless telecommunication facilities that comply with the following may be allowed:

 - (1) The facility qualifies as a hub site.
 - (2) No antennas are proposed except as follows:
 - (a) One Global Positioning System (GPS) may be allowed.
 - (3) The facility is located within a permitted building.
 - (4) The facility may be subject to review by the Board of Architectural Review (Section 35-184) in compliance with Section 35-184.2 (Applicability).
- 2. Tier 2 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

 - a. Standards for Tier 2 projects, very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:

 - (1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.
 - (2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
 - (a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the decision-maker that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.
 - (3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.
 - (4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
 - b. Standards for Tier 2 projects, tenant improvements.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.

 - (1) The facility qualifies as a tenant improvement.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:

- (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
 - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
 - (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
- (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
 - (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
 - (6) Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, colocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.
- (1) The facility qualifies as a colocated telecommunications facility.
 - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (a) As provided in Subsection C.2.b.(3).
 - (b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
- d. Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that comply with the following may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
 - (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (1) As provided in Subsection C.2.c.(3).
 - (2) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
 - (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
 - a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that comply with the following may be allowed:
 - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
 - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) under the following circumstances:
 - (a) As provided in Subsection C.2.d.(1).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
 - (3) New freestanding antenna support structures and associated antennas that do not utilize

an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.

- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

b. Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception. Other telecommunication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:

- (1) Are not located in a residential zone as identified in Section 35-52 (Zoning District Designations and Applicability).
- (2) Do not exceed 50 feet in height.

4. Tier 4 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:

a. Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3. Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above, but do comply with the following development standards, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet in the Coastal Zone, and 100 feet in Inland areas.

b. Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35-52 (Zoning District Designations and Applicability). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35-144G (Noncommercial Telecommunication Facilities).

- (1) Facilities that are subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations). Such facilities may include: equipment shelters, antennas, antenna support structures, and other appurtenant equipment related to communication facilities for the transmission or reception of radio, television, and communication signals.
- (2) Other commercial telecommunication facilities that exceed 50 feet in height.

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities) shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:

a. Setbacks. The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
 - (3) A modification to the setback is granted in compliance with Section 35-174.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).
- b. Height limits and exceptions.** Antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C (Processing) above.
- (1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
 - (2) Antennas and antenna support structures used in connection with wireless communication facilities may exceed 75 feet in height if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
 - (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35-100 (F - Airport Approach Overlay District).
- c. Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- d. Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.
- e. Compliance with Federal Communication Commission.** The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
- f. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.

- h. Location within F - Airport Approach Overlay District.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
 - i. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
 - j. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
 - k. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:

 - (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
 - (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
 - (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:

 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor, or licensed landscape architect. A performance security shall be required to guarantee the installation and maintenance of new plantings.
 - (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
 - (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:

 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of the vegetation shall be done under the direction of a licensed arborist.
 - (6) Vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
- 2.** Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. An exemption may only be

granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.

- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for colocation.
- b. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
- c. Colocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4 of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Colocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The decision-maker determines that:
 - (a) Colocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
 - (b) The non-located development will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access.

All proposed facilities shall be assessed as potential colocation facilities or sites to promote facility and site sharing so as to minimize the overall visual and environmental impacts. Sites determined by the Department to be appropriate as collocated facilities or sites shall be designed in a way that antenna support structures and other associated features (e.g. parking areas, access roads, utilities, equipment buildings) may be shared by site users. Criteria used to determine suitability for colocation include the visibility of the existing site, potential for exacerbating the visual impact of the existing site, availability of necessary utilities (power and telephone), existing vegetative screening, availability of more visually suitable sites that meet the radiofrequency needs in the surrounding area, avoiding or minimizing disturbance to environmentally sensitive habitats, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the Federal Communications Commission. Additional requirements regarding colocation are located in Subsection E.3 (Colocation) below.

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
- e. Facilities shall be 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 location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.

3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). An exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
 - a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.
 - b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is colocated in a multiple user facility.
 - c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing colocated facility situated on a multiple user site.
 - d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
 - e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. **FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any

other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.

- a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
- b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the decision-maker to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
 - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
 - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole,
 - (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
 - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following.
 - (a) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
 - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
 - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results

not aesthetically compatible with the surrounding area and require that the exterior color be changed.

F. Public notice.

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.3C.1 shall be given in compliance with Section 35-181 (Noticing).
2. Notice of the pending decision of the Director on a Development Plan in compliance with Section 35-144F.3.2 shall be provided in compliance with Section 35-181 except that:
 - a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to the Planning and Development Department.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed Development Plan by submitting a written request to the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 calendar days of such notice the project shall be processed as a Development Plan under the jurisdiction of the Zoning Administrator.
3. Notice of projects that require a Conditional Use Permit shall be provided in a manner consistent with the requirements of Section 35-181 (Noticing) and shall include mailed notice to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with the Planning and Development Department.
4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

G. Additional findings. In addition to the findings required by be adopted by the decision-maker in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits), in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.
2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker in compliance with Section 35-144F.4G.
 - a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
 - (3) Would avoid or reduce the potential for environmental impacts.

5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable health and safety standards.
6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.
7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

I. Application requirements.

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
 - a. Completed supplemental project information forms;
 - b. Cross-sectional area calculations;
 - c. Service area maps;
 - d. Network maps;
 - e. Alternative site analysis;
 - f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
 - g. RF exposure studies;
 - h. Title reports identifying legal access;
 - i. Security programs;
 - j. Lists of other nearby telecommunication facilities.

The Director may excuse an applicant from having to provide one or more of the required submittals if it is determined that in the specific case the information is not necessary in order to process or make an informed decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. Commercial telecommunication facilities shall be subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review).
 - b. The Planning Commission is the decision-maker for the facility.
4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.
5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

SECTION 5:

Except as amended by this Ordinance, DIVISION 2 and DIVISION 7 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

This ordinance and any portion of this ordinance approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel