

ATTACHMENT 4: CLUDC AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (CLUDC), TO IMPLEMENT NEW REGULATIONS REGARDING TELECOMMUNICATION FACILITIES AND RECORDABLE DOCUMENTS, TO DELETE UNCERTIFIED REGULATIONS THAT WOULD APPLY SOLELY WITHIN THE COASTAL ZONE, TO DELETE SMALL WIND ENERGY SYSTEMS AND TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP, AND TO MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS, BY AMENDING: ARTICLE 35.1, DEVELOPMENT CODE APPLICABILITY; ARTICLE 35.2, ZONES AND ALLOWABLE USES; ARTICLE 35.3, SITE PLANNING AND OTHER PROJECT STANDARDS; ARTICLE 35.4, STANDARDS FOR SPECIFIC LAND USES; ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES; ARTICLE 35.6, RESOURCE MANAGEMENT; ARTICLE 35.8, PLANNING PERMIT PROCEDURES; ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND ARTICLE 35.11, GLOSSARY.

Case No. 19ORD-00000-00003

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

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Subsection 3.d, Medical Marijuana Dispenseries, of Subsection A, Allowable land uses, of Section 35.20.030, Allowable Development and Planning Permit Requirements, of Chapter 35.20, Development and Land Use Approval Requirements, in its entirety.

SECTION 2:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Subsection I, SR-M (Medium Density Student Residential) zone, and Subsection J, SR-H (High Density Student Residential) zone, of Section 35.23.020, Purposes of the Residential Zones, of Chapter 35.23, Residential Zones, in their entirety, and renumber the following subsections.

SECTION 3:

ARTICLE 35.2, Zones and Allowable Uses, of the CLUDC, is hereby amended to delete RR CZ, R-1/E-1 CZ, EX-1 CZ from Table 2-7, delete R-2 CZ, DR CZ, and PRD CZ from Table 2-8, and delete SR-M CZ, SR-H CZ and MHP CZ from Table 2-9, and combine the revised Tables 2-7, 2-8, and 2-9, Allowed Land Uses and Permit Requirements for Residential Zones, into two tables and renumber them as Table 2-7 and Table 2-8, of Section 35.23.030, Residential Zones Allowable Land Uses, of Chapter 35.23, Residential Zones.

SECTION 4:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Section 35.23.120, SR-M and SR-H Zones Standards, of Chapter 35.23, Residential Zones, in its entirety, and reserve the section for future use.

SECTION 5:

ARTICLE 35.2, Zones and Allowable Uses, of the CLUDC, is hereby amended to delete C-1 CZ, C-2 CZ from Table 2-14, and delete C-V CZ and PI CZ from Table 2-16, and combine the revised Table 2-14, Table 2-15, and revised Table 2-16, Allowed Land Uses and Permit Requirements for Commercial Zones, into two tables and renumber them as Table 2-13 and Table 2-14, of Section 35.24.030, Commercial Zones Allowable Land Uses, of Chapter 35.24, Commercial Zones.

SECTION 6:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Subsection F, TC (Transportation Corridor) zone, of Section 35.26.020, Purposes of Special Purpose Zones, of Chapter 35.26, Special Purpose Zones, in its entirety.

SECTION 7:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Subsection F, TC zone allowable land uses and permit requirements, of Section 35.26.030, Special Purpose Zones Allowable Land Uses, of Chapter 35.26, Special Purpose Zones, in its entirety.

SECTION 8:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to delete Section 35.26.100, TC Zone Standards, of Chapter 35.26, Special Purpose Zones, in its entirety and reserve the section for future use.

SECTION 9:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to revise Subsection B, Applicability of standards, of Section 35.28.210, Community Plan Overlays, of Chapter 35.28, Overlay Zones, to read as follows:

- B. Applicability of standards.** The Community Plan or ~~Plan~~-Area Plan standards found within each Community Plan or Area Plan, ~~in Attachment 1 of this Development Code~~ and the following Subsections apply to subdivisions, development, and land uses within the boundaries of the applicable community or area ~~P~~plan in addition to all other applicable requirements of this Development Code. If a requirement of a community or area plan standard conflicts with another provision of this Development Code, the community or area ~~P~~plan standard shall control unless otherwise indicated.

SECTION 10:

ARTICLE 35.2, Zones and Allowable Land Uses, of the CLUDC, is hereby amended to clarify Figures 2-4, 2-5, and 2-6, and renumber and title as Figure 2-4 – Illustrative example for calculating the floor below grade adjustment, and revise reference to the figure within the text, of Subsection 1.b.(2), Floor below grade, of Subsection G, Summerland Community Plan, of Section 35.28.210, Community Plan Overlays, of Chapter 35.28, Overlay Zones, as follows:

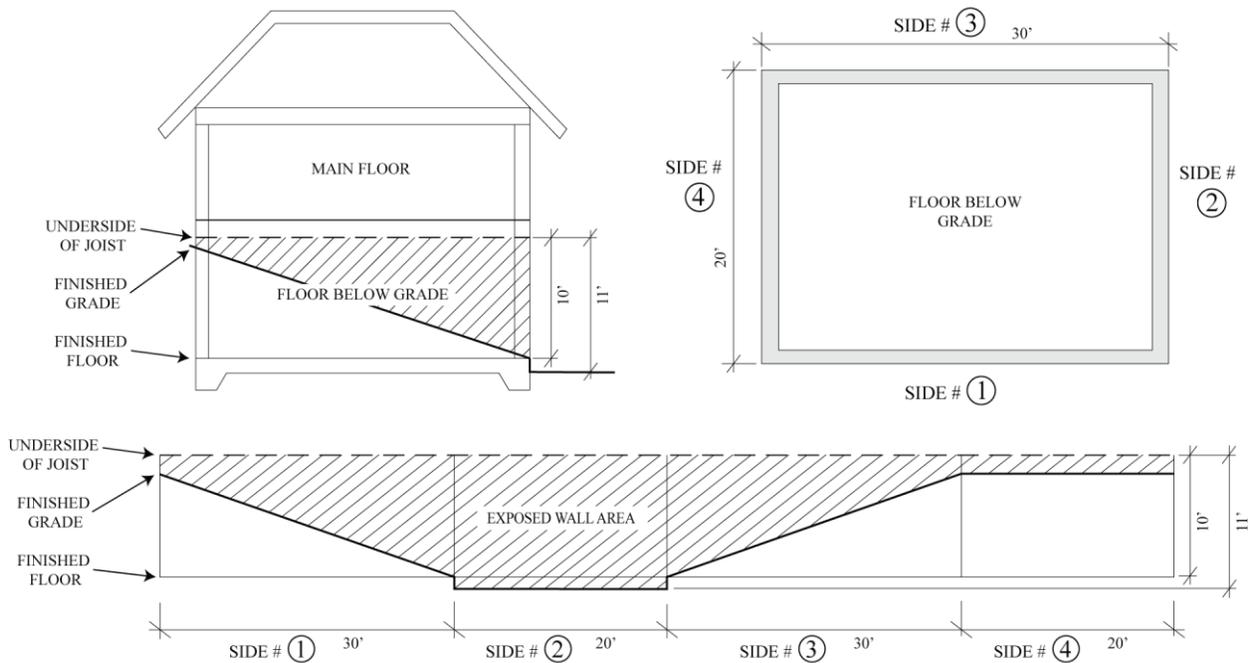


Figure 2-4 – Illustrative example for calculating the floor below grade adjustment

SECTION 11:

ARTICLE 35.3, Site Planning and Other Project Standards, of the CLUDC, is hereby amended to revise Subsection C.1, Height of structures, of Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, to read as follows:

- 1. Height of structures.** The height of a structure shall be the vertical distance between the existing grade and the uppermost point of the structure directly above that grade ~~except as provided in Subsection C.1.a below.~~ The height of any structure shall not exceed the applicable height limit except as provided in Subsections D. through ~~K~~**J**. below. See Figure 3-2 (Height Limit).

SECTION 12:

ARTICLE 35.3, Site Planning and Other Project Standards, of the CLUDC, is hereby amended to delete Subsection c, Small Wind Energy Facilities, of Subsection E, Exemptions for specific structures and equipment, of Section 35.30.090, Height Measurement, Exceptions and Limitations, of Chapter 35.30, Standards for All Development and Land Uses, in its entirety.

SECTION 13:

ARTICLE 35.3, Site Planning and Other Project Standards, of the CLUDC, is hereby amended to delete Section 35.38.140, Special Sign Standards for Summerland, of Chapter 35.38, Sign Standards, in its entirety, and reserve the section for future use.

SECTION 14:

ARTICLE 35.4, Standards for Specific Land Uses, of the CLUDC, is hereby amended to delete Section 35.42.070, Aquaculture, of Chapter 35.42, Standards for Specific Land Uses, in its entirety, and reserve the section for future use.

SECTION 15:

ARTICLE 35.4, Standards for Specific Land Uses, of the CLUDC, is hereby amended to delete Section 35.42.210, Residential Agricultural Units, of Chapter 35.42, Standards for Specific Land Uses, in its entirety, and reserve the section for future use.

SECTION 16:

ARTICLE 35.4, Standards for Specific Land Uses, of the CLUDC, is hereby amended to delete C-1 CZ and C-2 CZ from Table 4-13, and delete CH CZ from Table 4-13 – Continued, and delete C-V CZ and PI CZ from Table 4-13 – Continued, and to combine the three Tables 4-13 and 4-13 – Continued, Allowed Temporary Uses and Permit Requirements for Commercial Zones, into two tables, to be renumbered as Table 4-17 and Table 4-17 – Continued, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses.

SECTION 17:

ARTICLE 35.4, Standards for Specific Land Uses, of the CLUDC, is hereby amended to delete PU CZ, REC CZ, and TC CZ from Table 4-15 – Continued, and to combine two Tables 4-15 and 4-15 – Continued, Allowed Temporary Uses and Permit Requirements for Special Purpose Zones, into one table, and renumber it as Table 4-19, of Section 35.42.260, Temporary Uses and Trailers, of Chapter 35.42, Standards for Specific Land Uses.

SECTION 18:

ARTICLE 35.4, Standards for Specific Land Uses, of the CLUDC, is hereby amended to revise Section 35.44.010, Commercial Telecommunication Facilities, of Chapter 35.44, Telecommunications Facilities, to read as follows:

35.44.010 - 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.** Table 4-16~~20~~ (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.

Table 4-1620 - 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	Zoning Clearance	35.42.260.G
Tier 1 (b) Project - Spectrum Act Facility Modifications	<u>All zones</u>	<u>Zoning Clearance</u>	<u>35.44.010.C.1.(b)</u> <u>35.44.010.D</u>
Tier 1 (bc) Project - Hub sites	All zones	Land Use Permit	<u>35.44.010.C.1.(bc)</u> <u>35.44.010.D</u>
Tier 2 (a) Project - Very s Small wireless facilities	Nonresidential <u>All zones, except not allowed in the Mixed Use (MU) zone</u>	Development Plan approved by the Director	<u>35.44.010.C.2.(a)</u> <u>35.44.010.D</u>
Tier 2 (b) Project - Tenant improvements	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(b)</u> <u>35.44.010.D</u>
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones, except not allowed in the Mixed Use (MU) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(c)</u> <u>35.44.010.D</u>
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Development Plan approved by the Director	<u>35.44.010.C.2.(d)</u> <u>35.44.010.D</u>
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Mixed Use (MU) zone and the Recreation (REC) zone	Minor Conditional Use Permit	<u>35.44.010.C.3.(a)</u> <u>35.44.010.D</u>
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	<u>35.44.010.C.3.(b)</u> <u>35.44.010.D</u>
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	<u>35.44.010.C.4.(a)</u> <u>35.44.010.D</u>
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	<u>35.44.010.C.4.(b)</u> <u>35.44.010.D</u>

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~~**I**, unless otherwise specified. Modifications to zone regulations in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#) or [Section 35.82.080 \(Development Plans\)](#) 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 35.42.260.G.
 - b. Standard for Tier 1 projects, Spectrum Act facilities.** Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

(1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

- (a) **Eligible facilities request.** The project must be a request for modification to an existing wireless tower or base station that involves:

 - (i) Collocation of new transmission equipment;
 - (ii) Removal of transmission equipment; or
 - (iii) Replacement of transmission equipment.
- (b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.
- (c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.
- (2) Substantial change.** Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:

 - (a) **Wireless towers not located within the public right-of-way.**

 - (i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.
 - (ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - (b) **Wireless towers located within the public right-of-way and base stations.**

 - (i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.
 - (ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - (iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.
 - (iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
 - (c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.
 - (d) The modification entails excavation or deployment outside of the current site.
 - (e) The modification would defeat the concealment elements of the support structure.
- c. 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.

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 review authority 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).~~

a. **Standards for Tier 2 projects, small wireless facilities.** “Small wireless facilities,” as that term is defined in 47 C.F.R. Section 1.6002(l), as amended, that comply with the following may be allowed:

(1) The facilities:

(a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);

(b) are mounted on structures no more than 10 percent taller than other adjacent structures; or

(c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.

(4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).

(5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x).

or its successor regulation.

- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.
- (7) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight, 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, unless technical requirements dictate otherwise.
 - (a) If technical requirements dictate that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, the antenna may be mounted on a new pole or similar support structure provided the new pole or support structure replicates the materials, color, and finish of existing infrastructure nearby.
- (8) The placement of multiple, interconnected, small wireless facilities to establish a new network (i.e., four or more within a square mile) may 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.)
- (9) **Colors and materials.** Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- (10) **Façade-mounted antennas.** Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not protrude more than two feet horizontally from the façade.

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 development standards.~~

- (1) The facility qualifies as a tenant improvement **that does not otherwise qualify as a small wireless facility under C.2.a, above.**
- (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 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H](#) (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) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.**
- ~~(67)~~ Access to the facility shall be provided by existing roads or driveways.
- c. Standards for Tier 2 projects, collocated 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 applicable development standards.
- (1) The facility qualifies as a collocated 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 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H](#) (Conditions, restrictions, and modifications) shall not be allowed.
 - ~~(3a)~~ 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 do not otherwise qualify as small wireless facilities under C.2.a, above and 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 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661 the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection [35.82.080.H](#) (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.a.(~~2~~)(a).
 - (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 that do not otherwise qualify as a small wireless facility under C.2.a, above.** 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 35.14.020 \(Zoning Map and Zones\)](#) or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection [35.82.060.I](#) (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 Subsection [35.82.060.I](#) (Conditions, restrictions, and modifications) under the following circumstances:
 - (a) As provided in Subsection C.2.d.(1)(a).
 - (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 35.14.020 \(Zoning Map and Zones\)](#).
- (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 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 35.14.020 \(Zoning Map and Zones\)](#). 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 35.44.020 \(Noncommercial Telecommunication Facilities\)](#).

- (1) Facilities that are subject to regulation by the ~~Federal Communications Commission~~[FCC](#) or the California Public Utilities [Commission](#) (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, all commercial telecommunication facilities except temporary mobile telecommunications 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 Subsection [35.82.060.I \(Conditions, restrictions, and modifications\)](#) or Subsection [35.82.080.H \(Conditions, restrictions, and modifications\)](#) 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 Subsection 35.82.060.I (Conditions, restrictions, and modifications), or Section 35.82.080.H (Conditions, restrictions, and modifications).

b. Height limits and exceptions—~~Inland area. In the Inland area a~~Antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 100 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.

- (1) Antennas used in connection with wireless communication facilities may exceed 100 feet in height provided:
 - (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.
- (2) Antennas (excluding solid dish and panel antennas) and lattice support structures used for the commercial reception and transmission of radio and television signals may be up to 200 feet in height in Rural Areas provided:
 - (a) Towers and antennas shall not be located within one mile of a County-designated scenic highway unless substantially screened by intervening topography or existing vegetation.
 - (b) Unless substantially screened by intervening topography or existing vegetation, or proposed at a co-located site, the new tower/antenna shall be located no closer than one mile from Urban, Inner-Rural, and Existing Developed Rural Neighborhoods and as far as technically feasible to meet Federal Communications Commission signal strength and coverage requirements.
 - (c) Towers and antennas shall be a minimum of 50 feet from a property line and 1.5 times the tower's height from the nearest development, excluding other telecommunication facilities and fences.
 - (d) Noise levels from auxiliary power supplies shall not exceed County and State standards and policies.
 - (e) If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to locate any existing antenna on the new tower when it will reduce visual impacts from the site.
 - (f) Access is provided by existing roads or a road extension that minimizes the amount of ground disturbance and does not create additional visual impacts.
 - (g) Towers, support structures, and antennas shall be painted a color chosen to reduce visual impacts. In lieu of painting the tower, the Commission may determine that a tower's construction material can be oxidized to a color that is acceptable for its location.
 - (h) Landscaping, if appropriate, shall be utilized to minimize visual impacts of the tower and support buildings.
 - (i) If a tower is proposed to be co-located at an existing tower location, the applicant

shall attempt to consolidate equipment of existing support structures, underground utilities, or any other measures deemed appropriate to mitigate visual impacts.

- (j) Tower design and materials shall be the least visually obtrusive, taking technical and engineering considerations into account.
- (k) Exterior lighting shall be hooded and directed downward and shall be manually operated.

- (3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of [Section 35.28.060 \(Airport Approach \(F\) Overlay Zone\)](#).

~~**e.** **Height limits and exceptions – Coastal Zone.** In the Coastal Zone 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 35.28.060 \(Airport Approach \(F\) Overlay Zone\)](#)~~

dc. **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.

ed. **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 Landmarks Advisory Commission, or the Board on appeal.

fe. **Compliance with Federal Communication Commission FCC.** The facility shall comply at all times with all Federal Communication Commission FCC rules, regulations, and standards.

gf. **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.

hg. **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.

ih. **Location within Airport Approach (F) overlay zone.** 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.

ji. **Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.

kj. **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 non-reflective 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 review authority in approving a subsequent permit for development.

lk. **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 should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect ~~unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan.~~ 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) — In the Coastal Zone, 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 review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations 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 it would avoid or reduce the potential for environmental impacts.

- 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 collocation.
- b. ~~In the Inland area, d~~ Disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. ~~See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.~~
- c. Collocation 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 review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

Proposed facilities shall be assessed as potential collocation facilities or sites to promote facility and site sharing so as to minimize the overall visual impact. 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 collocation 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, and cumulative radiofrequency emission studies showing compliance with radiofrequency standards established by the ~~Federal Communications Commission~~ **FCC**. Additional requirements regarding collocation are located in Subsection E.3 (Collocation) 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. ~~In the Coastal Zone, 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.~~

- ~~f. In the Coastal Zone, 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 review authority 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 Commission in compliance with [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#). An exemption shall only be granted if the Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or 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 it would avoid or reduce the potential for environmental impacts.
- 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 collocated 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 collocated 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. In the Coastal Zone, 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 review authority 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 review authority 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 from current RF field-testing at the site.

- F. Public notice.** Notice of the approval of any ~~Coastal Development Permit or Land Use Permit~~, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with [Chapter 35.106 \(Noticing and Public Hearings\)](#).
- G. Additional findings.** In addition to the findings required to be adopted by the review authority in compliance with ~~Section 35.82.050 (Coastal Development Permits)~~, [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), [Section 35.82.080 \(Development Plans\)](#) and [Section 35.82.110 \(Land Use Permits\)](#) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:
1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
 2. The facility is located 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 review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 - a. An exemption to one or more of the required development standards may be granted if the review authority 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 shall be operated within the frequency range allowed by the ~~Federal Communications Commission~~ [FCC](#) and complies with all other applicable 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.~~
- H. Additional findings for exceptions to height limits - ~~Inland Rural area~~.** ~~In the Inland area, i~~In addition to the required findings of Subsection G. (Additional findings) above, and [Section 35.82.060 \(Conditional Use Permits and Minor Conditional Use Permits\)](#), an exception to the height limits for a telecommunications facility used for the commercial reception and transmission of radio and television signals in the Rural Area as designated on the Comprehensive Plan maps (not exceeding 200 feet) shall be approved only if all of the following findings can be made:
1. The support structure and antenna do not intrude into the skyline as seen from a County-designated scenic highway.
 2. The support structure and antenna exceed 100 feet only when technical requirements dictate (e.g. FCC signal strength and required coverage).
 3. The height of the support structure and antenna are reduced to the maximum extent feasible, taking into account the use for which the antenna is proposed.
 4. The support structure and antenna do not interfere with the enjoyment and use of surrounding properties.
 5. The support structure and antenna do not result in a substantial detrimental visual effect on open space

views as seen from public viewing points.

6. The visual impacts are not substantially exacerbated with the addition of the proposed tower at a collocated site.

I. Application requirements.

1. An application for a ~~Coastal Development Permit~~, Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with [Chapter 35.80 \(Permit Application Filing and Processing\)](#).
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter ~~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 Design Review in compliance with [Section 35.82.070 \(Design Review\)](#) 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 Design Review in compliance with [Section 35.82.070 \(Design Review\)](#).
 - b. The Commission is the review authority 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 19:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of the CLUDC, is hereby amended to delete Subsection C, Exploration Plans, and Subsection D, Production Plans, from Section 35.55.010, Purpose, of Chapter 35.55, Findings for Oil and Gas Facilities, in their entirety.

SECTION 20:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of the CLUDC, is hereby amended to delete Subsection B, Time period, from Section 35.56.040, Filing an Application to Defer Abandonment, of Chapter 35.56, Oil/Gas Land Uses – Abandonment and Removal Procedures, in its entirety.

SECTION 21:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of the CLUDC, is hereby amended to delete Section 35.57.060, Small Wind Energy Systems, of Chapter 35.57, Wind Energy Conversion Systems, in its entirety, and reserve the section number for future use.

SECTION 22:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to add Section 35.82.050, Recordable Documents, of Chapter 35.82, Permit Review and Decisions, to read as follows:

35.82.050 – Recordable Documents Reserved

In addition to any requirements to record a Notice to Property Owner for certain identified land uses pursuant to Division 4 (Zoning Districts), Division 7 (General Regulations), and Division 18 (Gaviota Coast Plan (GAV) Overlay), applicants shall record a Notice to Property Owner, Agreement, or other document, for the following matters related to real property, when a condition of approval of a planning permit or other land use entitlement requires it.

A. Notices to Property Owners. Any notice to property owner required by this Development Code, including, but not limited to, the following, are recordable documents.

1. Accessory structure.
2. Agricultural employee dwelling.
3. Building and development envelopes.
4. Buyer beware/notification regarding availability of public water and/or sewer.
5. Development exclusion areas.
6. Development standards and other provisions when required pursuant to a community plan.
7. Fencing to allow animal passage.
8. Fuel management zones.
9. Landscaping maintenance.
10. Plans (e.g., a solid waste management plan or habitat management plan) or actions (e.g., maintenance activities) that an applicant must implement, maintain, and/or take for an extended period of time (e.g., for the life of a project).
11. Temporary dwelling unit (or temporary second unit).
12. Watchman's trailer.

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this Development Code, including, but not limited to, provision of an offsite parking easement.
2. Compliance with project and/or permit conditions of approval.
3. Implementation of historic structural preservation and restoration/renovation plan or program.
4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
5. Maintenance of stormwater quality and retention measures.
6. Prohibitions on high water use/consumption businesses.
7. Resale Restrictive Covenant and Preemptive Right.
8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

SECTION 23:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to delete Subsection E.6, Additional findings required for Preliminary or Final Development Plans for sites within the Agriculture-Residential Cluster overlay, of Section 35.82.080, Development Plans, of Chapter 35.82, Permit Review and Decisions, in its entirety.

SECTION 24:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to delete Subsection 6, of Subsection E, Findings required for approval, of Section 35.82.120, Limited Exception Determinations, of Chapter 35.82, Permit Review and Decisions, in its entirety.

SECTION 25:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to delete Subsection 9, Transportation Corridor (TC) zone, of Subsection E, Findings required for approval of Use Determinations, of Section 35.82.190, Use Determinations, of Chapter 35.82, Permit Review and Decisions, in its entirety.

SECTION 26:

ARTICLE 35.8, Planning Permit Procedures, of the CLUDC, is hereby amended to delete Subsection 8, Time extension due to economic hardship, of Subsection D, Processing, of Section 35.84.030, Time Extensions, of Chapter 35.84, Post Approval Procedures, in its entirety.

SECTION 27:

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to revise Subsection A, Appointment, of Section 35.100.060, Director, of Chapter 35.100, Administrative Responsibility, to read as follows:

- A. **Appointment.** The Director shall be appointed by the County ~~Chief Executive Officer~~ Board of Supervisors.

SECTION 28:

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to revise Subsection 1, Vote required for onshore support facility for offshore oil and gas activity, of Subsection C, Compliance with Measure A96 required, of Section 35.104.050, Action on Amendments, of Chapter 35.104, Amendments, to read as follows:

- 1. Vote required for onshore support facility for offshore oil and gas activity.** Any legislative approval by the Board (e.g., Comprehensive Plan, Development Code or Zoning Map Amendment) which would authorize or allow the construction, development, installation, or expansion of any onshore support facility for offshore oil and gas activity on the South Coast of the County (from Point Arguello to the Ventura County border) and outside the South Coast Consolidation Areas is subject to a vote by the voters of the County in a regular election in compliance with ~~Section 35.51.020 (Voter Approval Required)~~ Section 35.52.020 (Voter Approval – Facilities on South Coast That Support Offshore Oil and Gas Activities).

SECTION 29:

ARTICLE 35.10, Land Use and Development Code Administration, of the CLUDC, is hereby amended to delete Subsection 4 of Subsection B, Notice for projects that require a public hearing or discretionary review authority action, of Section 35.106.080, Contents of Notice, of Chapter 35.106, Noticing and Public Hearings, in its entirety.

SECTION 30:

ARTICLE 35.1, Development Code Applicability; ARTICLE 35.2, Zones and Allowable Uses; ARTICLE 35.3, Site Planning and Other Project Standards; ARTICLE 35.4, Standards for Specific Land Uses; ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities; ARTICLE 35.6, Resource Management; ARTICLE 35.8, Planning Permit Procedures; ARTICLE 35.10, Land Use and Development Code Administration; and ARTICLE 35.11, Glossary, of the CLUDC, are hereby amended to: (1) delete all regulations that apply solely within the Coastal Zone, which were not certified by the California Coastal Commission and are not in effect in the County Coastal Zone; (2) to delete unnecessary references to the Coastal Zone, and inland areas; (3) excepting therefrom (a) to retain Chapter 35.64, Transfer of Development Rights, which applies to inland areas in addition to the Coastal Zone; (b) to retain Subsection E, Additional filing requirements for specific plan applications – Supply Bases, of Section 35.53.030, Filing Requirements for Permit, Development Plan, and Specific Plan Applications, of Chapter 35.53, Permit Requirements and Plan Applications, Processing, and Review; and (c) to retain Subsections a.1 through A.4 of Section 35.56.020, Applicability of Chapter 35.56, Oil/Gas Land Uses – Abandonment and Removal Procedures; and (4) to correct minor grammatical errors that do not affect the meaning of this Development Code; including revisions to the following Sections: 35.10.010, 35.10.020, 35.10.040, 35.12.030, 35.21.020, 35.21.050, 35.22.050, 35.23.020, 35.23.030, 35.23.050, 35.23.060, 35.23.080, 35.23.100, 35.24.020, 35.24.030, 35.24.040, 35.24.060, 35.25.020, 35.25.030, 35.25.040, 35.26.030, 35.26.060, 35.26.080, 35.26.090, 35.28.030, 35.28.080, 35.28.150, 35.28.210, 35.30.025, 35.30.030, 35.30.050, 35.30.060, 35.30.070, 35.30.090, 35.30.100, 35.30.130, 35.30.140, 35.30.160, 35.30.190, 35.32.030, 35.32.040, 35.32.050, 35.32.060, 35.34.040, 35.34.050, 35.34.060, 35.34.080, 35.34.100, 35.36.020, 35.36.040, 35.36.060, 35.36.070, 35.36.090, 35.36.100, 35.36.110, 35.42.010, 35.42.020, 35.42.060, 35.42.100, 35.42.120, 35.42.150, 35.42.160, 35.42.170, 35.42.180, 35.42.200, 35.42.260, 35.42.280, 35.44.020, 35.52.010, 35.52.020, 35.52.040, 35.52.050, 35.52.060, 35.52.070, 35.52.080, 35.53.010, 35.53.020, 35.53.030, 35.53.040, 35.53.060, 35.53.070, 35.55.010, 35.55.020, 35.55.040, 35.55.060, 35.56.020, 35.56.040, 35.57.010, 35.57.030, 35.58.010, 35.58.020, 35.60.010, 35.60.020, 35.62.020, 35.62.040, 35.64.060, 35.80.020, 35.82.020, 35.82.030, 35.82.040, 35.82.060, 35.82.070, 35.82.080, 35.82.090, 35.82.110, 35.82.120, 35.82.130, 35.82.160, 35.82.190, 35.82.200, 35.84.030, 35.84.040, 35.84.060, 35.88.020, 35.88.040, 35.89.070, 35.100.020, 35.100.040, 35.101.020, 35.101.030, 35.102.010, 35.102.020, 35.102.040, 35.106.090, 35.108.010, 35.108.080, 35.108.090, and 35.110.020.

SECTION 31:

ARTICLE 35.11, Glossary, of the CLUDC, is hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add a definition of “Base Station” under the definition of “Telecommunications Facility,” as new number 4, and renumbering the subsequent definitions, to read as follows:

- 4. Base Station. A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, which does not encompass a tower or any equipment associated with a tower, and as further defined by 47 C.F.R. Section 1.6100(b)(1), as amended.**

SECTION 32:

ARTICLE 35.11, Glossary, of the CLUDC, is hereby amended to revise Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to delete the existing definitions of “Appealable Development,” “Bluff Edge,” “Coastal Bluff,” “Coastal Bluff Edge,” “Coastal Dependent

Development or Use,” “Coastal Dependent Recreation,” “Coastal Related Development,” “Coastal Related Recreation,” that portion of “Development” within the Coastal Zone, that portion of “Environmental Review” within the Coastal Zone, “Greenhouse Related Development – Coastal Zone,” “Inland Extent of Beach,” that portion of “Lot” within the Coastal Zone, “Major Public Works Project and Major Energy Facility – Coastal Zone,” “Oil and Gas Exploration – Coastal Zone,” “Oil and Gas Production – Coastal Zone,” “Oil and Gas Treatment/Processing – Coastal Zone,” “Residential Agricultural Unit,” “Small Wind Energy System,” “Staging Area,” “Stream,” “Supply Base,” that portion of “Temporary Use” within the Coastal Zone, “Utility Connection to Approved Development,” and “Western Seaside Vernacular Commercial – Toro Canyon Plan area, Coastal Zone.”

SECTION 33:

The CLUDC is hereby amended to delete reserved Appendix C and reserved Appendix D, and to renumber the retained appendices as Appendix A through Appendix H.

SECTION 34:

The CLUDC is hereby amended to delete Attachment 1, Community Plan Development Standards, in its entirety.

SECTION 35:

All existing indices, section references and numbering, and figure and table numbers contained in the CLUDC are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 36:

Except as amended by this Ordinance, the CLUDC shall remain unchanged and shall continue in full force and effect.

SECTION 37:

This ordinance shall take effect and be in force 30 days from the date of its passage 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel