

ATTACHMENT H

ORDINANCE NO. _____ (Revised 3/1/02)

AN ORDINANCE AMENDING ARTICLE IV, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; AND DIVISION 7, GENERAL REGULATIONS; TO DEFINE AMATEUR RADIO STATION, INHABITED AREA, NON-IONIZING ELECTROMAGNETIC RADIATION, SCENIC HIGHWAY CORRIDOR, SUBSTANTIALLY VISIBLE, TELECOMMUNICATION FACILITY, TELECOMMUNICATION FACILITY, COLLOCATED, TELECOMMUNICATION FACILITY, COMMERCIAL, TELECOMMUNICATION FACILITY, HEIGHT, TELECOMMUNICATION FACILITY, MULTIPLE USER, TELECOMMUNICATION FACILITY, NON-COMMERCIAL, TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT, TELECOMMUNICATION FACILITY, WIRELESS, TELECOMMUNICATION SITE, COLLOCATED, TOWER, TOWER, LATTICE, TOWER, MONOPOLE; TO AMEND THE EXISTING DEFINITIONS OF ANTENNA, ANTENNA SUPPORT STRUCTURE; TO DELETE THE EXISTING DEFINITIONS OF COLLOCATED COMMUNICATION FACILITY, COLLOCATED COMMUNICATION SITE, LATTICE TOWER, MASTER TELEVISION ANTENNA, MONOPOLE, WIRELESS COMMUNICATION FACILITY; TO AMEND GENERAL REGULATIONS TO CLARIFY ALLOWABLE USES WITHIN ARCHITECTURAL PROJECTIONS AND ALLOW ANTENNAS USED IN CONJUNCTION WITH WIRELESS TELECOMMUNICATION FACILITIES TO EXCEED THE HEIGHT LIMIT WHEN MOUNTED ON AN EXISTING STRUCTURE AND ALLOW ANTENNAS ASSOCIATED WITH AMATEUR RADIO STATIONS TO EXCEED THE HEIGHT LIMIT UPON A DEMONSTRATION OF NECESSITY; TO PROVIDE NEW PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES; AND TO PROVIDE NEW PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF NON-COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 01-OA-007

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

SECTION 1:

Section 35-410, Definitions, DIVISION 2, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to add new definitions for Amateur Radio Station, Inhabited Area, Non-Ionizing Electromagnetic Radiation, Substantially Visible, Telecommunication Facility, Telecommunication Facility, Collocated, Telecommunication Facility, Commercial, Telecommunication Facility, Height, Telecommunication Facility, Multiple User, Telecommunication Facility, Non-Commercial, Telecommunication Facility, Tenant Improvement, Telecommunication Facility, Wireless, Telecommunication Site, Collocated, Tower, Tower, Lattice, and Tower, Monopole, to read as follows:

AMATEUR RADIO STATION: A radio station operated in the Amateur Radio Service under license by the Federal Communication Commission.

INHABITED AREA: Any dwelling, any other structure regularly occupied by people, or any area used by people on a regular basis.

NON-IONIZING ELECTROMAGNETIC RADIATION (NIER): Electromagnetic radiation occurring primarily in the visible, infrared, and radio-frequency portions of the electromagnetic spectrum.

SCENIC HIGHWAY CORRIDOR: A corridor of land that extends 2,000 feet outward from the right-of-way lines of any state-designated scenic highway.

SUBSTANTIALLY VISIBLE: An object is considered to be substantially visible if it stands out as a conspicuous feature of the landscape when viewed with the naked eye.

TELECOMMUNICATION FACILITY: A facility that transmits and/or receives electromagnetic signals for communication purposes including data transfer. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or reception of such signals; telecommunication towers or similar structures supporting said equipment; equipment buildings; parking areas; and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel or broadcast studios.

TELECOMMUNICATION FACILITY, COLLOCATED: A telecommunication facility comprised of a single telecommunications pole, tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, COMMERCIAL: A telecommunications facility that is operated primarily for a business purpose or purposes.

TELECOMMUNICATION FACILITY, HEIGHT: The height of a telecommunication tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself, or, if higher, the tip of the highest antenna or piece of equipment attached thereto. In the case of an antenna or antenna support structure mounted on a building or structure, the height of the antenna and/or antenna support structure includes the height of the portion of the building on which it is mounted.

TELECOMMUNICATION FACILITY, MULTIPLE USER: A telecommunications facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

TELECOMMUNICATION FACILITY, NON-COMMERCIAL: A telecommunication facility that is operated solely for a non-business purpose.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building or (2) located on the roof of an existing building or structure, or (3) the antenna is located on the exterior wall of a building or structure, and the general public does not have access to the facility. Tenant improvements do not include antennas that are mounted on utility poles or similar structures.

TELECOMMUNICATION FACILITY, WIRELESS: A commercial telecommunication facility that transmits and/or receives radio communication signals through the air for cellular, personal communication services, pagers, and/or similar services. The facility can include, but is not limited to: antennas, radio transmitters, equipment shelter or cabinet(s), air vents, antenna support structure, air conditioning units, fire suppression systems, emergency back-up generators including fuel storage.

TELECOMMUNICATION SITE, COLLOCATED: Any site where more than one antenna support structure is installed in close proximity to one another on one parcel.

TOWER: A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support one or more antennas.

TOWER, LATTICE: A multiple sided open metal frame support structure that supports antennas and related equipment.

TOWER, MONOPOLE: A tower consisting of a single pole, constructed without guy wires and ground anchors.

SECTION 2:

Section 35-410, Definitions, DIVISION 2, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend existing definitions of Antenna and Antenna Support Structure to read as follows:

~~ANTENNA: A horizontal or vertical element, panel, or dish that may be attached to a pole, tower, building or other support structure for the purposes of transmitting and/or receiving communication signals (e.g., radio, microwave, television). Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.~~

ANTENNA SUPPORT STRUCTURE: A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, ~~water tower, building~~ or other similar structure on which antennas, used for the purposes of receiving and/or transmitting communication signals, are mounted utilized for the purpose of supporting an antenna(s) used for the transmission and reception of electromagnetic waves.

SECTION 3:

Section 35-410, Definitions, DIVISION 2, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to delete existing definitions of Collocated Communication Facility, Collocated Communication Site, Lattice Tower, Master Television Antenna, Monopole, and Wireless Communication Facility.

SECTION 4:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-459 Height, as follows:

Sec. 459. Height

1. Chimneys; elevator and stair housings; television receiving antennas for individual receiving sets; ~~antennas for amateur radio short wave sending and receiving sets, for private sending and receiving sets, and for citizen band service not in connection with the business of broadcasting radio or television programs for the general public; flag poles; monuments; oil and gas derricks; church spires; and similar architectural features and similar structures may be up to fifty (50) feet in height in all zone districts. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone district or general regulations. Antennas and associated equipment may be located within the architectural projections.~~
2. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar structure) used for the commercial reception and transmission of communication signals

(e.g., radio, television, and wireless) ~~and or with amateur radio stations~~ may be up to ~~fifty~~ ~~(50)~~ feet in height. These facilities may exceed fifty (50) feet up to a maximum of seventy-five (75) feet in height where technical requirements dictate. Amateur radio antennas may exceed 75 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 75 in height feet if:

- a. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
- b. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, 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.

SECTION 5:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to re-title Section 35-474C, Communications Facilities, as follows:

Sec. 35-474C. Commercial Telecommunication Facilities.

SECTION 6:

Section 35-474C.1, Purpose and Intent, DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.1. Purpose and Intent.

The purpose of this ~~S~~section is to provide ~~for the siting of communication facilities and to set forth specific permit regulations for those communication facilities~~ a uniform and comprehensive set of standards for the siting and development of commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to ~~ensure that these facilities are properly sited and designed in a manner consistent with the provisions of this Article,~~ promote their orderly development; and ensure that

~~these facilities~~ they are compatible with surrounding land uses in order to protect the public safety and visual resources.

SECTION 7:

Section 35-474C.2, Applicability, DIVISION 7, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.2. Applicability.

The provisions of this Section shall apply to all commercial telecommunication facilities for the transmission and/or reception of that transmit or receive electromagnetic signals including but not limited to radio, television, and ~~other communication signals including, but not limited to~~, wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Sec. 35-482- (Land Use Permits), Sec. 35-483- (Conditional Use Permits), and Sec. 35-485- (Development Plans), as applicable. Modifications to zone district regulations (e.g., setbacks) are allowed under Section 35-483- and Section 35-485-, ~~unless otherwise~~ only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices.

SECTION 8:

Section 35-474C.3, Processing, DIVISION 7, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.3. Processing.

No permits for development subject to the provisions of this Section shall be approved or issued except in conformance with the following requirements, including the requirements of Sections 35-474C.4 through 35-474C.8 unless otherwise specified:

1. The following development which requires the approval and issuance of a Land Use Permit (LUP) pursuant to (Sec. 35-482- et seq.) shall include:
 - a). Wireless telecommunication facilities that qualify as Tenant Improvements communication facility that and conforms to the following development criteria set forth in Sec. 35-474C.4.1, standards is may be allowed in all non-residential zone districts, except residential zone districts as identified in Section 35-402.

Minor exterior additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.

- 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district that the project is located in subject to the limitations and exceptions provided below. If a facility is located in an agricultural zone as identified in Section 35-402, the height limit is that which applies to residential structures in that location.
- 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) The antenna, associated support structure and equipment shelter is located within an existing building or structure.
 - ii) The antenna is mounted on an exterior wall of an existing building or structure, and the highest point of either the antenna or the support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
 - iii) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
- 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure the highest

point of the antenna shall not extend above the parapet wall or architectural façade.

- 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
- 5) Access to the facility is provided by existing roads or driveways.
- 6) The facility is located a minimum of 300 feet from the nearest existing residence, residentially zoned parcel, licensed day care facility or educational facility.

- b) ~~Ground or roof mounted receive only satellite dish antennas or wireless television antennas over one (1) meter in diameter but not greater than two (2) meters in diameter, which is used solely for the non-commercial, private reception of communication signals (e.g., television) is allowed in all zone districts.~~

Wireless telecommunication facilities that qualify as very low power facilities and conform to the following development standards may be allowed in all zone districts as identified in Section 35-402:

- 1) Antennas are (1) limited to panel antennas with a power output that does not exceed three watts, or omnidirectional antennas with a power output that does not exceed ten watts, and (2) the associated equipment does not exceed a volume of one cubic foot.
- 2) The antenna is mounted on an existing operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by Planning and Development, located within a road right-of-way. No more than two antennas shall be located on a single utility pole or similar structure unless it is determined 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 permit for the very low power facilities shall be null and void.

- 3) 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 following development ~~which~~ requires a ~~Director Approved~~ Development Plan approved by the Director of Planning and Development pursuant to ~~(Sec. 35-485-et seq.)~~ and the approval and issuance of a Land Use Permit (~~LUP~~) pursuant to ~~(Sec. 35-482-et seq.)~~ shall include:
- a). Wireless telecommunication facilities that qualify as ~~A Tenant Improvements facility that~~ and conforms to the following development criteria ~~set forth in Section 35-474C.4.2~~ is standards may be allowed in all non-residential zone districts as identified in Section 35-402. Additions to existing buildings or structures that a facility is proposed to be located on or within may be permitted in order to comply with applicable development standards.
 - 1) Antennas, associated support structures, and equipment shelters shall comply with the height limit of the zone district 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 35-402, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-485 shall be allowed.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:
 - i) As provided in Sec. 35-474C.3.1.a.2.
 - ii) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection pursuant to Sec. 35-459 (General Regulations).
 - 3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or 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.

b). ~~A Microcells, or similar facility, that conforms to the development criteria set forth in Section 35-474C.4.2, is~~ Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-474C.3.1 or 35-474C.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-402.

1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district 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 35-402, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-485 shall be allowed.

2) Antennas and equipment shelters may exceed the height limit of the zone district that the project is located in under the following circumstances:

i) As provided in Sec. 35-474C.3.2.a.2.

ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by Planning and Development, 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.

3) The height of the antenna and associated support structure shall not exceed 15 feet above the highest point of the building or structure that the antenna and support structure are located on. Architectural projections shall not be used in determining the highest point of the building or structure. If located on a flat roof of an existing building or 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.

4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times

the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

- 5) A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on an Environmental Resources Management Element map, provided all the components of the facility are not visible from the roadway located within the corridor.
 - e) ~~A ground or roof mounted receive only satellite dish antenna and wireless television antenna greater than two (2) meters in diameter, which is used solely for the non commercial, private reception of communication signals (e.g., television), is allowed in all zone districts.~~
3. The following Development which requires a Minor Conditional Use Permit (CUP) approved by the Zoning Administrator pursuant to (Sec. 35-483.-et seq.) and the issuance and approval of a Land Use Permit (LUP) pursuant to (Sec. 35-482.-et seq.) shall include:
- a). ~~A Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-474C.4.3 is~~ Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-474C.3.1, 35-474C.3.2.a or 35-474C.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-402.
 - 1) Antennas, the associated support structures, and equipment shelters shall comply with the height limit of the zone district 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 35-402, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Sec. 35-483 may be allowed, however, the highest point of the antenna and associated support structure may not exceed 50 feet.
 - 2) Antennas, associated support structures and equipment shelters may exceed the height limit of the zone district that the project is located in without the approval of a modification pursuant to Sec. 35-483 under the following circumstances:
 - i) As provided in Sec. 35-474C.3.2.b.2.

- ii) The antenna and antenna support structure are mounted on an existing building or structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the building or 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 building or 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 Planning and Development, shall not exceed a height of 50 feet.
 - 4) The base of any new freestanding antenna support structure shall be set back from any residentially zoned parcel a distance equal to the five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
- b). ~~A Microcell, or similar facility, that conforms to the development criteria set forth in Section 35-474C.4.3., is allowed in all zone districts.~~
- e) ~~A Macrocell, or similar facility, that conforms to the development criteria set forth in Section 35-292h.4.3. is allowed in all non-residential zone districts, except the RES Resources Management zone districts, and in residential zone districts only where the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility. If the applicant proposes to co-locate on an existing support structure, which has an existing and valid Conditional Use Permit, the project may be processed as a Substantial Conformity Determination, an Amendment, a Revision to the existing Conditional Use Permit, or a new Conditional Use Permit, consistent with the requirements of Sec. 35-483.11.~~
- d) ~~Amateur “ham” radio operations used solely by the occupant of the property where the facility is located or is used solely by the Coast Guard or Coast Guard Auxiliary operations, are allowed in all zone districts.~~

Other telecommunication facilities and/or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or

reception of radio, television and communication signals ~~which~~ that (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed ~~fifty~~ 50 feet in height, ~~are~~ may be allowed in all non-residential zone districts except residential zone districts as specified identified in Sec. Section 35-202.

~~¶c.~~ Private, non-commercial communication facilities ~~ies~~ used in conjunction with and serving an agricultural operation located on the property ~~on which that~~ the facility is located ~~on, is~~ are allowed in all agricultural zone districts.

4. The following Development which requires a Major Conditional Use Permit approved by the Planning Commission pursuant to (Sec. 35-483.6 et seq.) and the issuance and approval of a Land Use Permit pursuant to (Sec. 35-314. et seq.):

a). ~~A Tenant Improvement facility that conforms to the development criteria set forth in Sec. 35-474C.4.4., is allowed in all zone districts. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-474C.3.1, 35-474C.3.2.a, 35-474C.3.2.b or 35-474C.3.3 but do conform to the following development standards may be allowed in all zone districts:~~

1) The height of the antenna and antenna support structure shall not exceed 75 feet.

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

3) If the facility is proposed to be located in a residential zone district as identified in Section 35-402, or within the minimum distances specified in subsection 2) above, the Planning Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served.

b). ~~A Microcell, or similar facility, that conforms to the development criteria set forth in Sec. 35-474C.4.4., is allowed in all zone districts.~~

e) ~~A Macrocell that conforms to the development criteria set forth in Sec 35-474C.4.4., is allowed in all zone districts, except residential zone districts as specified in Sec. 35-402.~~

- d) Other telecommunication facilities that are (1) subject to regulation by the Federal Communications Commission or the California Public Utilities (e.g., AM/FM radio stations, television stations) which include but are not limited to: 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, ~~including Master Television Antenna(s) subject to the provisions of Sec. 35-474C.7,~~ or (2) other telecommunication facilities ~~which~~ that exceed ~~fifty (50)~~ feet in height, ~~except amateur "ham" radio facilities and Wireless communication Facilities,~~ are allowed in all non-residential zone districts, ~~except residential zone districts as specified~~ identified in Sec. 35-402. This does not include wireless telecommunication facilities that are subject to the provisions of Sec. 35-474C.4.a or amateur radio facilities that are subject to the provisions of Sec. 35-474D.
5. ~~All Commercial telecommunication facilities, except private ground or roof mounted satellite dishes and wireless television antennas,~~ shall be subject to Sec. 35-491 (Board of Architectural Review) under the following circumstances:
- a. The facility includes the construction of a new building or structure or the remodel of or addition to an existing building or structure that is otherwise subject to review by the Board of Architectural Review pursuant to Sec. 35-491.
 - b. The facility is under the jurisdiction of the Planning Commission.

SECTION 8:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-474C.4., Development Criteria for Wireless Communication Facilities, as follows:

Sec. 35-474C.4 Additional Development Criteria Standards for Wireless Telecommunication Facilities

1. ~~A Tenant Improvement facility that requires a Land Use Permit only shall comply with all of the following development criteria:~~
 - a) ~~The facility is entirely enclosed within an existing building or structure (except antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general~~

~~public does not have access to the transmission facility and the associated antennas.~~

- b) ~~If the equipment shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened or incorporated into the architectural design of the structure.~~
- e) ~~Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure.~~
- d) ~~The highest point of the antenna and any supporting structure installed within or on an existing building or structure does not protrude above the highest point of the building or structure (including parapet walls and architectural facades) on which it is mounted. Antennas that are mounted on the exterior wall of an existing building or structure shall not protrude more than two feet horizontally from such building or structure.~~
- e) ~~Access to the facility is provided by existing roads or driveways.~~
- f) ~~The facility does not include night lighting.~~
- g) ~~The facility is not located within a residential zone district and is a minimum of 50 feet from the nearest existing residential dwelling unit, residentially zoned parcel line, licensed day care facility, and educational facility.~~
- h) ~~Electricity provided by a public utility is the primary power source.~~
- i) ~~If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be subject to review by the Historical Landmark Advisory Committee.~~
- j) ~~The noise levels associated with the facility do not exceed County and State standards or policies.~~
- k) ~~The maximum composite effective radiating (ERP) power of the facility, or sum of the power of all facilities collocated on the building or structure, is 1,000 watts or less. If a facility is sectorized (i.e., using more than one directional antenna), the maximum composite ERP shall be limited to 1,000 watts or less per sector. If the site is collocated with a sectorized and a non-sectorized (e.g., using an omnidirectional whip antenna) facility, the maximum ERP associated with the site~~

~~shall be calculated by adding the maximum ERP associated with the whip antenna(s) and the maximum ERP associated with one of the directional antennas.~~

- ~~1) Notice of the approved project shall be provided in accordance with Sec. 35-326.3. (Land Use Permit Noticing). In addition, a copy of the approved Land Use Permit must be mailed to property owners within 300 feet and residents within 100 feet of the exterior boundaries of the project site, and to any person who has filed a written request and provided a self-addressed stamped envelope to Planning and Development.~~
2. Tenant Improvement facilities that do not comply with the development criteria identified in ~~Sec. 35-474C.4.1~~ and Microcells, or similar facility, which require a Director Approved Development Plan shall comply with the following pertinent development criteria:
 - a) Tenant Improvement Facility:
 - i) ~~The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents), or is located on the roof of an existing building/structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antennas.~~
 - ii) ~~If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.~~
 - iii) ~~The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35-483. or Sec. 35-485.) of the height limit shall be allowed. If located on a flat roof of an existing building or structure, the height of the antenna shall be not greater than the distance the antenna is setback from the edge of the roof.~~
 - iv) ~~Notice of the project has been provided pursuant to Sec. 35-488 and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received the project shall be processed as a Zoning Administrator Development Plan.~~

~~b) Microcell, or similar facility:~~

- ~~i) The general public is excluded from the facility (e.g., underground or locked cabinet).~~
- ~~ii) The maximum height of the antenna(s) conforms to the zone district height requirements. No modifications (Sec. 35 483. or Sec. 35 485.) of the height limit shall be allowed, except as follows; the highest point of the antenna(s) may exceed district height requirements only when mounted on an existing, operational public utility pole or similar support structure, as determined by Planning and Development. In no case shall the highest point of the antenna exceed the height of the utility pole or similar support structure (e.g., street light standard) on which it is mounted.~~
- ~~iii) The location of the microcell or similar facility shall conform to the following:
 - ~~a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna may be located within setbacks or right of way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).~~
 - ~~b) Underground equipment (e.g., equipment cabinet) and associated antenna(s) may be located within the zone district setbacks and the right of way provided that the antenna(s) is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right of way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.~~~~

- e) ~~The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).~~
 - iv) ~~Notice of the project has been provided pursuant to Sec. 35 488 and no written request for a hearing has been submitted to Planning and Development within ten (10) calendar days of such notice. If such request is received the project shall be processed as a Zoning Administrator Development Plan.~~
3. ~~Tenant Improvement facilities and Microcells, or similar facilities, that do not conform to the development criteria outlined in Sec. 35 474C.4.1. and Sec. 35 474C.4.2., and Macrocells require a Minor Conditional Use Permit and shall conform to the following development criteria:~~
- a) ~~Tenant Improvement Facility:~~
 - i) ~~The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antenna(s).~~
 - ii) ~~If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.~~
 - iii) ~~The height of the antenna(s) and supporting structure shall not exceed 50 feet. . No modifications (Sec. 35 483. or Sec. 35 485.) of the height limit shall be allowed. If the antenna(s) is located on an existing building or structure, the antenna shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) is located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna(s) is setback from the edge of the roof up to a maximum of fifteen (15) feet.~~
 - b) ~~Microcell, or similar facility:~~
 - i) ~~The general public is excluded from the facility (e.g., underground or locked cabinet).~~

- ii) ~~The height of the antenna(s) and supporting structure shall not exceed fifty (50) feet. No modifications (Sec. 35 483. or Sec. 35 485.) of the height limit shall be allowed, except as specified below. If the antenna is located on an existing building or structure, the antenna shall not exceed fifteen (15) feet above the highest point of the structure. If the antenna(s) are located on a flat roof, the height of the antenna(s) shall be no greater than the distance the antenna is setback from the edge of the roof up to a maximum of fifteen (15) feet. The highest point of the antenna(s) may exceed fifty (50) feet only when mounted on an existing operational public utility pole or similar support structure, as determined by Planning and Development, but in no case shall the highest point of the antenna exceed the height of the utility pole or similar base on which it is mounted.~~
- iii) ~~The location of the microcell, or similar facility, shall conform to the following:~~
 - a) ~~Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right of way if installed on an existing utility pole, or similar existing support structure (e.g., street light).~~
 - b) ~~Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right of way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right-of-way no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.~~
 - e) ~~The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).~~
- e) ~~Macrocell, or similar facility.~~

- i) ~~The general public will be excluded from the facility (e.g., fenced).~~
- ii) ~~The height of the antenna and supporting structure shall not exceed 50 feet. No modifications (Sec. 35-483. or Sec. 35-485.) of the height limit shall be allowed.~~
- iii) ~~The support structure and associated antennas are : 1) a monopole with an antenna envelope of no more than 2 feet in diameter, 2) designed to look like the natural or man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or 3) designed to integrate into the natural environment (e.g., imbedded in a hillside), do not protrude into the skyline, and include a maximum of two sectors (i.e., antennas transmitting in two directions) and 6 antennas.~~
- iv) ~~The facility is not located within a residential zone district, unless the subject site has a Comprehensive Plan Land Use Designation or Overlay of Institutional/Government Facility and the facility is a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility, including licensed day care centers, on an adjacent parcel, or other residentially zoned parcel line.~~
- v) ~~The facility is not located within a Scenic Highway Corridor.~~
- vi) ~~The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.~~
- vii) ~~Co-location of macrocells on an existing support structure shall be required unless:~~
 - a) ~~The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or~~
 - b) ~~Co-location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or~~
 - c) ~~Planning and Development determines that co-location of the proposed facility would result in greater visual impacts than if a~~

~~new/separate support structure (e.g., monopole, lattice tower) were constructed.~~

4. ~~Wireless Communication facilities that do not conform to the development criteria set forth in Sec. 35 474C.4.1., Sec. 35 474C.4.2., or Sec. 35 474C.4.3., require a Major Conditional Use Permit and shall comply with the following development criteria:~~

a) ~~Tenant Improvement Facility:~~

- ~~i) The facility is entirely enclosed within an existing building or structure (excluding antennas, the associated support structure, and air vents) or is located on the roof of an existing building or structure within an equipment shelter where the general public does not have access to the transmission facility and the associated antennas.~~
- ~~ii) If the facility is proposed to be installed in or on a historic building or structure, as identified in the County list of Historical Landmarks, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.~~

b) ~~Microcell, or similar facility:~~

- ~~i) The general public is excluded from the facility (e.g., underground or locked cabinet).~~
- ~~ii) The location of the microcell or similar facility shall conform to the following:~~
 - ~~a) Above ground facility (e.g., equipment cabinet) must meet applicable zone district setback regulations, unless a modification of such setbacks is approved. The antenna(s) may be located within setbacks or right of way if installed on an existing, operational, public utility pole, or similar existing support structure (e.g., street light).~~
 - ~~b) Underground equipment (e.g., equipment cabinet) and associated antennas may be located within the zone district setbacks and the right of way provided that the antenna is installed on an existing, operational, public utility pole or similar existing support structure (e.g., street light). If the facility is located within the road right of way no portion of the facility shall obstruct existing or proposed~~

~~sidewalks, trails, and vehicular ingress/egress. In addition, the applicant must also obtain the necessary encroachment permits for the installation and operation of the facility.~~

- e) ~~The maximum number of microcells using a single operational utility pole as a support structure for the antennas shall not exceed two (2).~~
- e) ~~Macrocell, or similar facility.~~
 - i) ~~The general public is excluded from the facility (e.g., fenced).~~
 - ii) ~~Macrocell facility that does not conform to the development criteria set forth in Sec. 35-474C.4.3. shall be prohibited in all residential zone districts as specified in Sec. 35-402.~~
 - iii) ~~Macrocell facility shall be a minimum of 100 feet from the nearest existing residential dwelling unit, existing educational facility including licensed day care centers, on an adjacent parcel, or residentially zoned parcel line.~~
 - iv) ~~The project, including the support structure, shall meet all setback regulations provided in the applicable zone district, unless a modification of such setbacks is approved.~~
 - v) ~~Macrocells, or similar facility, shall be collocated on an existing support structure unless:~~
 - a) ~~The applicant can demonstrate that reasonable efforts, as determined by Planning and Development, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful, or~~
 - b) ~~Co location cannot be achieved because there are no existing facilities in the vicinity of the proposed facility, or~~
 - c) ~~Planning and Development determines that co location of the proposed facility would result in greater visual impacts than if a new/separate support structure (e.g., monopole, lattice tower) were constructed.~~

In addition to the development standards contained in Sec. 35-474C.3, commercial telecommunication facilities shall also comply with the following development standards unless otherwise indicated.

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

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

1) Antennas may be located within the setback area without approval of a modification 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 pursuant to Section 35-483 (Conditional Use Permits) or Section 35-485 (Development Plans).

b. The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated support structure and equipment shelter.

c. Facilities proposed to be installed in or on a building, 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 of Supervisors on appeal.

d. The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.

e. 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 any new parking areas shall not exceed 350 square feet in area.

- 3) Any newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses.
- f. The facility shall be unlit except for the following:
- 1) A manually operated or motion-detector controlled light that includes a timer located above the equipment structure door that shall be kept off except when personnel are actually 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 in such manner so as to minimize the amount of light that falls onto nearby residences.
- g. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- h. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and thereafter repainted as necessary with a non-reflective paint. Colors shall be consistent with those specified in Appendix D: Guidelines for Telecommunication Sites in Rural and Inner-Rural Areas. 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.
- i. The facility shall be constructed so as to maintain and enhance existing vegetation 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 is not required to be removed in order to construct the facility 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:
 - i) Such vegetation is required to screen the improvements from public viewing areas.

ii) 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 or licensed landscape architect. Performance security shall be required to guarantee the installation and maintenance of any new plantings.

4) Any existing trees or significant vegetation used to screen the facility that dies 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 approved shall not be altered after project completion in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines.

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. However, such 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 or decrease public safety, 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.

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. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground. Any 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. Freestanding antenna support structures exceeding 35 feet in height shall be monopoles or guyed or lattice towers except where satisfactory evidence is submitted to the decision-maker that a different design is required in order to:
 - 1) Provide the height or capacity necessary for the proposed use.
 - 2) Minimize the need for screening from adjacent properties.
 - 3) Lessen the visibility of the tower.
 - 4) Lessen the possibility of bird strikes.
- c. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.
- d. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-474C.3.3 and Sec. 35-474C.3.4 unless:
 - 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna(s) on an existing support structure and such efforts have been unsuccessful; or
 - 2) Collocation cannot be achieved because there are no existing facilities in the vicinity of the proposed facility; or
 - 3) The decision-maker determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.

All 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 Planning and Development to be appropriate as collocated facilities or sites shall be designed such that antenna support structures and other associated appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings, may be shared by site users. Criteria used to determine suitability for collocation include but are not limited to 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 FCC. Additional requirements regarding collocation are located in Sec. 35-474C.5.3.

- e) 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 roads, trails, recreational areas).
3. Telecommunication facilities shall comply with the following development standards in all instances. If an exemption from one or more of the following standards is requested, then the facility requires a major conditional use permit approved by the Planning Commission pursuant to Sec. 35-483. An exemption may only be granted if the Planning Commission 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 or decrease public safety, 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.
- a. No facility shall 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 an Environmental Resources Management Element map.
 - b. No facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural or man-made environment in such a manner so as to not be substantially visible from public viewing areas (e.g., public road, trails, recreational areas) or is collocated in a multiple user facility.
 - c. No facility that is substantially visible from a public viewing area shall be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on multiple-user site.
 - d. Telecommunication facilities that are readily 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 man-made environment (e.g., designed to look like a tree, rock outcropping, or street light), or designed to integrate into the natural environment (e.g., imbedded in a hillside). Such facilities shall be compatible with the existing surrounding environment.

SECTION 9:

Section 35-474C.5, Abandonment Procedures, DIVISION 7, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.5 ~~Abandonment Procedures~~ Project Installation and Post Installation Provisions

~~If a commercial facility used for the transmission and/or reception of communication signals including radio equipment and antennas, has not been in use for twelve (12) continuous months, the facility and all appurtenant structures shall be considered abandoned. Prior to permit approved for the installation of such facility, the applicant shall post a performance security in an amount determined by Planning and Development that is sufficient to cover the cost of removal of the facility in the event that the such facility is abandoned. If Planning and Development determines that the facility has been abandoned, the applicant may be required to remove all equipment belonging to the applicant from the premise within 30 calendar days of receipt of notice to abate. If such facility is not removed within 30 days, the County may remove the facility at the applicant's expense.~~

1. Installation. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public safety. No telecommunication facility or combination of facilities shall produce at any time power densities that exceed the FCC Maximum Permissible Exposure Limit for human exposure or any legally binding, more restrictive standard subsequently adopted by the federal government.
 - a. Initial compliance with this requirement shall be demonstrated for all commercial telecommunication facilities through submission, at the time of application for the necessary permit or other entitlement, of non-ionizing electromagnetic radiation (NIER) calculations specifying NIER levels.
 - b. If these calculated NIER levels exceed 80 percent of the NIER standard established by this section, the applicant shall notify the Director of Planning and Development and the Director shall hire a qualified electrical engineer licensed by the State of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and the engineer's findings with respect to compliance with the established NIER standard shall be submitted to

the Director. The cost of the preparation of said report shall be paid for by the applicant.

- c. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report.

2. Project Review.

- a. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Development may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection it is determined that:

- 1) The project fails to achieve the intended outcomes listed in Section 35-474C.4 for reasons attributable to design or changes in environmental setting; or
- 2) More effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the project was initially approved.

The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the permittee shall not be required to undertake changes that exceed 25 percent of the total cost of facility construction. The decision of the Director as to modifications required under this section shall be deemed final unless appealed pursuant to Sec. 35-489.2 of this article.

- b. Every telecommunication facility shall demonstrate continued compliance with the NIER standard established by this section.
- 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted by the newest carrier operating at the facility to

the Director of Planning and Development. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in inhabited areas shall be prepared and submitted with the report. NIER calculations shall also be prepared every time the adopted NIER standard changes by the newest carrier locating on the facility.

- 2) If calculated levels in either of these cases exceed 80 percent of the NIER standard established by this section, the said carrier shall notify the Director and the Director shall hire a qualified electrical engineer licensed by the State of California to measure actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Director within five years of facility approval and every five years thereafter. The cost of the preparation of said reports shall be paid for by said carrier.
- 3) In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.
- 4) Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement of use by the Director. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-489.2 of this article.

3. Collocation. Following initial approval of a telecommunication project, the permittee shall avail its facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:

- a. The party seeking the co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs and permit processing.
- b. The permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
- c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a non-discriminatory and equitable basis. County retains the right to verify that the use of the facilities and property conforms with

County policies regarding collocation and to impose additional permit conditions where necessary to assure these policies are being fulfilled.

- d. In the event that the need for access to such facilities is demonstrated by other developers to the decision-maker, carriers shall make available to such other developers any excess space of their project facilities at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, and at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above to amend the permit. The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.
- a. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Development prior to completion of the one year period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the County's notice to abate.
 - c. If such facility is not removed by the permittee and the site returned to its original condition within the specified time period, the County may remove the facility at the permittee's expense. Prior to the issuance of the land use permit to construct the facility, the applicant shall post a performance security in an amount determined by

Planning and Development that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned.

- d. The applicant or a succeeding operator, shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Planning and Development approved biologist prior to demolition. The approved revegetation plan shall be implemented upon completion of site demolition during the time of year that will allow for germination of seed without supplemental irrigation.
5. Transfer of ownership. In the event that the original permittee sells its interest in a telecommunications facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible for the County for maintaining consistency with all project conditions of approval. A new contact name for the project shall be provided by the succeeding carrier to the Director of Planning and Development within 30 days of the transfer of interest in the facility.
6. Color Compatibility. Prior to the issuance of the land use permit the applicant may erect an onsite demonstration structure of sufficient scale and height to permit the Director of Planning and Development to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect such a demonstration structure prior to issuance of the land use permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

SECTION 10:

Section 35-474C.6, Contents of an Application, DIVISION 7, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.6 ~~Contents of an Application~~ Noticing.

~~Unless otherwise specified by the Planning and Development Director, ten copies of the following information shall be included in an application for any Communication Facility:~~

1. ~~A site plan of the proposed development which meets the requirements of Planning and Development. The Site Plan shall also include to following information:~~
 - a) ~~Location of existing, on site prime scenic quality areas, habitat resources, water bodies and vegetation.~~

- b) Existing and proposed walls and fences
 - e) Proposed landscaping or screening
 - d) Proposed lighting
2. ~~A topographic map that meets Planning and Development requirements and shows existing and proposed contours.~~
 3. ~~Proposed elevations of the building or structure including building height and other physical dimensions drawn in graphic scale.~~
 4. ~~Visual Impact assessments including mock ups and photo montages. The assessment shall identify any proposed trimming of existing vegetation that will be required for the normal operation of the facility.~~
 5. ~~Site photos from three vantage points.~~
 6. ~~A statement of intent regarding the establishment of utilities and services (e.g., electricity).~~
 7. ~~Evidence that the parcel is valid (i.e., legally created).~~
 8. ~~Report prepared by a County approved radio frequency engineer showing that radio frequency radiation/electromagnetic frequency (RFR/EMF) emitted by the proposed facility conforms to safety standards adopted by the Federal Communications Commission, if applicable. The RFR reports prepared for wireless communication facilities shall conform to the reporting requirements set by the FCC. If a wireless communication facility meets the federal environmental evaluation exemption standards identified in Title 47 of the Code of Federal Regulations, as may be amended, a RFR/EMF report shall not be required. If the project permit does not clearly identify the maximum number of radio transceivers and effective radiated power associated with the facility, the County may require annual post construction RFR/EMF reports for up to five years to verify that actual radiation levels emitted are consistent with those anticipated in the pre approval report and do not exceed County/Federal safety standards.~~
 9. ~~Documentation showing that the noise generated by the proposed facility does not exceed County and State noise thresholds.~~
 10. ~~Hazardous Materials Business Plan, if required by the County Fire Department—Hazardous Materials Division.~~
 11. ~~A title report or other legal instrument demonstrating legal access to the proposed site.~~

- ~~12. If the applicant is not proposing to co-locate a proposed macrocell, the following information shall be submitted:
 - ~~a) Documentation regarding the proposed service area and attempts to contact the owners of the existing facilities within that service area, and/or documentation why co-location is impractical.~~
 - ~~b) An agreement to lease space on the proposed support structure to other users in “good faith.”~~
 - ~~c) Documentation identifying the total capacity of the structure, including the number and types of antennas that can be accommodated over the life of the project~~
 - ~~d) Documentation which identifies failure characteristics of the tower and demonstrate that the site and setbacks are of adequate size to contain falling debris.~~
 - ~~e) Evidence demonstrating that the selected tower design is as visually unobtrusive as possible, given the technical and engineering considerations.~~~~
13. Evidence that the applicant has provided notice to all wireless communication service carriers of the plans to develop the proposed facility.
14. Verification of an operating license from the Federal Communications Commission.
1. Notice of a Land Use Permit approved pursuant to Sec. 35-474C.3.1 shall be provided in accordance with Sec. 35-488.3 (Land Use Permit Noticing). In addition, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, 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 Planning and Development.
2. Notice of the pending decision of the Director on a development plan pursuant to Sec. 35-474C3.2 shall be provided pursuant to Sec. 35-488 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 Planning and Development.
 - b. The notice shall provide in lieu of the date of a hearing 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 Planning and Development within ten calendar days of such notice. If a written request for a hearing is submitted to Planning and Development within ten 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 Sec. 35-488 (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 Planning and Development.
4. If the project is located in a residential zone district as identified in Sec. 35-402 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.

SECTION 11:

Section 35-474C.7, Additional Requirements, DIVISION 7, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended as follows:

Sec. 35-474C.7. Additional Requirements Findings

~~In addition to the provisions set forth above, the following uses shall be subject to the requirements below:~~

~~Master Television Antennas.~~

1. ~~Any and all reasonable conditions related to the public health, safety, and welfare and not in conflict with general laws may be imposed on Conditional Use Permits granted as provided in this Article, including among other things, regulation of height, general appearance, and location of guy wires, provided, however, that in all cases the following express conditions shall apply whether expressly set out in the Conditional Use Permit or not:~~

- a) ~~No part of any Master Television Antenna(s), nor the cables or lines or other appurtenances thereto shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the unincorporated territory of the County of Santa Barbara, unless a franchise and an encroachment permit shall first have been obtained from the County of Santa Barbara, and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise and an encroachment permit from said County.~~
- b) ~~Cables and lines and other appurtenances of Master Television Antenna(s) which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the unincorporated territory of said County pursuant to encroachment permits after first obtaining a Conditional Use Permit as provided herein. All such encroachment permits and all Conditional Use Permits granted hereunder shall automatically terminate and become null and void in the event any Master Television Antenna(s) or any part thereof, or cables, lines or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person, or entity organized or operating for profit making purposes. This provision shall not be deemed to prevent the acquisition or operation of such Master Television Antenna(s) or parts thereof as set out herein above, by any person or entity organized or operating for profit making purposes, which shall first have obtained a valid franchise and a valid Conditional Use Permit as provided herein, for such purposes.~~
- e) ~~Transmission of television and radio frequency modulation signals shall be by cable conforming to Federal Communications Commission standards to prohibit radiation interference, unless otherwise expressly permitted by the Board of Supervisors upon satisfactory evidence that no such radiation interference is likely to result.~~

In addition to the findings required by be adopted by the decision-maker pursuant to Sections 35-482, 35-483 and 35-485, 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 as provided in Sec. 35-474C.4.
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.

SECTION 12:

DIVISION 7, General Regulations, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to add Section 35-292h.8, Contents of an Application, as follows:

Sec. 35-474C.8. Contents of an Application

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. NIER 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 any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Any proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to any third party.

SECTION 13:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to add Section 35-474D as follows:

Sec. 35-474D. Non-commercial Telecommunication Facilities

Sec. 35-474D.1. Purpose and Intent.

The purpose of this Section is to provide a uniform and comprehensive set of standards for the siting and development of non-commercial telecommunication facilities and to establish specific permit regulations and development standards for such facilities. The intent is to promote their orderly development and ensure that they are compatible with surrounding land uses in order to protect the public safety and visual resources.

Sec. 35-474D.2. Applicability.

The provisions of this section shall apply to all non-commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, amateur radio stations, data and other non-commercial telecommunication signals. Such facilities shall be subject to all the provisions set forth in Sec. 35-482 (Land Use Permits), Sec. 35-483 (Conditional Use Permits), and Sec. 35-485 (Development Plans), as applicable.

Sec. 35-474D.3. Processing.

No permits for development subject to the provisions of this section shall be approved or issued except in conformance with the following requirements:

1. The following development requires the approval and issuance of a Land Use Permit pursuant to Sec. 35-482:

- a. Ground or roof-mounted receive-only satellite dish antennas or wireless television antennas over one meter in diameter but not greater than two meters in diameter that are used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television, data) are allowed in all zone districts.
- b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts provided:
 - 1) The height of the antenna including the support structure does not exceed 65 feet, and
 - 2) The development standards set forth in Sec. 35-474D.4. are complied with.

Any antenna or antenna support structure installed without the necessary permits prior to [the effective date of the regulations contained in this section] shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from [the effective date of these regulations].

- 2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Sec. 35-485 and the approval and issuance of a Land Use Permit pursuant to Sec. 35-482:

- a. A ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two meters in diameter that is used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television, data) is allowed in all zone districts.
- b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts where the height of the antenna and associated support structure exceeds 65 feet provided the development standards set forth in Sec. 35-474D.4. are complied with. Any antenna or antenna support structure installed without the necessary permits prior to [the effective date of the regulations contained in this section]

shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from [the effective date of these regulations].

Sec. 35-474D.4. Development Standards.

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. The purpose and intent of these standards is to allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national and international interests in services provided by the amateur radio community such that the provision of these services must be protected. However, this must be balanced with local interests regarding public safety and welfare. Antennas and support structures, including those that may be exempt from permit requirements due to their value being less than \$2,000.00, as provided in Section 35-482, shall comply with the following standards and any other applicable regulations of the Article including but not limited to setbacks.

1. An antenna and its support structure shall not impede access by fire or other safety personnel to portions of the property on which the antenna and support structure is located. Where such access would be impeded, a minimum of three feet clearance must be provided between the antenna support structure and any other building, structure or other obstacle.
2. Antenna support structures that are located on roofs shall be located on the portion of the building that faces away from public viewing areas such as public streets, parks, etc., whenever technically feasible.
3. Any required building and electrical permits shall be obtained prior to erecting or operating the antenna support structure and associated antenna.
4. No antenna, regardless of height, shall be located so that it extends over any neighboring property without the express written, notarized consent of the affected property owner. If the affected property changes ownership, then written, notarized consent must be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the property line. If the antenna support structure must be relocated, then a new Land Use Permit shall be obtained prior to relocation of the antenna support structure.

Sec. 35-474D.5. Noticing.

1. Notice of a Land Use Permit approved pursuant to Sec. 35-474D.3.1 shall be provided in accordance with Sec. 35-326.3. (Land Use Permit Noticing). In addition, if the height of the antenna and associated support structure exceeds 50 feet, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners 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 Planning and Development.
2. Notice of the pending decision of the Director on a development plan pursuant to Sec. 35-474D.3.2 shall be provided pursuant to Sec. 35-488 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 with Planning and Development.
 - 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 Planning and Development within ten calendar days of such notice. If a written request for a hearing is submitted to Planning and Development within ten calendar days of such notice the project shall be processed as a development plan under the jurisdiction of the Zoning Administrator.

SECTION 14:

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

SECTION 15:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or 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 _____, 2001, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

GAIL MARSHALL
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

MICHAEL F. BROWN
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

STEPHEN SHANE STARK
County Counsel

By _____
Deputy County Counsel