

ATTACHMENT C: RESOLUTION AND ORDINANCE

**RESOLUTION OF THE SANTA BARBARA COUNTY MONTECITO PLANNING COMMISSION
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF RECOMMENDING TO THE)
BOARD OF SUPERVISORS THE ADOPTION OF)
AN AMENDMENT TO SECTION 35-2 OF) RESOLUTION NO.: 11 - ____
CHAPTER 35 OF THE COUNTY CODE, THE)
SANTA BARBARA COUNTY MONTECITO) CASE NO.: 11ORD-00000-00006
LAND USE AND DEVELOPMENT CODE,)
REGARDING THE PERMITTING OF COMMERCIAL)
TELECOMMUNICATIONS FACILITIES)

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 11ORD-00000-00006) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement procedures for permitting Commercial Telecommunications Facilities.

Said Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.
- C. The proposed Ordinance is consistent with the Santa Barbara County Comprehensive Plan including the Montecito Community Plan, and the requirements of the State Planning, Zoning and Development Laws.
- D. The proposed Ordinance is in the interest of the general community welfare since it amends the requirements of Section 35-2, the Montecito Land Use and Development Code of Chapter 35, Zoning of the Santa Barbara County Code regarding commercial telecommunications facilities in a manner which continues to protect community values, environmental quality, and the public health and safety.
- E. This Montecito Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code, on the proposed Ordinance at which hearing the proposed Ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, this Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned recommendation of this Commission, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated March 4, 2011.
- 3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

4. The Chair of this Montecito Planning Commission is hereby authorized and directed to sign and certify all maps, documents, and other materials in accordance with this resolution to show the above mentioned action by the County Planning Commission.

PASSED, APPROVED AND ADOPTED this March 23, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JACK OVERALL, Chair
Montecito Planning Commission

ATTEST:

DIANNE MEESTER BLACK
Secretary to the Commission

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

EXHIBIT:

1. 11ORD-00000-00006, Montecito Land Use Development Code

EXHIBIT 1

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 35-2, THE MONTECITO LAND USE AND DEVELOPMENT CODE, CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE BY AMENDING DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, AND DIVISION 35.10, GLOSSARY, TO AMEND THE EXISTING DEFINITIONS OF COLLOCATED TELECOMMUNICATIONS FACILITY AND SUBSTANTIALLY VISIBLE, ADD NEW DEFINITIONS OF HUB SITE, MOBILE COMMUNICATIONS TEMPORARY FACILITY, AND VAULT, AMEND PROCESSING REQUIREMENTS FOR VERY SMALL FACILITIES AND TENANT IMPROVEMENTS, ADD NEW FINDINGS REQUIRING DEMONSTRATION OF NEED FOR SERVICE AND DEMONSTRATION OF EFFORTS TO REDUCE THE INTRUSIVENESS OF THE FACILITY THROUGH DESIGN AND SITING, AND MAKE OTHER MINOR REVISIONS TO THE EXISTING PROCEDURES AND DEVELOPMENT STANDARDS THAT REGULATE THE CONSTRUCTION AND USE OF COMMERCIAL TELECOMMUNICATION FACILITIES.

Case No. 11ORD-00000-00006 (Montecito LUDC)

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

SECTION 1:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.442.180 of Chapter 35.442, Standards for Specific Land Uses, to amend the “Temporary Dwellings” and “Temporary Office/Storage” portions of Table 4-6, Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones, to read as follows:

Table 4-6 Allowed Temporary Uses and Permit Requirements for Agricultural and Resource Management Zones	E	Allowed use, no permit required (Exempt)		
	<u>ZC</u>	<u>Permitted use, Zoning Clearance required</u>		
	P	Permitted use, Land Use or Coastal Permit required		
	CUP	Conditional Use Permit required		
	S	Permit determined by Specific Use Regulations		
	—	Use Not Allowed		
LAND USE (1)	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	AG-I	AG-I CZ	RMZ	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	CUP	CUP	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	35.442.180.G.9 10
Trailer (after destruction of dwelling)	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	<u>ZC</u>	—	<u>ZC</u>	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	35.442.180.G.8

SECTION 2:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the

Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.442.180 of Chapter 35.442, Standards for Specific Land Uses, to amend the “Temporary Dwellings” and “Temporary Office/Storage” portions of Table 4-7, Allowed Temporary Uses and Permit Requirements for Residential Zones, to read as follows:

Table 4-7 Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	<u>ZC</u>	<u>Permitted use, Zoning Clearance required</u>			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R-1/E-1	R-1/E-1 CZ	R-2	R-2 CZ	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9 <u>10</u>
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	<u>ZC</u>	—	<u>ZC</u>	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

Table 4-7 - Continued Allowed Temporary Uses and Permit Requirements for Residential Zones	E	Allowed use, no permit required (Exempt)			
	<u>ZC</u>	<u>Permitted use, Zoning Clearance required</u>			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	DR	DR CZ	PRD	PRD CZ	

TEMPORARY DWELLINGS

During construction of new dwelling	P	P	P	P	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9 <u>10</u>
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
Trailer (mobile communications temporary facility)	<u>ZC</u>	—	<u>ZC</u>	—	35.442.180.G.9
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

SECTION 3:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.442.180 of Chapter 35.442, Standards for Specific Land Uses, to amend the “Temporary Dwellings” and “Temporary

Office/Storage” portions of Table 4-8, Allowed Temporary Uses and Permit Requirements for Commercial Zones, to read as follows:

Table 4-8 Allowed Temporary Uses and Permit Requirements for Commercial Zones	E	Allowed use, no permit required (Exempt)			
	<u>ZC</u>	<u>Permitted use, Zoning Clearance required</u>			
	P	Permitted use, Land Use or Coastal Permit required			
	CUP	Conditional Use Permit required			
	S	Permit determined by Specific Use Regulations			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	CN	CN CZ	CV	CV CZ	

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	35.442.180.F.8
Trailer (watchman during construction)	P	P	P	P	35.442.180.G.9 10
Trailer (after destruction of dwelling)	P	P	P	P	35.442.180.G.7
Trailer (during construction of new dwelling)	P	P	P	P	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	35.442.180.G.5
<u>Trailer (mobile communications temporary facility)</u>	<u>ZC</u>	<u>—</u>	<u>ZC</u>	<u>—</u>	<u>35.442.180.G.9</u>
Trailer (storage as accessory to dwelling)	E	E	E	E	35.442.180.G.8

SECTION 4:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.442.180 of Chapter 35.442, Standards for Specific Land Uses, to amend the “Temporary Dwellings” and “Temporary Office/Storage” portions of Table 4-9, Allowed Temporary Uses and Permit Requirements for Commercial Zones, to read as follows:

Table 4-9 Allowed Temporary Uses and Permit Requirements for Special Purpose Zones	E	Allowed use, no permit required (Exempt)			
	<u>ZC</u>	<u>Permitted Use, Zoning Clearance required</u>			
	P	Permitted use, Land Use or Coastal Permit required			
	S	Permit determined by Specific Use Regulations			
	CUP	Conditional Use Permit required			
	—	Use Not Allowed			
LAND USE (1)	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	PU	PU CZ	REC	REC CZ	

TEMPORARY DWELLINGS

During construction of new dwelling	—	—	P	P	—	35.442.180.F.8
Trailer (4 or less agricultural employees)	—	—	—	—	CUP	35.442.180.G.3
Trailer (watchman during construction)	P	P	P	P	P	35.442.180.G.9 10
Trailer (after destruction of dwelling)	—	—	P	P	—	35.442.180.G.7
Trailer (during construction of new dwelling)	—	—	P	P	—	35.442.180.G.6

TEMPORARY OFFICES/STORAGE

Trailer (air quality monitoring station)	CUP	CUP	CUP	CUP	CUP	35.442.180.G.4
Trailer (construction office, shop, storage, etc.)	S	S	S	S	S	35.442.180.G.5
<u>Trailer (mobile communications temporary facility)</u>	<u>ZC</u>	<u>—</u>	<u>ZC</u>	<u>—</u>	<u>—</u>	<u>35.442.180.G.9</u>
Trailer (storage as accessory to dwelling)	—	—	E	E	—	35.442.180.G.8

SECTION 5:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Subsection G of Section 35.442.180 of Chapter 35.442, Standards for Specific Land Uses, to add a new Subsection G.9 titled Telecommunications facility, mobile, to read as follows and renumber existing Subsections G.9 as G.10:

- 9. Mobile communications temporary facility.** Where unplanned or uncontrollable events cause an immediate need for service due to reasonable public health and safety concerns, a temporary facility may be allowed, in compliance with the following:
- a. The facility qualifies as a mobile telecommunications temporary facility.
 - b. The Director in consultation with the County Sherriff and Fire Departments has determined a reasonable public health and safety issue would exist without the operation of a temporary telecommunications facility.
 - c. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 - d. The facility would only be permitted onsite for the duration of the event or emergency, not to exceed two weeks, or other period of time, as approved by the Director.

SECTION 6:

DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.444.010, Commercial Telecommunications of Chapter 35.444, Telecommunications Facilities, to read as follows:

35.444.010 - Commercial Telecommunications Facilities

- A. Purpose and intent.** This Section establishes the permit requirements and standards for the siting and development of commercial telecommunication facilities. The intent is to promote their orderly development and ensure they are compatible with surrounding land uses in order to protect the public safety and visual resources.
- B. Applicability.**
- 1. Affected facilities and equipment.** The provisions of this Section shall apply to commercial telecommunication facilities that transmit or receive electromagnetic signals (e.g., radio, television, and wireless communication services including personal communication, cellular, and paging). This Section shall not be construed to apply to handheld, vehicular, or other portable transmitters or transceivers, including cellular phones, CB radios, emergency services radio, and other similar devices.
 - 2. Allowable zones and permit requirements.** Table 4-10 (Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities) below establishes the allowable zones, permit requirements, and development standards applicable to commercial telecommunications facilities as allowed by this Section. Different permit processes shall be required depending on the type of the commercial telecommunication facility being proposed and whether the facility complies with different development standards.

Table 4-10 - Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier (1)	Zones Where Allowed	Permit Requirements (2)	Development Standards
Tier 1 Project (Very small facilities only)	All zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(a) 35.444.010.D
Tier 1 Project (Other than very small facilities)	Nonresidential zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(b) 35.444.010.D
Tier 2 Project (Tenant improvements)	Nonresidential zones	Development Plan approved by the Director (3)	35.444.010.C.2.(a) 35.444.010.D
Tier 2 Project (Other than tenant improvements)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director (3)	35.444.010.C.2.(b) 35.444.010.D
Tier 3 Project	Nonresidential zones, except not allowed in the Recreation (REC) zone (4)(5)	Conditional Use Permit	35.444.010.C.3 35.444.010.D
Tier 4 Project	All zones (6)	Conditional Use Permit	35.444.010.C.4 35.444.010.D

Notes:

- (1) See Subsections C.1 through C.4 below, for more specific descriptions of development allowed under the respective tiers.
- (2) Commercial telecommunication facilities shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - b. The facility is under the jurisdiction of the Montecito Commission.
- (3) The Director shall act as the review authority unless a public hearing is requested in compliance with Chapter 35.496 (Noticing and Public Hearings), in which case the Montecito Commission shall be the review authority.
- (4) Tier 3 facilities described in Subsection 35.444.010.C.3.b may be allowed within all nonresidential zones, including the REC zone.
- (5) Tier 3 facilities described in Subsection 35.444.010.C.3.c are limited to the AG-I zone
- (6) Tier 4 facilities described in Subsection 35.444.010.C.4.b are limited to nonresidential zones.

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	All zones	Coastal Development Permit or Zoning Clearance	35.442.180.G
Tier 1 (b) Project - Hub sites	All zones	Coastal Development Permit or Land Use Permit	35.444.010.C.1.(b) 35.444.010.D
Tier 2 (a) Project - Very small facilities	Nonresidential zones	Development Plan approved by the Director	35.444.010.C.2.(a) 35.444.010.D
Tier 2 (b) Project - Tenant improvements	Nonresidential zones	Development Plan approved by the Director	35.444.010.C.2.(b) 35.444.010.D
Tier 2 (c) Project - Collocated Facilities	Nonresidential zones	Development Plan approved by the Director	35.444.010.C.2.(c) 35.444.010.D
Tier 2 (d) Project - Facilities that comply with the zone height limit (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Development Plan approved by the Director	35.444.010.C.2.(d) 35.444.010.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Nonresidential zones, except not allowed in the Recreation (REC) zone	Conditional Use Permit	35.444.010.C.3.(a) 35.444.010.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Nonresidential zones	Conditional Use Permit	35.444.010.C.3.(b) 35.444.010.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	All zones	Conditional Use Permit	35.444.010.C.4.(a) 35.444.010.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Nonresidential zones	Conditional Use Permit	35.444.010.C.4.(b) 35.444.010.D

Notes:

- (1) Not allowed in or within 300 feet of a residential zone.

C. Processing. Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection H. unless otherwise specified. Modifications to zone regulations in compliance with Section 35.472.060

(Conditional Use Permits) or Section 35.82.080 (Development Plans) may be allowed only as specified in this Section.

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

~~a. **Standards for Tier 1 projects, very small facilities only.** Wireless telecommunication facilities that comply with the following may be allowed:~~

- ~~(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated equipment shall not exceed a combined volume of one cubic foot.~~
- ~~(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight standard) that is not being considered for removal, as determined by the Director, or the roof of an existing structure. More than two antennas shall not 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 does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~

~~b. **Standards for Tier 1 projects, other than very small facilities.** Wireless telecommunication facilities that comply with the following may be allowed:~~

- ~~(1) The facility qualifies as a tenant improvement.~~
- ~~(2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~
- ~~(3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone where the project is located under the following circumstances:
 - ~~(a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.~~
 - ~~(b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.~~
 - ~~(c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.~~~~
- ~~(4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.~~
- ~~(5) Equipment shelters proposed to be installed on the roof of an existing or proposed~~

~~structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.~~

~~(6) Access to the facility shall be provided by existing roads or driveways.~~

~~(7) Minor exterior additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.~~

a. Standards for Tier 1 projects, temporary facilities. Temporary telecommunications facilities may be permitted in compliance with Section 35.442.180.G.

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

(1) The facility qualifies as a hub site.

(2) No antennas are proposed except as follows:

(a) One Global Positioning System (GPS) may be allowed.

(3) The facility is located within a permitted building.

2. Tier 2 projects. Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:

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

(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above ground equipment shall not exceed a combined volume of one cubic foot.

(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.

(a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the review authority that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.

(3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.

(4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)

ab. Standards for Tier 2 projects, (tenant improvements). Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following development standards.

(1) The facility qualifies as a tenant improvement.

(2) Antennas, associated antenna support structures, and equipment shelters shall comply

with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.

(3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:

(a) ~~As provided in Subsection C.1.b.(3). The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.~~

(b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.

(c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.

~~(d)~~ The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.

(e) ~~The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and associated antenna support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.~~

(4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.

(5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.

(6) Access to the facility shall be provided by existing roads or driveways.

c. Standards for Tier 2 projects, collocated facilities. Wireless telecommunication facilities that comply with the following may be allowed. Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.

(1) The facility qualifies as a collocated telecommunications facility.

(2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. If the facility is located in the AG-I zone, the height

limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.

- (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
 - (a) As provided in Subsection C.2.b.(3).
 - (b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.

bd. Standards for Tier 2 projects, (other than tenant improvements) facilities that comply with the zone height limit. ~~Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 (Tier 1 projects) or Subsection C.2.a (Tier 2 projects (tenant improvements)) above, but do~~ comply with the following development standards may be allowed.

- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in ~~subject to the limitations and exceptions~~ except as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.
- (2) (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
 - (a~~1~~) As provided in Subsection C.2.c.(3).
 - (b~~2~~) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- (3~~2~~) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
- (4~~3~~) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
- (5) ~~A facility may be located within a designated scenic highway corridor, or within a scenic corridor as designated on the Comprehensive Plan Map, provided the components of the facility are not substantially visible from the roadway located within the corridor.~~

3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:

a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that ~~may not be permitted in compliance with Subsection C.1~~

~~through Subsection C.2.b above, but do~~ comply with the following development standards, may be allowed:

- (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location. A modification to the height limit in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
- (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) under the following circumstances:
 - (a) As provided in Subsection ~~C.2.b.(2)~~ C.2.d.(1).
 - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
- (3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
- (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.

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

- (1) Are not located in a residential zone as identified in Section 35.14.020 (Zoning Map and Zones).
- (2) ~~Are not subject to regulation by the Federal Communications Commission or the California Public Utilities Commission; and~~
- (3) ~~Do not exceed 50 feet in height.~~

~~e. Private telecommunication facilities used in conjunction with and serving an agricultural operation provided:~~

- (1) ~~The facility is located on the same premises that the agricultural operation is located on.~~
- (2) ~~The facility is located on a lot with an agricultural zone designation.~~

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

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

- ~~(1) The height of the antenna and associated antenna support structures shall not exceed 75 feet.~~
- ~~(2) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or 300 feet, whichever is greater.~~
- ~~(3) If the facility is proposed to be located on a lot with a residential zone designation as identified in Section 35.404.020 (Zoning Map and Zones), or a lot with a Recreation (REC) zone designation, or does not comply with Subsection 4.a.(2) above, the Montecito Commission, in order to approve a Conditional Use Permit, shall 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. Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations. Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35.404.020 (Zoning Map and Zones): These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35.444.020 (Noncommercial Telecommunication Facilities).

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

~~These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35.44.020 (Noncommercial Telecommunication Facilities).~~

D. Additional development standards for telecommunication facilities. In addition to the development standards in Subsection C. (Processing) above, all commercial telecommunication facilities except temporary mobile telecommunications facilities, shall also comply with the following development standards unless otherwise indicated below.

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

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

- (1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) or Subsection 35.472.080.H (Conditions, restrictions, and modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
- (2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
- (3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications), or Section 35.472.080.H (Conditions, restrictions, and modifications).

b. Height limits and exceptions. The height of antennas and associated antenna support structures (e.g., lattice towers, monopoles) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C. (Processing) above.

- (1) The height limit may be increased to a maximum of 75 feet when technical requirements dictate.
 - (2) Antennas and support structures used in connection with wireless communication facilities may exceed 75 feet if:
 - (a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
 - (b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
- c. Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
- d. Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmark Advisory Commission, or the Board on appeal.
- e. Compliance with Federal Communication Commission.** The facility shall comply at all times with all Federal Communication Commission rules, regulations, and standards.
- f. Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
- (1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
 - (2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
 - (3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. Lighting.** The facility shall be unlit except for the following:
- (1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
 - (2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences.
- h. Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in nonreflective materials.
- i. Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a nonreflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a review authority in approving a subsequent permit for development.
- j. Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:
- (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct

the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.

- (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
- (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
 - (a) The vegetation is required to screen the improvements from public viewing areas.
 - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

Required landscape plans shall be comprised of appropriate species and should be prepared by a botanist, licensed landscape contractor, or licensed landscape architect unless the project is located within the Coastal Zone in which case a botanist, licensed landscape contractor or licensed landscape architect shall prepare the landscape plan. A performance security shall be required to guarantee the installation and maintenance of new plantings.

- (4) Existing trees or significant vegetation used to screen the facility that die in the future shall be replaced with native trees and vegetation of a comparable size, species, and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.
- (5) The vegetation that exists when the project is initially approved that is required to provide screening for the facility shall not be altered in a manner that would increase the visibility of the facility and associated access roads, power lines, and telephone lines, except:
 - (a) Where the alteration is specifically allowed by the approved project; or
 - (b) Where necessary to avoid signal interference to and from the approved facility.

Alteration of the vegetation shall be done under the direction of a licensed arborist.

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

2. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. However, an exemption may only be granted if the review authority finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance either will not increase the visibility of the facility or decrease public safety, or it is required due to technical considerations that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
 - b. In the Inland area, disturbed areas associated with the development of a facility shall not

occur within the boundaries of an environmentally sensitive habitat area. See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.

- c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2.b, through Subsection C.4. of this Section, unless:
 - (1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
 - (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
 - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

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

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
 - e. In the Coastal Zone, disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils.
 - f. In the Coastal Zone, facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.
3. Telecommunication facilities shall comply with the following development standards in all instances, except that the review authority may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Montecito Commission in compliance with Section 35.472.060 (Conditional Use Permits). An exemption shall only be granted if the Montecito Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance shall not increase the visibility of the facility or decrease public safety, or is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or it would avoid or reduce the potential for environmental impacts.
- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on

the Comprehensive Plan maps.

- b. A facility shall not be installed on an exposed ridgeline unless it blends with the surrounding existing natural or manmade environment in a manner that ensures that it will not be substantially visible from public viewing areas (e.g., public road, trails, recreation areas) or is collocated in a multiple user facility.
- c. A facility that is substantially visible from a public viewing area shall not be installed closer than two miles from another substantially visible facility unless it is an existing collocated facility situated on a multiple user site.
- d. Telecommunication facilities that are substantially visible from public viewing areas shall be sited below the ridgeline, depressed or located behind earth berms in order to minimize their profile and minimize any intrusion into the skyline. In addition, where feasible, and where visual impacts would be reduced, the facility shall be designed to look like the natural or manmade environment (e.g., designed to look like a tree, rock outcropping, or streetlight) or designed to integrate into the natural environment (e.g., imbedded in a hillside). These facilities shall be compatible with the existing surrounding environment.
- e. In the Coastal Zone, disturbed areas associated with the development of a facility shall not occur within the boundaries or buffer of an environmentally sensitive habitat area. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas. If an exemption is approved with regard to this standard, the County shall require the applicant to fully mitigate impacts to environmentally sensitive habitat consistent with the provisions of the certified Local Coastal Program. Associated landscaping in or adjacent to environmentally sensitive habitat areas shall be limited to locally native plant species appropriate to the habitat type and endemic to the watershed. Invasive, nonindigenous plant species that tend to supplant native species shall be prohibited.

E. Project installation and post installation provisions.

1. ~~**Radio Frequency (RF) emission levels FCC Compliance.** A telecommunication facility shall not be sited or operated in a manner that poses, either by itself or in combination with other facilities, a potential threat to public safety. A telecommunication facility or combination of facilities shall not produce at any time power densities that exceed the Maximum Permissible Exposure (MPE) limits for human exposure established by the Federal Communications Commission or a legally binding, more restrictive standard subsequently adopted by the federal government. The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission (FCC), including but not limited to, safety signage, Maximum Permissible Exposure (MPE) Limits, and any other similar requirements to ensure public protection and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.~~
 - a. ~~**Demonstration of compliance.** Initial compliance with this requirement shall be demonstrated for commercial telecommunication facilities through submission, at the time of application, for the necessary permit or other entitlement, of a report prepared by a third party certified engineer that utilizes site specific data to predict the level of RF emissions in the vicinity of the proposed facility in comparison with federal MPE limits. Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.~~
 - b. ~~**Conditions of approval.** 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. The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the review authority to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:~~

- ~~(1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.~~
 - ~~(a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole.~~
 - ~~(b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.~~
 - ~~(c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.~~
- ~~e. 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 shall be 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. (2) **Continued compliance.** Every telecommunication facility The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following.~~
 - ~~(1a) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a third party qualified electrical or RF engineer licensed by the State of California qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.~~
- ~~(3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.~~
- ~~(24) **Updated standards.** 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. In the event the federally established RF public exposure standards change, the Permittee shall submit a~~

report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.

c.(3) Failure to supply reports. Failure to supply the ~~required~~ reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.102 (Appeals).

2. Project Review. The County reserves the right to undertake inspection of the facility and require the permittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities).

~~a. Five years after the issuance of the initial Coastal Development Permit or Land Use Permit for the facility, and not more than every five years after that, the Director may undertake inspection of the project and require the permittee to modify its facilities. Modifications shall 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 Subsection D. (Additional development standards for telecommunication facilities) above, for reasons attributable to design or changes in environmental setting; or~~

~~(2) More effective means of ensuring aesthetic compatibility with surrounding uses have 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 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 10 percent of the total cost of facility construction. The decision of the Director as to modifications required under this Section is final subject to appeal in compliance with Chapter 35.492 (Appeals).~~

3. Collocation. Following initial approval of a telecommunication project, which includes individual telecommunication facilities, collocated telecommunication facilities and collocated telecommunication sites, the permittee and the property owner shall avail its telecommunication facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits: The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

a. The party seeking 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 facility or place ~~any~~ its prior approval at risk.

c. ~~Applicants shall make facilities and property available for collocation of telecommunication facilities on a nondiscriminatory and equitable basis~~ The Permittee shall make its facilities

and site available for collocation on a non-discriminatory and equitable cost basis.

- ~~d. The County retains the right to verify that the use of the Permittee's facilities and property site complies with conforms to County policies regarding collocation and to impose additional permit conditions where necessary to ensure these policies are being fulfilled.~~
- ~~d. In the event that the need for access to these facilities is demonstrated by other applicants to the review authority, carriers shall make available any excess space of their facilities to such other applicants at 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 terms, including financial terms, under which other carriers in the area would be allowed to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director within 30 days of the request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above by the Director to amend the permit. The imposition of 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 is final subject to appeal in compliance with Chapter 35.492 (Appeals). 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 Abandonment-Revocation. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.

- ~~a. The time may be extended by the review authority with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension, is filed with the Department prior to the expiration of the 12 month period The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.~~
- ~~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 preconstruction state within 180 days of the date of receipt of the County's Notice to Abate Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.~~
- ~~c. If the 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. Before the issuance of the Coastal Development Permit or Land Use Permit to construct the facility, the applicant shall post a performance security in an amount and form determined by the Director that is sufficient to cover the cost of removal of the facility in the event that the facility is abandoned, in compliance with Sections 35.474.020 (Performance Guarantees) In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.~~
- ~~d. The applicant or a succeeding operator shall submit a revegetation plan of proposed abandonment to be reviewed and approved by a Department approved biologist before 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 If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.~~

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 by the County for maintaining the project in compliance with all project conditions for 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 within 30 days of the transfer of interest in the facility. In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.~~

6. **Color compatibility.** ~~Before~~ Prior to the issuance of ~~the~~ a Zoning Clearance, Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure ~~before~~ prior to issuance of the Zoning Clearance, Coastal Development Permit or 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.
- F. **Public notice.** Notice of the approval of any Coastal Development Permit or Land Use Permit, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).
- G. **Additional findings.** In addition to the findings required to be adopted by the review authority in compliance with Section 35.472.050 (Coastal Development Permits), Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans) and Section 35.472.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:
 1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
 2. The facility is located to minimize its visibility from public view.
 3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
 4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for telecommunication facilities) above.
 - a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:
 - (1) Would not increase the visibility of the facility or decrease public safety, or
 - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
 - (3) Would avoid or reduce the potential for environmental impacts.
 5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.
 6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.
 7. The applicant has demonstrated that the proposed facility design and location is the least intrusive

means feasible for the carrier proposing the facility to provided the needed coverage.

H. Application requirements.

1. An application for a Coastal Development Permit, Conditional Use Permit, Development Plan, Land Use Permit or Zoning Clearance to permit the development of a commercial telecommunication facility regulated by this Section shall be filed and processed in compliance with Chapter 35.470 (Permit Application Filing and Processing).
2. The Director is authorized at their discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this Chapter and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
3. Commercial telecommunication facilities shall be subject to Design Review in compliance with Section 35.472.070 (Design Review) under the following circumstances:
 - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to Design Review in compliance with Section 35.472.070 (Design Review).
 - b. The Montecito Commission is the review authority for the facility.
4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.
5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

SECTION 7:

DIVISION 35.10, GLOSSARY, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to amend the existing definitions of “Collocated Telecommunications Facility” and “Substantially Visible” to read as follows and renumber the remaining definitions as appropriate:

Collocated Telecommunications Facility. A telecommunication facility ~~comprised~~ composed of a single telecommunication pole, tower, or building supporting one or more antennas, dishes, or similar devices ~~owned or used by more than one public or private entity~~ one or more antennas mounted to an existing tower or other structure.

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

SECTION 8:

DIVISION 35.10, GLOSSARY, of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is hereby amended to amend Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions to add new definitions of “Hub Site” and “Temporary Facility” to read as follows and renumber the remaining definitions as appropriate:

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

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

Vault. A subterranean room allowing placement and storage of facility support equipment underground. Components of the vault may also include a ventilation system, drainage system, utility meters and personnel access such as a door, hatch, manhole or cover.

SECTION 9:

Except as amended by this Ordinance, Division 35.4 and Division 35.10 of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 10:

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

SECTION 11:

Within the non-Coastal Zone portion of Santa Barbara County, this ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

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

AYES:

NOES:

ABSTAINED:

ABSENT:

JONI GRAY
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel