
Telecommunications Program Briefing

Santa Barbara County
Board of Supervisors Hearing
December 1, 2009

Briefing Presentation Topics

1) Recent Telecommunication Activity

- FCC Declaratory Ruling (Nov. 18th)
- Recent activity (Recent moratoria by other jurisdictions)

2) Follow-up from Oct. 20th Briefing

- Moratorium discussion
- Permit process
- Work program

3) Conclusion

- Answer Additional Board Questions
- Receive Board Direction

➔ BOS is the final local appeal authority – no project specifics

FCC Declaratory Ruling

November 18, 2009



Federal Telecommunications Act of 1996

- Preserves local zoning authority over “placement, construction and modification” of wireless facilities

- Some limitations:
 - “Shall not unreasonably discriminate”
 - “Shall not prohibit or have the effect of prohibiting”
 - “Shall act...within a reasonable period of time”

FCC Declaratory Ruling

November 18, 2009



Three part ruling:

1) Defines presumptive “reasonable time” as:

- 90 days to process collocation applications
- 150 days to process all other applications

2) State or local government cannot deny an application solely because service is available from another provider

FCC Declaratory Ruling

November 18, 2009



3) FCC to preempt ordinances that impose a blanket variance requirements on facility siting

- DENIED

→ FCC affirmed that local governments do not have the flexibility to deny or delay action on applications based on perceived health effects of RF emissions

Recent Moratoria in California

- **City of Pasadena (Last amended 1997)**
- **City of Glendale (Last amended 1996)**
- **City of Agora Hills (Last amended 1995)**

Use of Moratoria

- “Shall not prohibit or have the effect of prohibiting”
- Local government shall act on any request “within a reasonable period of time”
 - Presumptive “reasonable time” defined as
 - 90 collocation
 - 150 new facility

Use of Moratoria

- “Necessary and bona fide effort to act carefully in a field with rapidly evolving technology.”
- Time since the Telecommunications Act of 1996 was enacted and the moratoria is adopted
- Whether a comprehensive regulatory scheme governing wireless communications facilities is already in place

Santa Barbara County's Current Ordinance



- Created in 1995 (before Telecom. Act)
- Last revised in 2005
- Provides regulatory scheme for different types of facility designs and locations

Santa Barbara County's Current Ordinance



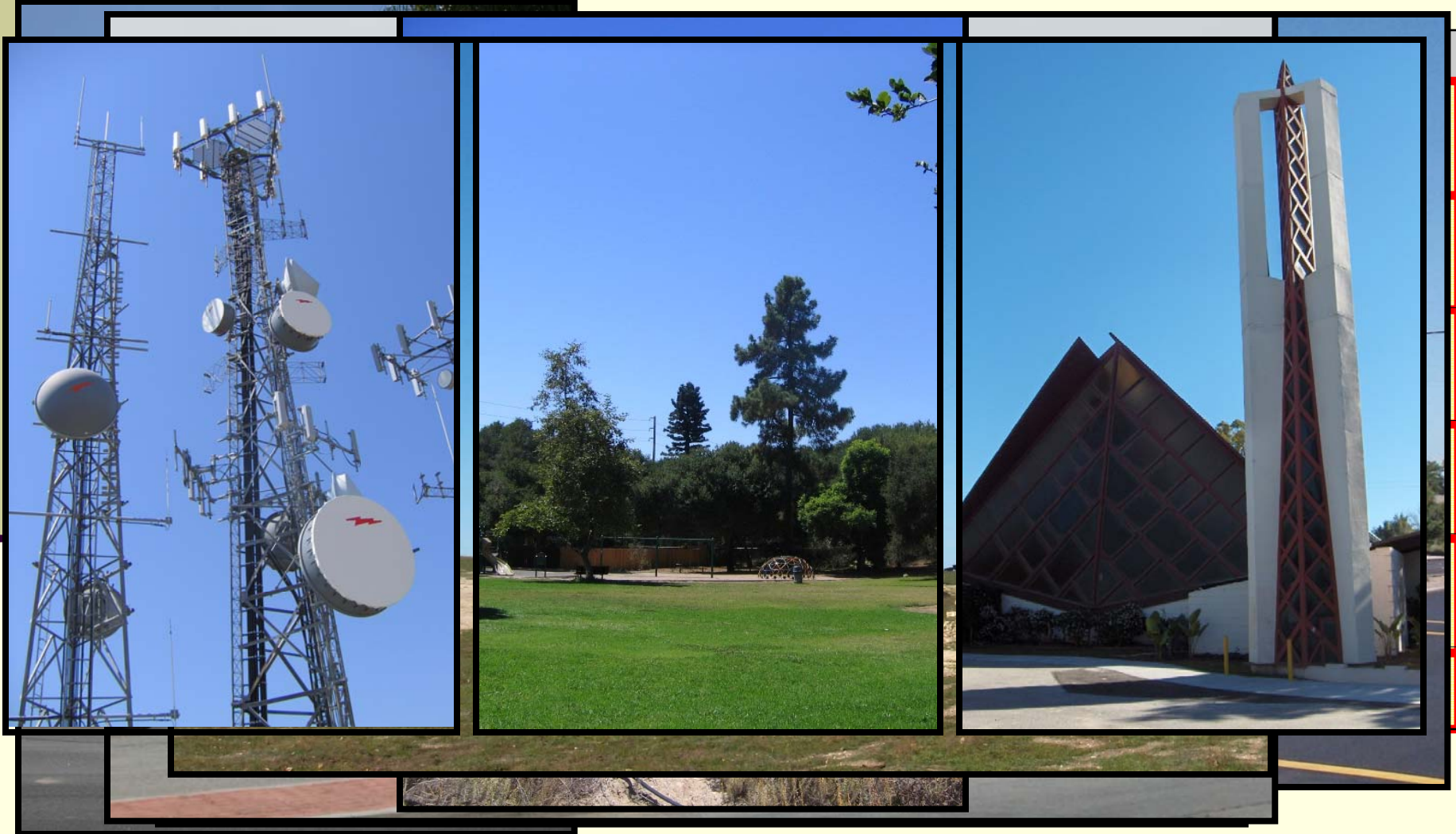
- Considers use of new technology such as RF transparent camouflage designs and “very small facilities...mounted on either an existing operational public utility pole or similar support structure”
- Tiered approach implemented to streamline processing
- Design requirements based on type and location of facility

Santa Barbara County's Current Ordinance



Project Level Tier	Zones Where Allowed	Permit Requirements	Review Authority
Tier 1 Project (Small antenna installed on an existing utility pole)	All zones	Coastal Development Permit or Land Use Permit	Staff
Tier 1 Project (Antennas entirely concealed within an existing structure)	Nonresidential zones	Coastal Development Permit or Land Use Permit	Staff
Tier 2 Project (Tenant improvements and architectural projections)	Nonresidential zones	Development Plan approved by the Director	Director
Tier 2 Project (Additions to existing structures or New structure within height limit)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	Director
Tier 3 Project (New structure exceeding height limit but not to exceed 50 ft.)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit	Zoning Administrator
Tier 4 Project (All others)	All zones	Conditional Use Permit	Planning Commission

Santa Barbara County's Current Ordinance



Potential Ordinance Work Program

Oct. 20th hearing, requested staff consider various changes to the County's ordinance and procedures

- Research

- Potential for adding additional requirements, etc.
- Other jurisdictions ordinances
- Legality/local jurisdiction authority

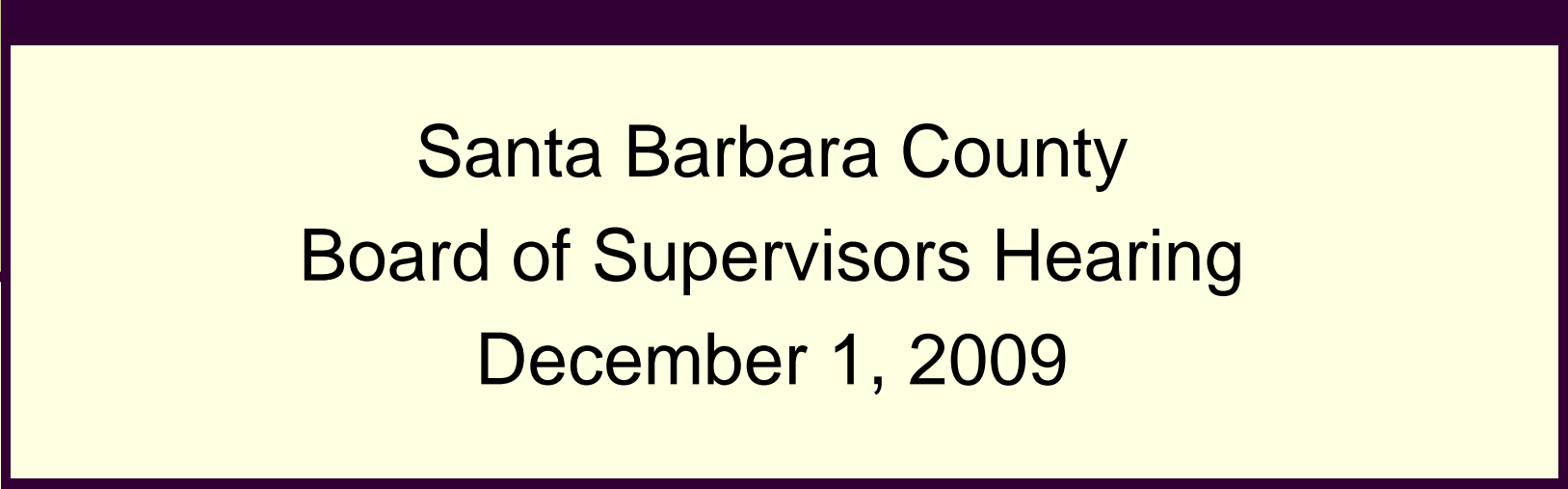
- Public Outreach

Potential Ordinance Work Program

- Preparation of draft ordinance amendment
- CEQA processing
- Hearing preparation/adoption
- Coastal Commission Certification (for Coastal Zoning Ordinance)



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