

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 East Anapamu Street, Room 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** December 1, 2005  
**Department Name:** P&D  
**Department No.:** 053  
**Agenda Date:** December 13, 2005  
**Placement:** Departmental  
**Estimate Time:** 45 minutes  
**Continued Item:** YES  
**If Yes, date from:** 11/22/2005 (set hearing)  
**Document File Name:** G:\GROUP\Permitting\Case Files\Oa\2000s\05 cases\05ORD-00000-00004 Telecommunications A2\BOS\Hearing agenda letter 12-1-05.doc

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**TO:** Board of Supervisors

**FROM:** Dianne Meester, Assistant Director  
Planning & Development

**STAFF CONTACT:** Noel Langle, Planner III  
568-2009

**SUBJECT:** Hearing to consider zoning ordinance text amendments to Articles II, III and IV of Chapter 35 of the Santa Barbara County Code: Case Nos. 05ORD-00000-00004 (Article II Coastal Zoning Ordinance); 05ORD-00000-00005 (Article III Inland Zoning Ordinance) and 05ORD-00000-00006 (Article IV Montecito Zoning Ordinance) revise the procedures and development standards for commercial and noncommercial telecommunication facilities.

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## Recommendation:

That the Board of Supervisors consider the recommendations of the County Planning Commission and the Montecito Planning Commission and:

- A. Find that these amendments are categorically and statutorily exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15265 of the Guidelines for Implementation of CEQA (Attachment A).
- B. Adopt findings for approval of the proposed amendments (Attachment B).
- C. Adopt a Resolution and Ordinance amending Article II (Attachment C - 05ORD-00000-00004).
- D. Adopt an Ordinance amending Article III (Attachment D - 05ORD-00000-00005).
- E. Adopt an Ordinance amending Article IV (Attachment E - 05ORD-00000-00006).

## Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 1, *An Efficient Government Able to Respond Effectively to the Needs of the Community*, and is required by law or routine business necessity.

## **Executive Summary and Discussion:**

In May 2002 the Board of Supervisors adopted comprehensive amendments to the Article II, III and IV zoning ordinances regarding the review and permitting of commercial and noncommercial telecommunication facilities. The purpose of these amendments was to simplify the process for obtaining permits for telecommunication facilities while at the same time protecting legitimate public interests.

The amendments to Articles III and IV went into effect 30 days later. Since the amendment to Article II represented an amendment to the County's Local Coastal Program, it was required to be transmitted to the California Coastal Commission (CCC) for certification. On June 9, 2004, the CCC approved the amendment to Article II with several substantial modifications to the proposed text. The scope of these modifications required that they be considered by the Board of Supervisors in a public hearing. However, because of Planning and Development Department workload constraints, the County did not act within six months of the Coastal Commission's action. Thus, by operation of the Coastal Act administrative regulations, the approval with modifications of the amendment to Article II by the CCC expired. This requires that the amendment be resubmitted to the CCC for certification. The proposed amendment under consideration today would, in part, re-adopt the language adopted by the Board of Supervisors in 2002 as modified by the CCC in 2004. Attachment F provides the analysis of the modifications approved by the CCC.

Additionally, in the three years that the Planning and Development Department has been working with the regulations adopted in 2002, staff and representatives of the commercial telecommunications industry, have identified several areas that should be revised in order to bring greater clarity to the regulations as well as provide for new developing technologies. Attachment G provides the analysis of these minor revisions, including a policy consistency discussion.

In summary:

- The proposed amendment to Article II (Attachment C) would (1) implement the modifications approved by the CCC, and (2) make other minor revisions proposed by the Planning & Development Department.
- The proposed amendments to Article III (Attachment D) and Article IV (Attachment E) would only make the minor revisions proposed by the Planning & Development Department.

The Montecito Planning Commission acted, by a vote of 3 - 0, to recommend approval of the amendments to Articles II and IV on June 15, 2005, with a revision to the amendment to the Article IV Montecito Zoning Ordinance that freestanding antenna facilities located in the Recreation (REC) zone district be under the jurisdiction of the Planning Commission instead of the Director or the Zoning Administrator. This revision is included in the attached amendment to Article IV (Attachment E). This jurisdictional arrangement would be the same as approved by the Coastal Commission for the Article II Coastal Zoning Ordinance.

The County Planning Commission acted, by a vote of 5 - 0, to recommend approval of the amendments to Articles II and III on July 13, 2005.

**Mandates and Service Levels:**

Amendments to Articles II, III and IV of Chapter 35 of the County Code are legislative acts under the jurisdiction of the Board of Supervisors. Sections 35-180, 35-325 and 35-487 (Article II, III and IV, respectively) provide that the recommendation of the Planning Commission shall be transmitted to the Board of Supervisors and that the Board shall schedule and hold a public hearing on the matter.

**Fiscal and Facilities Impacts:**

Funding for this ordinance amendment work effort is budgeted in the Planning Support program of the Administration Division on page D-290 of the adopted Planning & Development's budget for fiscal year 2005-06. There are no facilities impacts.

**Special Instructions:**

Planning & Development will satisfy all noticing requirements.

**Concurrence:**

County Counsel.

**Attachments:**

- A. CEQA 15061(b)(3) Exemption
- B. Findings for approval
- C. Resolution and Ordinance amending Article II (05ORD-00000-00004)
- D. Ordinance amending Article III (05ORD-00000-00005)
- E. Ordinance amending Article IV (05ORD-00000-00006)
- F. Modifications to Telecommunication Regulations Approved by the California Coastal Commission
- G. Revisions to the Telecommunication Regulations Proposed by Planning and Development
- H. County Planning Commission staff report (w/o attachments)
- I. Montecito Planning Commission staff report (w/o attachments)

## ATTACHMENT A: FINDINGS

### CASE NOS. 05ORD-00000-00004, 05ORD-00000-00005 & 05ORD-00000-00006

Pursuant to Article II, Section 35-180.6, Article III, Sec. 35-325.5, and Article IV, Sec. 35-487.5, of Chapter 35 of the County Code, the County Board of Supervisors must make the following findings in to approve text amendments to the zoning ordinances:

1. The request is in the interests of the general community welfare.

*The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety.*

2. The request is consistent with the Coastal Plan, Comprehensive Plan and applicable Community Plans, the requirements of State planning and zoning laws, and the Article II, III and IV zoning ordinances.

*The proposed ordinance amendments are consistent with the Santa Barbara County Coastal Plan, Comprehensive Plan and applicable Community Plans as described in Section 7.0 of the attached County and Montecito Planning Commissions staff reports, the requirements of State Planning and Zoning Laws, and the Article II, III and IV zoning ordinances as described in the attached County and Montecito Planning Commissions staff reports.*

3. The request is consistent with good zoning and planning practices.

*The proposed amendment is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. As discussed in Sections 7.0 and 8.0 of the attached County and Montecito Planning Commissions staff reports, the amendment is consistent with the Comprehensive Plan and the Article II, III and IV zoning ordinances.*

**ATTACHMENT B**

NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Planning & Development  
Noel Langle, Planner III

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s): Not applicable.

Case No.: 05ORD-00000-00005; 05ORD-00000-00006

Location: The proposed ordinance amendment would apply to the unincorporated areas of Santa Barbara County outside the Coastal Zone.

Project Title: Text Amendments to the Commercial and Noncommercial Telecommunication Regulations of the Article III Inland Zoning Ordinance and the Article IV Montecito Zoning Ordinance.

Project Description: 05ORD-00000-00005 proposes to amend Division 2, Definitions, Division 7, General Regulations, and Division 10, Permit Procedures, of Article III of Chapter 35 of the Santa Barbara County Code (non-coastal Inland area outside the Montecito Planning Area).

05ORD-00000-00006 proposes to amend Division 2, Definitions, Division 7, General Regulations, and Division 9, Permit Procedures, of Article IV of Chapter 35 of the Santa Barbara County Code (non-coastal portion of the Montecito Planning Area).

These amendments would make minor revisions proposed by Planning & Development to update text provisions, and clarify certain development standards and processing requirements.

Exempt Status: (Check one)

- Ministerial
- Statutory
- Categorical Exemption
- Emergency Project
- No Possibility of Significant Effect [§15061(b)(3)]

Cite specific CEQA Guideline Section: Sec.15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA.

Reasons to support exemption findings:

The proposed ordinance amendment would make minor revisions to update text provisions, and clarify certain development standards and processing requirements. These revisions would not result in an increase in permitted densities or modifications to resource protection policies. Any project applied for under the ordinance as amended would be subject to the existing adopted policies and ordinance requirements, and current Planning & Development permit review practices and requirements.

Therefore, no significant environmental impacts would occur as a result of these ordinance revisions.

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Department/Division Representative Date

Acceptance Date: \_\_\_\_\_

Date Filed by County Clerk: \_\_\_\_\_

Note: A copy of this form must be posted at P&D six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35 day statute of limitations on legal challenges.

Distribution:

Hearing Support Staff  
Project file (when P&D permit is required)

**ATTACHMENT C**

**RESOLUTION OF THE SANTA BARBARA BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF ADOPTING )  
AMENDMENTS TO THE SANTA BARBARA )  
COUNTY LOCAL COASTAL PROGRAM TO )  
AMEND THE COASTAL ZONING ORDINANCE) )  
ARTICLE II OF CHAPTER 35 OF THE SANTA )  
BARBARA COUNTY CODE TO AMEND )  
DIVISION 2, DEFINITIONS, DIVISION 7, )  
GENERAL REGULATIONS, AND DIVISION 11,) )  
PERMIT PROCEDURES, TO ADD NEW )  
DEFINITIONS AND MAKE OTHER REVISIONS) )  
TO THE EXISTING PROCEDURES AND )  
DEVELOPMENT STANDARDS THAT )  
REGULATE THE CONSTRUCTION AND USE )  
OF COMMERCIAL AND NONCOMMERCIAL )  
TELECOMMUNICATION FACILITIES. )

RESOLUTION NO.: \_\_\_\_\_  
CASE NO.: 05ORD-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. On January 7, 1980, by Resolution No. 80-12, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Plan; and
- B. On July 19, 1982, by Ordinance 3312, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- C. It is deemed to be in the interest of orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County that the Board of Supervisors amends the text of the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code, as specified below:

Case Number 05ORD-00000-00004: Amend Article II of Chapter 35 of the Santa Barbara County Code, as follows:

Amend DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, and DIVISION 11, PERMIT PROCEDURES, to: add new definitions of Ridgeline and Utility Pole, Existing; amend the existing definitions of Substantially Visible and Telecommunications Facility, Tenant Improvement; add new provisions to allow for wireless internet access antennas; clarify processing requirements for telecommunications facilities located in zone districts requiring development plans, clarify the requirements regarding measuring and reporting on radio frequency electromagnetic energy emissions, add new development standards for noncommercial telecommunication facilities, and make other minor revisions to the existing procedures and development standards

that regulate the construction and use of commercial and noncommercial telecommunication facilities.

Said ordinance (05ORD-00000-00004) is attached hereto as Exhibit 1 and is incorporated herein by reference.

- D. Public officials and agencies, civic organizations, and citizens have been consulted on and have advised the County Planning Commission and the Montecito Planning Commission on the said proposed amendment in a duly noticed public hearing pursuant to Section 65353 of the Government Code.
- E. The County Planning Commission and the Montecito Planning Commission, after holding duly noticed public hearings on the above described items, have endorsed and submitted this recommended amendment to the Board of Supervisors pursuant to Section 65354 of the Government Code.
- F. The Board of Supervisors has held a duly noticed public hearing, as required by Section 65355 and Section 65856 of the Government Code, on the proposed amendment, at which hearing the amendment was explained and comments invited from the persons in attendance.
- G. The proposed amendment to the County's certified Local Coastal Program is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Plan, and the requirements of the State Planning and Zoning Laws.
- E. The Board of Supervisors will subsequently submit this amendment to the California Coastal Commission.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. Pursuant to the provisions of Section 65356 and 65857 of the Government Code and Section 30514 of the Public Resources Code, the above described changes are adopted as amendments to the Local Coastal Program (Coastal Zoning Ordinance text) of Santa Barbara County.
3. The Board of Supervisors certifies that this amendment is intended to be carried out in a manner fully in conformity with the California Coastal Act.
4. The Board of Supervisors will submit this Local Coastal Program amendment to the California Coastal Commission for review and certification on the appropriate date.
5. The Chair and Clerk of the Board of Supervisors are hereby authorized and directed to sign and certify all maps, documents and other materials in accordance with this resolution to reflect the above described action by the Board of Supervisors.



PASSED, APPROVED AND ADOPTED this December 13, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
SUSAN ROSE, 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

EXHIBITS:

1. Proposed Ordinance (Case No.: 05ORD-00000-00004)

**EXHIBIT 1 OF ATTACHMENT \_\_\_\_**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE II, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS, AND DIVISION 11, PERMIT PROCEDURES; TO ADD NEW DEFINITIONS OF RIDGELINE AND UTILITY POLE, EXISTING; TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELLECOMMUNICATION FACILITY, TENANT IMPROVEMENT; ADD NEW PROVISIONS TO ALLOW FOR WIRELESS INTERNET ACCESS ANTENNAS, CLARIFY PROCESSING REQUIREMENTS FOR TELECOMMUNICATION FACILITIES LOCATED IN ZONE DISTRICTS REQUIRING DEVELOPMENT PLANS, CLARIFY THE REQUIREMENTS REGARDING MEASURING AND REPORTING ON RADIO FREQUENCY ELECTROMAGNETIC ENERGY EMISSIONS, ADD NEW DEVELOPMENT STANDARDS FOR NONCOMMERCIAL TELECOMMUNICATION FACILITIES, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL AND NONCOMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 05ORD-0000-00004 (Article II)

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

**SECTION 1:**

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-58 to add new definitions for Ridgeline, and Utility Pole, Existing, to read as follows:

RIDGELINE: As used within Sec. 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

**SECTION 2:**

DIVISION 2, DEFINITIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-58 to amend the existing definitions of Substantially Visible, and Telecommunication Facility, Tenant Improvement, to read as follows:

**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. This shall not apply

to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections 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.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.3, Processing, to read as follows:

**Sec. 35-144F.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 35-144F.4 through 35-144F.8 unless otherwise specified:

1. The following development requires the approval and issuance of a Coastal Development Permit pursuant to Sec. 35-169:
  - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52. 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 Sec. 35-52, 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.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-52:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
  - 2) The antenna is mounted on either (1) 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 & Development, or (2) the roof of an existing structure 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 facilities shall be null and void.
  - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) 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.

2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Sec. 35-174 and the approval and issuance of a Coastal Development Use Permit pursuant to Sec. 35-169:
  - a. Wireless telecommunication facilities that qualify as tenant improvements and conforms to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52. 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 Sec. 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-174 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. 35-144F.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. 35-127 (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. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1 or 35-144F.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52 except for the Recreation (REC) zone district.
    - 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 35-52, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-174 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. 35-144F3.2.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 substantially visible from the roadway located within the corridor.
3. The following development requires a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:
  - a. Wireless telecommunication facilities that may not be permitted pursuant to Secs. 35-144F.3.1, 35-144F.3.2.a or 35-144F.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52 except the Recreation (REC) zone district.
    - 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 Sec. 35-52, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Sec. 35-172 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. 35-172 under the following circumstances:
      - i) As provided in Sec. 35-144F.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) 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 (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed 50 feet in height may be allowed in all non-residential zone districts as identified in Sec. 35-52.
  - c. Private, non-commercial telecommunication facilities used in conjunction with and serving an agricultural operation located on the property ~~on which~~ that the facility is located on are allowed in all agricultural zone districts.
4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:
- a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a, 35-144F.3.2.b or 35-144F.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 35-52 or located in the Recreation (REC) zone district, or does not comply with 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 by the carrier proposing the facility.

- b. 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, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as identified in Sec. 35-52. This does not include wireless telecommunication facilities that are subject to the provisions of Sec. 35-144F.4.a or amateur radio facilities that are subject to the provisions of Sec. 35-144G.
5. Commercial telecommunication facilities shall be subject to Sec. 35-184 (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. 35-184.
    - b. The facility is under the jurisdiction of the Planning Commission.

**SECTION 4:**

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.4, Additional Development Standards for Telecommunication Facilities, to read as follows:

***Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.***

In addition to the development standards contained in Sec. 35-144F.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 35-172 (Conditional Use Permits) or Section 35-174 (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 facility shall not be located within the safety zone of any airport unless the airport operator indicates that it will not adversely affect the operation of the airport. The height of an antenna and associated support structure proposed to be located within an area zoned as F- Airport Approach Overlay District (Sec. 35-100) shall comply with the height limitations of that overlay district.
- h. The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- i. 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 F: 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.

j. 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~~ shall be prepared by a botanist, licensed landscape contractor 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 initially approved that is required to provide screening for the facility shall not be altered in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
  - i) Where such alteration is specifically allowed by the approved project, or
  - ii) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of such vegetation shall be done under the direction of a licensed arborist.

- 6) All vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
2. Telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. 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 by the carrier proposing the facility, or (c) 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. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. 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.~~
  - ~~e. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.~~
  - ~~eb.~~ Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-144F.3.2.b, Sec. 35-144F.3.3 and Sec. 35-144F.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 & 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. 35-144F.5.3.

- ec. 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).
  - d. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
  - e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visual impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) 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. 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. 35-172. 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 by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.

- 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 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 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.
- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) 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. All 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, non-indigenous plant species which tend to supplant native species shall be prohibited.

#### SECTION 5:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.5, Project Installation and Post Installation Provisions, to read as follows:

#### ***Sec. 35-144F.5 Project Installation and Post Installation Provisions.***

1. ~~Installation~~ Radio Frequency (RF) Emission Levels. 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 ~~Federal Communications Commission~~ Maximum Permissible Exposure (MPE) limits for human

exposure established by the Federal Communications Commission 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~~ a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.

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 author's/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.~~

If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.

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.~~

If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said 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.

- 2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.
- 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit 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. 35-182.2 of this article.

## 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 purposes of the development standards listed in Section 35-144F.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 ten 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. 35-182.2 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 the effective radiated power radiated of the whole facility shall be submitted by the newest carrier operating~~

~~at the facility to the Director of Planning and Development. If the 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 within 30 days following the date that written notice is mailed by the Director that such compliance report is due 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, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication facility project 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~~ collocation 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~~ their facility or place ~~its~~ any 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 facility 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~~ applicants to the decision-maker, carriers shall make available ~~to such other~~



~~developers any excess space of their project facilities at an equitable cost~~ any excess space of their facilities to such other applicants at an equitable cost.

- e. In the event access to an existing facility is denied by the applicant, 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~~ facility 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 ~~facilities~~ facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-182.2 of this Article. 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 and form 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 or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is

otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible ~~for~~ to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval 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 6:

DIVISION 7, GENERAL REGULATIONS, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144F.8, Contents of an Application, to read as follows:

#### **Sec. 35-144F.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. ~~NHER~~ RF exposure studies;
  - h. title reports identifying legal access;
  - i. security programs;
  - j. lists of other nearby telecommunication facilities.

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

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review 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 7:

DIVISION 7, General Regulations, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-144G.4, Development Standards, to read as follows:

#### ***Sec. 35-144G.4. Development Standards.***

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. These noncommercial telecommunication facilities shall comply with the following development standards only to the extent such requirements do not (1) preclude amateur service communications and (2) reasonably accommodate amateur service communications. 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. 35-172. 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 Sec. 35-169.2,~~ shall comply with the following standards and any other applicable regulations of this 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 Coastal Development Permit shall be obtained prior to relocation of the antenna support structure.
5. The visible support facilities shall be finished in non-reflective materials.
6. The components of the facility shall be of a color that blends with surrounding environment to the maximum extent feasible.
7. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.
8. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or other public viewing area.
9. 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. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend 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 roads, trails, recreational areas).
10. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.

#### SECTION 8:

Section 35-169, Coastal Development Permits, DIVISION 11, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-169.2.1.e to read as follows:

- e. Buildings or structures, except for telecommunications facilities regulated under Sections 35-144F and 35-144G, having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

SECTION 9:

DIVISION 11, PERMIT PROCEDURES, of Article II of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-172.6 of Section 35-172, Conditional Use Permits, to read as follows:

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35 174.) as are applicable to the request.
2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit except for those uses listed in Sec. 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations – Applications That Are Under The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-174 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
  - a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
  - b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following.
  - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Sec. 35-144F.3.3 provided that any structure constructed or erected as part of the telecommunications facility (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Sec. 35-144F.5.4 (Project Abandonment/Site Restoration).

SECTION 10:

Except as amended by this Ordinance, Divisions 2 , 7 and 11 of Article II 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 11:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, 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 \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
SUSAN ROSE  
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

ATTACHMENT D

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE III, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS, AND DIVISION 10, PERMIT PROCEDURES; TO ADD NEW DEFINITIONS OF RIDGELINE AND UTILITY POLE, EXISTING; TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELLECOMMUNICATION FACILITY, TENANT IMPROVEMENT; ADD NEW PROVISIONS TO ALLOW FOR WIRELESS INTERNET ACCESS ANTENNAS, CLARIFY PROCESSING REQUIREMENTS FOR TELECOMMUNICATION FACILITIES LOCATED IN ZONE DISTRICTS REQUIRING DEVELOPMENT PLANS, CLARIFY THE REQUIREMENTS REGARDING MEASURING AND REPORTING ON RADIO FREQUENCY ELECTROMAGNETIC ENERGY EMISSIONS, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 05ORD-0000-00005 (Article III)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-209 to add new definitions for Ridgeline and Utility Pole, Existing, to read as follows:

RIDGELINE: As used within Sec. 35-292h, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article III of Chapter 35 of the Santa Barbara County Code, is hereby amended to amend Section 35-209 to revise the existing definitions of Substantially Visible and Telecommunication Facility, Tenant Improvement, to read as follows:

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. This shall not apply

to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections 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.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292h.3.1.b of Section 35-292h.3, Processing, to read as follows:

- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-202:
  - 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
  - 2) The antenna is mounted on either (1) 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 & Development, or (2) the roof of an existing structure 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 facilities shall be null and void.
  - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) 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.

SECTION 4:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-292h.4, Additional Development Standards for Telecommunication Facilities, to read as follows:

**Sec. 35-292h.4. Additional Development Standards for Telecommunication Facilities.**



In addition to the development standards contained in Sec. 35-292h.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 35-315 (Conditional Use Permits) or Section 35-317 (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, licensed landscape contractor 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 initially approved that is required to provide screening of the facility shall not be altered any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
  - i) Where such alteration is specifically allowed by the approved project, or
  - ii) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of such vegetation shall be done under the direction of a licensed arborist.

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 by the carrier proposing the facility, or (c) 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. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. 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.~~
  - eb. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.

dc. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-292h.3.2.b, Sec. 35-292h.3.3 and Sec. 35-292h.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 & 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. 35-292h.5.3.

ed. 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. 35-315. 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 by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.

- 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 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 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 5:

DIVISION 7, GENERAL REGULATIONS, of Article III of Chapter 35 of the Santa Barbara County Code, is hereby amended to amend Section 35-292h.5, Project Installation and Post Installation Provisions, to read as follows:

1. ~~Installation~~ Radio Frequency (RF) Emission Levels. 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 ~~Federal Communications Commission~~ Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission 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~~ a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
  - 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 author's/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.~~

If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party

qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.

- 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.~~

If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said 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.

2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.

3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit 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. 35-327.2 of this Article.

## 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 purposes of the development standards listed in Section 35-292h.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 ten 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. 35-327.2 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 the effective radiated power radiated of the whole facility shall be submitted by the newest carrier operating at the facility to the Director of Planning and Development. If the 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 within 30 days following the date that written notice is mailed by the Director that such compliance report is due 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 35-327.2 of this Article.~~

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication ~~facility~~ project 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~~ collocation 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~~ their facility or place ~~its~~ any 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 facility 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~~ applicants to the decision-maker, carriers shall make available ~~to such other developers any excess space of their project facilities at an equitable cost~~ any excess space of their facilities to such other applicants at an equitable cost.
  - e. In the event access to an existing facility is denied by the applicant, 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~~ facility 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 ~~facilities~~ facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-327.2 of this Article. 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 and form 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 or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible ~~for~~ to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval 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 6:

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

**Sec. 35-292h.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~~ RF exposure studies;
  - h. title reports identifying legal access;
  - i. security programs;
  - j. lists of other nearby telecommunication facilities.

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

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review 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 7:**

DIVISION 10, PERMIT PROCEDURES, of Article III of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-315.6 of Section 35-315, Conditional Use Permits, to read as follows:

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35-317) as are applicable to the request.

2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit except for those uses listed in Sec. 35-315.6.3. Notwithstanding the requirements of Section 35-292d (General Regulations – Applications That Are Under The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-317 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
  - a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
  - b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.
  
3. Notwithstanding Sec. 35-315.6.2, a Development Plan shall not be required in addition to a Conditional Use Permit for the following.
  - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Sec. 35-292h.3.3 provided that any structure constructed or erected as part of the telecommunications facility is (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Sec. 35-292h.5.4 (Project Abandonment/Site Restoration).

SECTION 8:

Except as amended by this Ordinance, Divisions 2, 7 and 10 of Article III 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 9:

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, 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 \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

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SUSAN ROSE  
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

ATTACHMENT E

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE IV, OF CHAPTER 35 OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS, AND DIVISION 9, PERMIT PROCEDURES; TO ADD NEW DEFINITIONS OF RIDGELINE AND UTILITY POLE, EXISTING; TO AMEND THE EXISTING DEFINITIONS OF SUBSTANTIALLY VISIBLE AND TELLECOMMUNICATION FACILITY, TENANT IMPROVEMENT; ADD NEW PROVISIONS TO ALLOW FOR WIRELESS INTERNET ACCESS ANTENNAS, CLARIFY PROCESSING REQUIREMENTS FOR TELECOMMUNICATION FACILITIES LOCATED IN ZONE DISTRICTS REQUIRING DEVELOPMENT PLANS, CLARIFY THE REQUIREMENTS REGARDING MEASURING AND REPORTING ON RADIO FREQUENCY ELECTROMAGNETIC ENERGY EMISSIONS, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 05ORD-0000-00006 (Article IV)

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

SECTION 1:

DIVISION 2, DEFINITIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-410 to add new definitions for Ridgeline and Utility Pole, Existing, to read as follows:

RIDGELINE: As used within Sec. 35-474C, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

SECTION 2:

DIVISION 2, DEFINITIONS, of Article IV of Chapter 35 of the Santa Barbara County Code, is hereby amended to amend Section 35-410 to revise the existing definitions of Substantially Visible and Telecommunication Facility, Tenant Improvement, to read as follows:

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. This shall not apply

to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT: A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections 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.

SECTION 3:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-474C.3, Processing, to read 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 requires the approval and issuance of a Land Use Permit pursuant to Sec. 35-482:
  - a. Wireless telecommunication facilities that qualify as tenant improvements and conform to the following development standards may be allowed in all non-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.
- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-402:
- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
  - 2) The antenna is mounted on either (1) 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 & Development, or (2) the roof of an existing structure 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 facilities shall be null and void.
  - 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) 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.

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. Wireless telecommunication facilities that qualify as tenant improvements and conforms to the following development 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. 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 except for the Recreation (REC) zone district.
    - 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 substantially visible from the roadway located within the corridor.
3. The following requires a Minor Conditional Use Permit approved by the Zoning Administrator pursuant to Sec. 35-483 and the issuance and approval of a Land Use Permit pursuant to Sec. 35-482:
- a. 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 except the Recreation (REC) zone district.
    - 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. 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 (1) are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission and (2) do not exceed 50 feet in height may be allowed in all non-residential zone districts as identified in Section 35-402.
  - c. Private, non-commercial communication facilities used in conjunction with and serving an agricultural operation located on the property that the facility is located on are allowed in all agricultural zone districts.
4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to 35-483 and the issuance and approval of a Land Use Permit pursuant to Sec. 35-482:
- a. 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 located in the Recreation (REC) zone district, or does not comply with 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 by the carrier proposing the facility.

- b. 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, or (2) other telecommunication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as 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. Commercial telecommunication facilities 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 4:

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, Additional Development Standards for Telecommunication Facilities, to read as follows:

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

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, licensed landscape contractor 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 initially approved that is required to provide screening of the facility shall not be altered any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
    - i) Where such alteration is specifically allowed by the approved project, or
    - ii) Where necessary to avoid signal interference to and from the approved facility.
- Any alteration of such vegetation shall be done under the direction of a licensed arborist.
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 by the carrier proposing the facility, or (c) 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. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead utility line would not be visible from a public viewing area. 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.~~
- eb. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.
- ec. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-474C.3.2.b, 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 & 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.
- ed. 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 by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
- 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 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 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 5:

DIVISION 7, GENERAL REGULATIONS, of Article IV of Chapter 35 of the Santa Barbara County Code, is hereby amended to amend Section 35-474C.5, Project Installation and Post Installation Provisions, to read as follows:

1. ~~Installation~~ Radio Frequency (RF) Emission Levels. 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 ~~Federal Communications Commission~~ Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission 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~~ a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.

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 author's/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.~~  
If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.

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.~~

If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.



d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

- 1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said 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.
- 2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.
- 3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit 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.

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 purposes of the development standards 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 ten 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 the effective radiated power radiated of the whole facility shall be submitted by the newest carrier operating at the facility to the Director of Planning and Development. If the 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 within 30 days following the date that written notice is mailed by the Director that such compliance report is due 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, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication facility project 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~~ collocation 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~~ their facility or place ~~its~~ any 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 facility 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~~ applicants to the decision-maker, carriers shall make available ~~to such other developers any excess space of their project facilities at an equitable cost~~ any excess space of their facilities to such other applicants at an equitable cost.
  - e. In the event access to an existing facility is denied by the applicant, 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~~ facility 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 ~~facilities~~ facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-489.2 of this Article. 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 and form 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 or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible ~~for~~ to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval 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 6:

DIVISION 7, General Regulations, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-474C.8, Contents of an Application, to read 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~~ RF exposure studies;
- h. title reports identifying legal access;
- i. security programs
- j. lists of other nearby telecommunication facilities.

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

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review 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 7:

DIVISION 9, PERMIT PROCEDURES, of Article IV of Chapter 35 of the Santa Barbara County Code is hereby amended to amend Section 35-483.6 of Section 35-483, Conditional Use Permits, to read as follows:

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35-485) as are applicable to the request.
2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit except for those uses listed in Sec. 35-483.6.3. Notwithstanding the requirements of Section 35-474 (General Regulations – Applications That Are Under The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-485 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
  - a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
  - b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.

3. Notwithstanding Sec. 35-483.6.2, a Development Plan shall not be required in addition to a Conditional Use Permit for the following.
- a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Sec. 35-474C.3.3 provided that any structure constructed or erected as part of the telecommunications facility is (1) shall only be used as part of the telecommunication facility and (2) shall be removed pursuant to Sec. 35-474C.5.4 (Project Abandonment/Site Restoration).

SECTION 8:

Except as amended by this Ordinance, Divisions 2, 7 and 9 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 9:

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, 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 \_\_\_\_\_, 2005, by the following vote:

AYES:  
NOES:  
ABSTAINED:  
ABSENT:

\_\_\_\_\_  
SUSAN ROSE  
Chair, Board of Supervisors  
County of Santa Barbara

ATTEST:  
  
MICHAEL F. BROWN  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
  
STEPHEN SHANE STARK  
County Counsel

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Deputy County Counsel

ATTACHMENT F

MODIFICATIONS TO TELECOMMUNICATION REGULATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION

The following summarizes the text of the telecommunication regulations as approved by the Board of Supervisors on May 7, 2002, and as modified by the California Coastal Commission (CCC) at their hearing of June 9, 2004 (underlined language was added by the CCC; struck-through language was deleted by the CCC). The use of an ellipsis (...) indicates text sections that have been omitted. Also included is an explanation of the effect of the modification (shown in italics).

**1. Commercial Telecommunications Facilities: Processing**

*This section of the ordinance provides the permit level requirements for commercial telecommunication facilities. The effect of this modification is to shift facilities involving freestanding antennas located in the Recreation (REC) zone district from a director-level development plan to a conditional use permit under the jurisdiction of the Planning Commission. This should not have much of an impact due to the relatively small amount of land zoned REC in the Coastal Zone (polo fields in Carpinteria, Hope Ranch private beach, County and State parks).*

**Sec. 35-144F.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 35-144F.4 through 35-144F.8 unless otherwise specified:

...

2. The following development requires a Development Plan approved by the Director of Planning and Development pursuant to Sec. 35-174 and the approval and issuance of a Coastal Development Use Permit pursuant to ~~Sec. 35-169~~:

...

- b. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1 or 35-144F.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Sec. 35-52 except for the recreation zone district.

...

4. The following requires a Major Conditional Use Permit approved by the Planning Commission pursuant to Sec. 35-172 and the issuance and approval of a Coastal Development Permit pursuant to Sec. 35-169:

- a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-144F.3.1, 35-144F.3.2.a, 35-144F.3.2.b or 35-144F.3.3 but do

conform to the following development standards may be allowed in all zone districts:

...

- 3) If the facility is proposed to be located in a residential zone district as identified in Section 35-52 or located in the recreation zone district, or does not comply with 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 by the carrier proposing the facility.

## **2. Commercial Telecommunication Facilities: Development Standards**

- 2.1 *This modification would delete the requirement regarding the use of colors specified in Appendix F, Guidelines for Telecommunication Sites in Rural and Inner-Rural Areas. These guidelines (regarding painting, screening, etc.) were adopted by the Board of Supervisors in 1999 by minute order only and were never submitted to the Coastal Commission for certification. The colors specified in Appendix F were those determined to be appropriate in February 1999. Experience has proven that these colors are not always the best colors to use in certain situation, especially in regards to the painting of faux structures that are used to hide telecommunication facilities. Deleting this reference would allow the use of the colors in Appendix F to be discretionary based on site-specific considerations, rather than mandatory. Thus, this modification has little impact.*

### **Sec. 35-144F.4 Additional Development Standards for Telecommunication Facilities.**

In addition to the development standards contained in Sec. 35-144F.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:

...

- i. 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 F: 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.
- 2.2 *Discussion: These modifications would 1) require that landscape plans be prepared by a botanist, licensed landscape contractor or licensed landscape architect, and 2) require that any new plantings consist only of non-invasive plant species. These revisions serve to*



*provide additional resource protection and should have minimal impact on any proposed facilities.*

- j. 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~~ shall be prepared by a botanist, licensed landscape contractor 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 initially approved that is required to provide screening for the facility shall not be altered in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines except:
  - i) Where such alteration is specifically allowed by the approved project, or
  - ii) Where necessary to avoid signal interference to and from the approved facility.

Any alteration of such vegetation shall be done under the direction of a licensed arborist.

- 6) All vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.

2.3 *The modifications would delete the provision that allows the decision-maker (Director, Zoning Administrator or Planning Commission) to exempt a telecommunication facility from the prohibition against the facility being located within an environmentally sensitive habitat area (ESHA) upon determining that allowing this exemption would not increase the visibility of the facility or decrease public safety, or is required by technical considerations whereby otherwise service could not be provided. Instead, the CCC modification would only allow this exemption to be granted by the Planning Commission (as part of a major CUP application). The modification would also add additional required findings (see 2.f and g, and 3.e above) regarding other feasible locations or designs, and that any impacts would be fully mitigated. This would have the effect of up-shifting the jurisdiction of certain facilities to the Planning Consultant if they would disturb ESHAs and impose additional requirements that must be met prior to granting an exemption to these development standards. These modifications serve to give additional protections to coastal resources and should not impact a large number of projects.*

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 by the carrier proposing the facility.

...

- ~~e. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area).~~

...

- d. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.

- e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visual impact. An exemption may be approved only upon showing of sufficient evidence that there

is no other feasible location(s) 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. 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. 35-172. 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 by the carrier proposing the facility.

...

- e. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) 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. All 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, non-indigenous plant species which tend to supplant native species shall be prohibited.

### **3. Commercial Telecommunication Facilities: Collocation**

*The purpose of this modification is to promote collocation by requiring that the property owner of property where the facility is located shall, in addition to the permittee (the facility operator typically), participate in making the facility available to other prospective applicants. In many cases the owner does not have this authority (due to the terms of the facility's leasehold) and the suggestion modification would have no effect since the owner does not "have" a facility to offer to others.*

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

### **4. Noncommercial Telecommunication Facilities: Development Standards**

*Discussion: This modification applies six development standards from the commercial telecommunication facilities development standards to noncommercial amateur "ham" radio operators. In order to be consistent with Federal Communication Commission*

*rulings regarding the rights of amateur radio operators, the modification also includes a provision that an antenna may be exempted from one or more standards if it is processed as a major CUP. Standards 5 and 6 should be easy to implement as it involves selecting an appropriate paint color. However, the remaining standards could be difficult to comply with in certain circumstances depending on the specifics of the location, size of the property, etc. The modification would also have the effect of up-shifting some percentage of amateur radio antennas from either a CDP or DP (Director level) to a major CUP if an exemption was sought in order to allow the facility to operate in a satisfactory manner.*

*Historically there have been very few applications for amateur radio antennas, and the majority of applications have been in urban settings (typically single-family subdivisions). The City of Goleta incorporation drastically reduced the area of urban, residential land in the Coastal Zone, leaving only Summerland, Montecito, parts of Hope Ranch, remaining unincorporated Goleta area and isolated communities (Arroyo Quemada, Serena Park). The remaining Coastal Zone area is typically large lot agricultural land uses where the owner has more flexibility in locating an antenna to comply with the development standards.*

*The modification would also specifically remove the exemption for amateur radio facilities where the value of the facility is less than \$2,000.00. This would require that amateur radio operators that have a very minimal antenna (e.g., a horizontal wire affixed between a roof and a tree) apply for a permit whereas under the language adopted by the Board they would be exempt.*

#### Sec. 35-144G.4. Development Standards.

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. These noncommercial telecommunication facilities shall comply with the following development standards only to the extent such requirements do not (1) preclude amateur service communications and (2) reasonably accommodate amateur service communications. 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. 35-172 (CCC). 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 35-169.2,~~ shall comply with the following standards and any other applicable regulations of the Article including but not limited to setbacks.

...

5. The visible support facilities shall be finished in non-reflective materials.

6. The components of the facility shall be of a color that blends with surrounding environment to the maximum extent feasible.
7. If the facility is visible from public viewing areas, native vegetation shall be planted to screen the facility.
8. No facility shall be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or other public viewing area.
9. 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. If it is necessary for the facility, or portion of the facility, to extend above an exposed ridgeline, the facility shall be designed to blend 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 roads, trails, recreational areas).
10. Disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of any environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location(s) or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas and would allow operator to meet the same communication goal. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate the impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program.

## 5. Telecommunication Facilities: Exemptions

*Discussion: This modification would delete the “no permit if less than \$2,000 value” for both commercial telecommunication facilities in addition to noncommercial telecom facilities and antennas as discussed above. This would have little to no impact on the commercial facilities as their value typically far exceeds \$2,000.*

### Sec. 35 169.2. Applicability.

1. Before using any land or structure, or commencing any work pertaining to any development or use in the Coastal Zone of the County, wherein permits are required under the provisions of this Article, a Coastal Development Permit shall be issued, unless other regulations of this Article specifically indicate that such activity is exempt. Activities which are exempt from the issuance of a Coastal Development Permit shall comply with applicable regulations of this Article including but not limited to use, setback, and height, as well as all required provisions and conditions of any existing approved permits for the subject property. The following activities shall be exempt from the issuance of a Coastal Development Permit:

- e. Buildings or structures, except for telecommunications facilities regulated under Sections 35-144F and 35-144G, having an aggregate value of less than \$2,000.00, as determined by the Planning and Development Department.

## ATTACHMENT G

### REVISIONS TO THE TELECOMMUNICATIONS REGULATIONS PROPOSED BY PLANNING AND DEVELOPMENT

The following are revisions to the existing language proposed by staff of the Planning and Development Department. The revisions are proposed to provide clarity to the existing language and also provide for developing technology (neighborhood based WiFi service). The language shown below is for Article II; similar language is proposed to be added to Articles III and IV. The referenced section numbers (e.g., SECTION 1) refer to the sections within the ordinance amendment. Text proposed to be added is underlined; text proposed to be deleted is ~~struck-through~~.

#### SECTION 1:

##### **1.1 Clarify that the term “ridgeline” does not apply to knolls that are located between a public viewing area and the prominent ridgeline.**

Add a definition of Ridgeline as follows:

RIDGELINE: As used within Sec. 35-144F, Commercial Telecommunication Facilities, ridgeline shall mean a visually prominent, relatively narrow strip or crest of land, which includes the highest points of elevation within a watershed, that separates one drainage basin from another.

*Discussion: Development standards contained in Sec. 35-144F.4.3, subparagraphs b. and d., impose restrictions on locating telecommunication facilities relative to ridgelines in order to minimize visual impacts. The purpose of this revision is to clarify what is meant by a ridgeline so that the standards are properly implemented, and not improperly applied to less significant topographic features.*

##### **1.2 Clarify that the term “existing utility pole” also means the replacement of an old pole with a new pole provided the height and width of the new pole are substantially the same as the old pole.**

Add a definition of Utility Pole, Existing, as follows:

UTILITY POLE, EXISTING: A pole or similar structure owned by a public body or utility that provides support for electrical, telegraph, telephone or television cables, and is in place at the time that an application is submitted to attach telecommunications equipment thereto. A new utility pole that replaces an existing utility pole is also considered to be existing provided the height and width of the replacement pole are substantially the same as the pole it replaces.

*Discussion: This revision clarifies that the term “existing utility pole” also includes a pole that replaces an existing pole provided the replacement pole is substantially the same (height and width) as the existing pole.*

## SECTION 2:

### 2.1 Clarify that the “substantially visible” test applies to freestanding antennas and associated support structures (e.g., lattice towers) and not faux structures (e.g., water tanks) that are used to hide the facility in plain site.

Amend the definition of Substantially Visible as follows:

**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. This shall not apply to structures and natural features that would normally occur within the setting of the object and are utilized to camouflage or otherwise minimize the visual impact of a telecommunication facility.

*Discussion: One of the methods to lessen the visual impact of telecommunication facilities is to “hide them in plain sight” through the use of what are termed stealth facilities. For example, cellular telephone antenna facility might be located in a water tower on agricultural land. Although the water tower may have some visual impact, it is typically less than that what a freestanding antenna since it is an object that typically encountered in a rural setting. The proposed language would allow such stealth facilities even though the structure may in and of itself be substantially visible.*

### 2.2 Clarify that facilities located within architectural projections can qualify as tenant improvements.

Amend the definition of Telecommunication Facility, Tenant Improvement:

**TELECOMMUNICATION FACILITY, TENANT IMPROVEMENT:** A wireless telecommunication facility where the transmission facility and the associated antennas are (1) entirely enclosed within an existing building including architectural projections 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.

*Discussion: This revision clarifies that an architectural projection, such as a church steeple or dome, is considered part of the building in which a telecommunication facility may be located in order to qualify as a tenant improvement.*

## SECTION 3: Include provisions for neighborhood based WiFi (Wireless Fidelity) antennas.

Amend **Sec. 35-144F.3.1.b** to read as follows:

- b. Wireless telecommunication facilities that conform to the following development standards may be allowed in all zone districts as identified in Sec. 35-52:



- 1) Antennas are limited to panel antennas or omnidirectional antennas. Antennas and associated equipment do not exceed a combined volume of one cubic foot.
- 2) The antenna is mounted on either (1) 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 & Development, or (2) the roof of an existing structure 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 facilities shall be null and void.
- 3) The highest point of the antenna either (1) does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or (2) in the case of an omnidirectional whip 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.

*Discussion: The purpose of this revision is to increase the flexibility in locating antennas associated with such very low power facilities in order to allow their development in more modern residential subdivisions that do not have utility poles except for street light standards. This language would allow the antenna to be located on the roof of a house or other structure located outside of the road right-of-way (with the permission of the property owner). Since the height and cross-section of the antenna is so small it would have minimal impact on public views.*

#### **SECTION 4:**

##### **4.1 Delete the reference to colors specified Appendix F Guidelines for Telecommunications Sites in Rural and Inner-Rural Areas.**

Amend Sec. 35-144F.4.1.h to read as follows:

- i. 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 F: 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.

*Discussion: The colors specified in Appendix F were those determined to be appropriate in February 1999. Experience has proven that these colors are not always the best colors to use in certain situation, especially in regards to the painting of faux structures that are used to hide telecommunication facilities. Deleting this reference would allow the use of the colors in Appendix F to be discretionary based on site-specific considerations, rather than mandatory.*

**4.2 Include “would avoid or reduce the potential for environmental impacts” as a third basis for the review authority to grant an exemption to a particular development standard.**

Amend Sec. 35-144F.4.2 and 35-144F.3 as follows:

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 by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.
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. 35-172. 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 by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts.

*Discussion: This revision will add a third criteria that the decision-maker (Sec. 35-144F.4.2) or the Planning Commission (Sec. 35-144F.3) may utilize in granting an exception to any of the development standards contained in those two sections. For example, Sec. 35-144F.2.a requires that electric utility lines be located underground if they would be visible from public viewing areas. However, if complying with this standard would require trenching through a sensitive resource area, then adding this third criteria would allow the decision-maker to balance the benefits of complying the development standard against the potential damage to the resource area.*

**4.3 Delete the development standard that directs that freestanding antenna support structures greater than 35 feet in height be monopoles or lattice towers.**

Delete Sec. 35-144F.4.2.b:

- ~~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.~~

*Discussion: This standard implies that monopoles and lattice towers are the preferred design for antenna support structures that exceed 35 feet and does not allow the use of "monopines" and similar faux structures without the decision-maker granting an exemption to the standard.*

## **SECTION 5:**

### **5.1 Combine the two sections that deal with the measurement of radio frequency (RF) levels into one section; utilize the more widely used term RF instead of the older NIER (non ionizing electromagnetic radiation).**

Amend Sec. 35-144F.5.1 and .2 as follows:

1. ~~Installation~~ Radio Frequency (RF) Emission Levels. 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 ~~Federal Communications Commission~~ Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission 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~~ a report prepared by a third-party certified engineer that utilizes site-specific data to predict the level of radio frequency (RF) emissions in the vicinity of the proposed facility in comparison with federal MPE limits.
  - 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 author's/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.~~

If these calculated RF levels exceed 80 percent of the MPE limits, then said facility shall not commence normal operations until a report prepared by a third-party qualified electrical or RF engineer licensed by the State of

California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, the federal MPE limits.

- 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.~~

If these calculated RF levels do not exceed 80 percent of the MPE limits, then a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to measure RF levels is submitted by the applicant to the Director that certifies that the facility's actual RF emissions comply with the federal MPE limits. Said report shall be submitted within 30 days after said facility commences normal operations.

- d. Every telecommunication facility shall demonstrate continued compliance with the MPE limits.

1) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. Said 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.

2) In the case of a change in the adopted MPE limit, measurements of RF levels in nearby inhabited areas shall be taken and submitted in a report prepared by a third-party qualified electrical or RF engineer licensed by the State of California to the Director. The required report shall be submitted within 90 days of the date said change becomes effective by the newest carrier locating on the facility.

3) Failure to supply the required reports within 30 days following the date that written notice is mailed by the Director that such compliance report is due or to remain in continued compliance with the MPE limit 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. 35-182.2 of this article.

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 purposes of the development standards listed in Section 35-144F.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 ten 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. 35-182.2 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 the effective radiated power radiated of the whole facility shall be submitted by the newest carrier operating at the facility to the Director of Planning and Development. If the 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 within 30 days following the date that written notice is mailed by the Director that such compliance report is due 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.~~

*Discussion: This revision moves the language that pertains to a facility's radio frequency emissions once the facility is in operation to the same section that relates to the facility's projected emissions upon application for the facility and actual emissions once the facility begins to operate. This locates all the regulations dealing with the allowable level of radio frequency emissions in one section. Also, the revision refers to the more widely used (and understood) term "radio frequency" instead of "non ionizing electromagnetic radiation." Lastly, the revision requires the submission of an RF report that measures actual RF emissions either (1) prior to the commencement of normal operations in the case of a facility where the projected levels exceeds 80 percent of the federal MPE standard or (2) within 30 days after the commencement of normal operations in the case of a facility where the projected levels do not exceed 80 percent of the federal MPE standard. This latter change codifies existing departmental practice and provides, in all cases, assurance that the facility is in compliance with adopted federal standards.*

## **5.2 Clarify collocation requirements to address collocated sites as well as collocated facilities.**

Amend Sec. 35-144F.5.3 as follows:

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and property owner shall avail its telecommunication ~~facility~~ project 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~~ collocation 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~~ their facility or place ~~its~~ any 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 facility 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~~ applicants to the decision-maker, carriers shall make available ~~to such other developers any excess space of their project facilities at an equitable cost~~ any excess space of their facilities to such other applicants at an equitable cost.
- e. In the event access to an existing facility is denied by the applicant, 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~~ facility 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 ~~facilities~~ facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of such conditions shall be based on evidence of the charges and terms supplied by the applicant and carrier requesting to collocate. The decision of the Director to impose additional conditions shall be deemed final unless appealed pursuant to Sec. 35-489.2 of this Article. The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.

*Discussion: These revisions clarify the scope of telecommunication projects that are subject to the collocation policies.*

### **5.3 Clarify the existing language regarding transfers of ownership and assumption of responsibilities.**

Amend Sec. 35-144F.5.5 as follows:

5. Transfer of ownership. In the event that the original permittee sells or otherwise transfers its interest in a telecommunications facility, or an interest in a telecommunication facility is otherwise assumed by a different carrier, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible ~~for~~ to the County for maintaining consistency with all project conditions of approval. A new contact name for the project and a new signed and recorded Agreement To Comply With Conditions Of Approval 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.

*Discussion: This revision provides more comprehensive language in regards to what constitutes a transfer in the operation of a facility and the responsibilities that ensue from that transfer.*

**SECTION 6: Change the terminology from “NEIR” to “RF” in the application submittal requirements.**

Amend Sec. 35-144F.8 to read 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. ~~NEIR~~ RF exposure studies;
  - h. title reports identifying legal access;
  - i. security programs
  - j. lists of other nearby telecommunication facilities.

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

2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review 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 7: Clarify that if a project requires a conditional use permit and is located in a zone district that requires a development plan, that a development plan does not have to be submitted in addition to the conditional use permit provided any structures are used only as part of the telecommunications facility and are removed once the facility is removed.**

Amend **Sec. 35-172.6 (Conditional Use Permit – Application)** to read as follows:

1. As many copies of a Conditional Use Permit application as may be required shall be submitted to the Planning and Development Department. Said application shall contain all or as much of the submittal requirements for a Development Plan (Sec. 35 174.) as are applicable to the request.



2. In the case of a Conditional Use Permit application where the project is subject to Development Plan requirements, a Development Plan shall be required in addition to a Conditional Use Permit except for those uses listed in Sec. 35-172.6.3. Notwithstanding the requirements of Section 35-144B (General Regulations – Applications That Are Under The Jurisdiction Of More Than One Final Decision Maker) and Sec. 35-174 (Development Plans), if the conditional use permit would be under the jurisdiction of the Zoning Administrator, then the development plan shall also be under the jurisdiction of the Zoning Administrator provided:
  - a. The use of the site proposed to be allowed by the conditional use permit is the only proposed use of the site, or
  - b. On a developed site, no new development is proposed beyond that applied for under the minor conditional use permit.
  
3. A Development Plan shall not be required in addition to a Conditional Use Permit for the following.
  - a. Commercial telecommunication facilities that are permitted by a Conditional Use Permit pursuant to Sec. 35-144F.3.3 provided that any structure constructed or erected as part of the telecommunications facility (1) shall be used only as part of the telecommunication facility and (2) shall be removed pursuant to Sec. 35-144F.5.4 (Project Abandonment/Site Restoration).

*Discussion: Currently the ordinance requires that in order to develop a structure that is used in conjunction with a Conditional Use Permit in a zone district that requires a Development Plan, that a Development Plan also be approved so that if the use allowed by the CUP ceases, that there will be a DP in place to allow the structure to be used as permitted by the zone district without having to go through the discretionary process again. However, typically structures associated with telecommunication facilities, are sole purpose structures devoted entirely to the telecommunication facility (e.g., antenna mast, equipment shelter, etc.), such that if the facility is removed then the structure(s) is removed as well and requiring a development plan is unnecessary. For those instances where the structure could be put to a different use (e.g., an equipment shelter that could be converted to general storage), then the applicant would still have the option of processing a Development Plan so that the structure could remain after the telecommunication facility is removed.*

## **POLICY CONSISTENCY ANALYSIS**

Adoption of the proposed revisions will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan, Coastal Plan and Community Plans. The proposed ordinance amendments primarily involve minor revisions to existing administrative procedures and zoning regulations. Since the proposed amendments 1) focus on fine tuning administrative procedures and making minor clarifications to the existing zoning ordinance regulations and 2) do not alter the purpose and intent of any Comprehensive

Plan, Coastal Plan and Community Plan development standards, the proposed amendments are considered to be consistent with the Comprehensive Plan, Coastal Plan and Community Plans.

In order for a development permit to be approved based on these proposed amendments, it still must be determined that the project is consistent with the policies and development standards of the Comprehensive Plan, Coastal Plan and Community Plans. As part of this process, a policy consistency analysis will be performed during the review of the application, and projects will not be approved unless they are determined to be consistent with applicable policies, and the findings required for approval can be made.

**SANTA BARBARA COUNTY PLANNING COMMISSION**  
**Telecommunication Facilities Ordinance Text Amendments**

**Hearing Date: July 13, 2005**

**Staff Report Date: July 1, 2005**

**Case Nos.: 05ORD-00000-00004 & -00005**

**Environmental Document:** Article II: CEQA Guidelines Section 15265

Article III: CEQA Guidelines Section 15061(b)(3)

**Assistant Director: Dianne Meester**

**Staff Contact: Noel Langle**

**Phone No.: 805.568.2009**

## **1.0 REQUEST**

Hearing on the request of the Planning and Development Department that the County Planning Commission:

- 1.1 Adopt a recommendation to the County Board of Supervisors that they adopt an ordinance (Case No. 05ORD-00000-00004) amending the text of Article II of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Coastal Zoning Ordinance, as set forth in Attachment C; and,
- 1.2 Adopt a recommendation to the County Board of Supervisors that they adopt an ordinance (Case No. 05ORD-00000-00005) amending the text of Article III of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Inland Zoning Ordinance, as set forth in Attachment D.

For Article II, the proposed amendments would (1) revise the procedures and development standards to be consistent with the regulations approved by the California Coastal Commission for both commercial and noncommercial telecommunication facilities, as well as (2) make minor revisions to the existing procedures and development standards for commercial telecommunication facilities that are proposed by the Planning and Development Department. For Article III, the proposed amendments would only make minor revisions to the existing permit procedures for commercial telecommunication facilities that are proposed by the Planning and Development Department.

## **2.0 RECOMMENDATION AND PROCEDURES:**

- 2.1 **Case No. 05ORD-00000-00004:** Follow the procedures outlined below and recommend that the Board of Supervisors approve case No. 05ORD-00000-00004, as shown in Attachment C, based upon the ability to make appropriate findings.

Your Commission's motion should include the following:

- Recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A).
- Recommend that the Board of Supervisors find that this amendment is statutorily exempt from the California Environmental Quality Act pursuant to Sections 15265 of the Guidelines for Implementation of CEQA.
- Adopt a resolution recommending that the Board of Supervisors adopt 05ORD-00000-00004, an amendment to Article II (Attachment C).

- 2.2 **Case No. 05ORD-00000-00005:** Follow the procedures outlined below and recommend that the Board of Supervisors approve case No. 05ORD-00000-00005, as shown in Attachment D, based upon the ability to make appropriate findings.

Your Commission's motion should include the following:

- Recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A).
- Recommend that the Board of Supervisors find that these amendments are categorically exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B).
- Recommend that the Board of Supervisors adopt 05ORD-00000-00005, an amendment to Article III (Attachment D).

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings to be developed.

### **3.0 JURISDICTION**

These ordinance amendments are being considered by the County Planning Commission based upon provisions of Section 65855 of the Government Code and the process requirements for zoning ordinance text amendments provided in the Zoning Ordinances (Articles II and III). The Government Code and the County's Zoning Ordinances require that the County Planning Commission review and consider proposed ordinance amendments and render its decision in the form of a written recommendation to the Board of Supervisors.

Pursuant to Section 2-25 of Chapter 2 of the Santa Barbara County Code, the County Planning Commission is designated as the planning agency for text amendments to Articles II and III of Chapter 35 of the County Code. Article II, Section 35-180.5 requires that the Planning Commission's action on an amendment to Article II be transmitted by resolution of the Planning Commission.

### **4.0 issue summary/Background**

In May 2002 the Board of Supervisors adopted comprehensive amendments to the Article II, III and IV zoning ordinances regarding the review and permitting of commercial and noncommercial telecommunication facilities. The purpose of these amendments was to simplify the process for obtaining permits for telecommunication facilities while at the same time protecting legitimate public interests.

The amendments to Articles III and IV went into effect 30 days later. Since the amendment to Article II represented an amendment to the County's Local Coastal Program, it was required to be transmitted to the California Coastal Commission (CCC) for certification. On June 9, 2004, the CCC approved the amendment to Article II with several substantial modifications to the proposed text. The scope of these modifications required that they be by the Board of Supervisors in a public hearing. However, because the County did not act within six months of the Coastal Commission's action on June 9, 2004, by operation of the Coastal Act guidelines, the

approval with modifications of the amendment to Article II by the CCC expired. This requires that the amendment be resubmitted to the CCC for certification.

Additionally, in the three years that the Planning and Development Department has been working with the regulations adopted in 2002, staff has identified several areas that could benefit from review and has suggested several minor revisions in order to bring greater clarity to the regulations as well as provide for new developing technologies (neighborhood based WiFi service).

In summary, the proposed amendment to Article II (Attachment C) would (1) implement the modifications approved by the CCC, and (2) make other minor revisions proposed by the Planning & Development Department. The proposed amendment to Article IV (Attachment D) would only make the minor revisions proposed by the Planning & Development Department.

The Montecito Planning Commission considered both the proposed amendment to Article II and the proposed amendment to Article IV on June 15, 2005. The action of the Montecito Planning Commission was to:

- Recommend that your Commission recommend that the Board of Supervisors approve Case No. 05ORD-00000-00004 as proposed by staff, and
- Recommend that the Board of Supervisors approve Case No. 05ORD-00000-00006 as proposed by staff with one revision that would shift the jurisdiction over certain freestanding antennas located on Recreation zoned property from the Director to the Planning Commission, similar to a modification approved by the Coastal Commission.

## **5.0 PROJECT DESCRIPTION /ANALYSIS**

Attachment E provides the analysis of the modifications approved by the CCC.

Attachment F provides the analysis of the minor revisions, including a policy consistency discussion, proposed by Planning and Development.

## **6.0 ENVIRONMENTAL REVIEW**

6.1 **Case No. 05ORD-00000-00004** (Article II): Pursuant to Section 15265 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), CEQA does not apply to actions by local governments that are subject to certification by the CCC.

6.2 **Case No. 05ORD-00000-00005** (Article III): The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments, as explained in Attachment B, Notice of Exemption.

## **7.0 POLICY CONSISTENCY**

- 7.1 **Case No. 05ORD-00000-00004** (Article II): Attachments E and F contain the analysis of the consistency of the proposed amendment to Article II with the Coastal Land Use Plan, Comprehensive Plan and applicable Community Plans.
- 7.2 **Case No. 05ORD-00000-00005** (Article III): Attachment F contains the analysis of the consistency of the proposed amendment to Article III with the Comprehensive Plan and the Community Plans.

## **8.0 ORDINANCE COMPLIANCE**

The proposed ordinance amendments are consistent with the remaining portions of the zoning ordinances that would not be revised by this amendment. In order to approve a development permit based on these proposed amendments, it still must be determined that the project is consistent with the whole of the Article II and III zoning ordinances.

## **9.0 PROCEDURES**

Case Nos. 05ORD-00000-00004 (Article II) and 05ORD-00000-00005 (Article III): The County Planning Commission may recommend approval, approval with revisions to the text, or denial of staff recommendations for the proposed amendments to Article II and Article III to the County Board of Supervisors.

## **10.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **11.0 ATTACHMENTS**

- A Findings for Approval
- B CEQA Guidelines Section 15061(b)(3) Notice of Exemption
- C 05ORD-00000-00004 (Article II) Draft Resolution and Ordinance Amendment
- D 05ORD-00000-00005 (Article III) Draft Ordinance Amendment
- E. Modifications to Telecommunication Regulations Approved by the California Coastal Commission
- F. Revisions to the Telecommunication Regulations Proposed by Planning and Development

**SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION  
Staff Report for Telecommunication Facilities Ordinance Text Amendments**

**Hearing Date: June 15, 2005**

**Assistant Director: Dianne Meester**

**Staff Report Date: June 3, 2005**

**Staff Contact: Noel Langle**

**Case Nos.: 05ORD-00000-00004 & -00006**

**Phone No.: 805.568.2009**

**Environmental Document:** Article II: CEQA Guidelines Section 15265

Article IV: CEQA Guidelines Section 15061(b)(3)

## **1.0 REQUEST**

Hearing on the request of the Planning and Development Department that the Montecito Planning Commission:

- 1.1 Adopt a recommendation to the County Planning Commission that they recommend that the County Board of Supervisors adopt an ordinance (Case No. 05ORD-00000-00004) amending the text of Article II of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Coastal Zoning Ordinance, as set forth in Attachment C; and,
- 1.2 Adopt a recommendation to the County Board of Supervisors that they adopt an ordinance (Case No. 05ORD-00000-00006) amending the text of Article IV of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Inland Montecito Zoning Ordinance, as set forth in Attachment D.

For Article II, the proposed amendments would (1) revise the procedures and development standards to be consistent with the regulations approved by the California Coastal Commission for both commercial and noncommercial telecommunication facilities, as well as (2) make minor revisions to the existing procedures and development standards for commercial telecommunication facilities that are proposed by the Planning and Development Department. For Article IV, the proposed amendments would make minor revisions to the existing permit procedures for commercial telecommunication facilities that are proposed by the Planning and Development Department.

## **2.0 RECOMMENDATION AND PROCEDURES:**

- 2.1 **Case No. 05ORD-00000-00004:** Follow the procedures outlined below and recommend that the County Planning Commission recommend that the Board of Supervisors approve Case No. 05ORD-00000-00004, as shown in Attachment C, based upon the ability to make appropriate findings.

Your Commission's motion should include the following:

- Recommend that the County Planning Commission recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A).
- Recommend that the County Planning Commission recommend that the Board of Supervisors find that this amendment is statutorily exempt from the California

Environmental Quality Act pursuant to Sections 15265 of the Guidelines for Implementation of CEQA.

- Recommend that the County Planning Commission recommend that the Board of Supervisors adopt 05ORD-00000-00004, an amendment to Article II (Attachment C).

2.2 **Case No. 05ORD-00000-00006:** Follow the procedures outlined below and recommend that the Board of Supervisors approve case No. 05ORD-00000-00006, as shown in Attachment D, based upon the ability to make appropriate findings.

Your Commission's motion should include the following:

- Recommend that the Board of Supervisors adopt the findings for approval of the proposed amendments (Attachment A).
- Recommend that the Board of Supervisors find that these amendments are categorically exempt from the California Environmental Quality Act pursuant to Sections 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B).
- Recommend that the Board of Supervisors adopt 05ORD-00000-00006, an amendment to Article IV (Attachment D).

Refer back to staff if the Montecito Planning Commission takes other than the recommended action for appropriate findings to be developed.

### **3.0 JURISDICTION**

These ordinance amendments are being considered by the Montecito Planning Commission based upon provisions of Section 65855 of the Government Code and the process requirements for zoning ordinance text amendments provided in the Zoning Ordinances (Articles II and IV). The Government Code and the County's Zoning Ordinances require that the Montecito Planning Commission review and consider proposed ordinance amendments and render its decision in the form of a written recommendation to the Board of Supervisors.

Pursuant to Section 2-25.2 of Chapter 2 of the Santa Barbara County Code, the Montecito Planning Commission is designated as the planning agency for text amendments to Article IV of Chapter 35 of the County Code and provides that the Montecito Planning Commission may make recommendations to the County Planning Commission on text amendments to Article II of Chapter 35 of the County Code that will affect land use decisions within the Coastal Zone portion of the Montecito Planning Area.

### **4.0 ISSUE SUMMARY/BACKGROUND**

In May 2002 the Board of Supervisors adopted a comprehensive amendment to the Article II, III and IV zoning ordinances in regards to the review and permitting of commercial and noncommercial telecommunication facilities. The purpose of these amendments was to simplify the process for obtaining permits for telecommunication facilities while at the same time protecting legitimate public interests.



The amendments to Articles III and IV went into effect 30 days later. Since the amendment to Article II represented an amendment to the County's Local Coastal Program, it was required to be transmitted to the California Coastal Commission (CCC) for certification. On June 9, 2004, the CCC approved the amendment to Article II with several substantial modifications to the proposed text. These modifications would have had to have been reviewed by the Board of Supervisors due to the scope of the revisions. However, because the County did not act within six months of the Coastal Commission's action on June 9, 2004, by operation of the Coastal Act guidelines, the approval with modifications of the amendment to Article II by the CCC expired. This requires that the amendment be resubmitted to the CCC for certification.

Additionally, in the three years that the Planning and Development Department has been working with the regulations adopted in 2002, staff has identified several areas that could benefit from minor revisions in order to bring greater clarity to the regulations as well as provide for new developing technologies (neighborhood based WiFi service). The following are revisions to the existing language proposed by staff (including consultants) of the Planning and Development Department. The revisions are proposed to provide clarity to the existing language and also provide for development technology. The language is for Article II; similar language is proposed to be added to Articles III and IV.

In summary, the proposed amendment to Article II (Attachment C) would (1) implement the modifications approved by the CCC, and (2) make other minor revisions proposed by the Planning & Development Department. The proposed amendment to Article IV (Attachment D) would only make the minor revisions proposed by the Planning & Development Department.

## **5.0 PROJECT DESCRIPTION/ANALYSIS**

Attachment E provides the analysis of the modifications approved by the CCC.

Attachment F provides the analysis of the minor revisions, including a policy consistency discussion, proposed by Planning and Development.

## **6.0 ENVIRONMENTAL REVIEW**

6.1 **Case No. 05ORD-00000-00004** (Article II): Pursuant to Section 15265 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), CEQA does not apply to actions by local governments that are subject to certification by the CCC.

6.2 **Case No. 05ORD-00000-00006** (Article IV): The proposed amendment is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments, as explained in Attachment B, Notice of Exemption.

## **7.0 POLICY CONSISTENCY**

- 7.1 **Case No. 05ORD-00000-00004** (Article II): Attachments E and G contain the analysis of the consistency of the proposed amendment to Article II with the Coastal Land Use Plan, Comprehensive Plan and the Montecito Community Plan.
- 7.2 **Case No. 05ORD-00000-00006** (Article IV): Attachment G contains the analysis of the consistency of the proposed amendment to Article IV with the Comprehensive Plan and the Montecito Community Plan.

## **8.0 ORDINANCE COMPLIANCE**

The proposed ordinance amendments are consistent with the remaining portions of the zoning ordinances that would not be revised by this amendment. In order to approve a development permit based on these proposed amendments, it still must be determined that the project is consistent with the whole of the Article III zoning ordinance.

## **9.0 PROCEDURES**

- 9.1 **Case No. 05ORD-00000-00004** (Article II): The Montecito Planning Commission may recommend approval, approval with revisions to text, or denial of staff recommendations for the proposed amendments to Article II to the County Planning Commission.
- 9.2 **Case No. 05ORD-00000-00006** (Article IV): The Montecito Planning Commission may recommend approval, approval with revisions to text, or denial of staff recommendations for the proposed amendments to Article IV to the County Board of Supervisors.

## **10.0 APPEALS PROCEDURE**

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

## **11.0 ATTACHMENTS**

- A Findings for Approval
- B CEQA Guidelines Section 15061(b)(3) Notice of Exemption
- C 04ORD-00000-00021 (Article II) Draft Ordinance Amendment
- D 04ORD-00000-00023 (Article IV) Draft Ordinance Amendment
- E. Modifications to Telecommunication Regulations Approved by the California Coastal Commission
- F. Revisions to the Telecommunication Regulations Proposed by Planning and Development