

ATTACHMENT A

ANALYSIS

1.0 BACKGROUND

1.1 General Information

On June 24, 1997, the Board of Supervisors adopted amendments to the Article II, III and IV zoning ordinances that established new permit procedures aimed at streamlining the process for permitting “cellular” or wireless telecommunications facilities. These amendments were intended to 1) bring the County’s ordinances up to date with the technological advances in the wireless communication industry, 2) shift permit requirements for certain small scale wireless facilities from a Major or Minor Conditional Use Permit to a lesser permit (e.g., a Director-approved permit) where certain development criteria are met, and 3) to provide regulatory consistency for telecommunication facilities amongst the three zoning ordinances.

The existing regulations divide wireless facilities into three categories:

Tenant Improvement: An unmanned microcell or macrocell, or similar facility, that is entirely enclosed within an existing building or structure or is located on the roof of an existing building or structure. If the facility is located on the roof of an existing building, the radio equipment may be enclosed within an equipment shelter or all-weather cabinet.

Microcell: A small low power radio transceiver facility (limited to 10 watts per radio transmitter) comprised of a unmanned utility cabinet with a total volume of approximately 100 cubic feet that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (1 foot by 4 foot) directional panel antennas, mounted on a pole, an existing conventional utility pole, or other similar support structure.

Macrocells: A low power radio transceiver facility (up to 100 watts per radio transmitter) comprised of one unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, omni-directional whip, panel or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower), or building. Macrocells typically include 60 radio transmitters.

The existing regulations also provide a four tiered permitting system that requires different permit processes depending on the type of the facility and whether the facility complies with different development standards.

Tier 1: These projects require only a ministerial permit (coastal development permit or land use permit) and are approved at a staff level. Projects are restricted to small unobtrusive Tenant Improvements that comply with certain restrictive development standards, and do not allow for the installation of facilities that include freestanding antennas. The height of the antenna and associated equipment must comply with the height limit of the zone district that the facility is located in. Tier 1 projects could only be located in non-residential zone districts.

Tier 2: These projects are subject to discretionary review and require a development plan under the jurisdiction of the Director of Planning and Development. Projects are restricted to Tenant Improvements that do not meet the development criteria for Tier 1 projects but do meet the criteria for this tier, and Microcells that comply with certain development standards. The height of the antenna and associated equipment must comply with the height limit of the zone district that the facility is located in unless mounted on an existing utility pole. Tier 2 projects could be located in all zone districts.

Tier 3: These projects are also subject to discretionary review and require a conditional use permit under the jurisdiction of the Zoning Administrator. Projects are restricted to Tenant Improvements that do not meet the development criteria for Tier 2 projects but do meet the criteria for this tier, Microcells that do not meet the development criteria for Tier 2 projects but do meet the criteria for this tier, and Macrocells that comply with certain development standards. The height of the antenna and associated equipment is restricted to 50 feet or less. Tier 3 projects could potentially be located in all zone districts.

Tier 4: These projects are subject to discretionary review and require a conditional use permit under the jurisdiction of the Planning Commission. Projects include Tenant Improvements, Microcells and Macrocells that do not meet the development criteria for Tier 3 projects. The height of the antenna and associated equipment is restricted to 100 feet or less. Tier 4 projects could potentially be located in all zone districts.

The theory behind this approach was that the review process for minor projects would be minimized while still providing a higher level of review of larger projects. That is, as the size and complexity of the facility and potential for environmental impacts or policy inconsistencies increased, the decision-making body shifted upward (e.g., from the Director to the Zoning Administrator, or from Zoning Administrator to the Planning Commission). In practice, however, due to the specificity of the facility definitions (microcell versus macrocell), and the constantly changing technology, the regulations actually operate to require that some projects be processed at a higher level jurisdiction even through they are fairly minor in nature.

2.0 PROJECT INFORMATION

A summary of the effect of the amendments is provided below. The actual texts of the proposed ordinances are contained in Exhibit 1 of Attachment F, Attachment G and Attachment H.

Permit system structure: The proposed regulations maintain the four-tier permit system with the same decision-making levels. The concept of a tenant improvement is retained, but the distinction between microcells and macrocells is eliminated. Facilities that do not qualify as tenant improvements are simply referred to as wireless telecommunication facilities. The height limits listed under the descriptions of the four tiers in the previous section still apply, except that there are additional exemptions if the antenna is located on an existing building or structure.

Discretionary review: Applications for facilities that are discretionary under the existing regulations will remain discretionary under the proposed regulations. Applications under the jurisdiction of the Director, Zoning Administrator or Planning Commission (i.e., development plans or conditional use permits) are subject to the California Environmental Quality Act and the decision-maker may exercise discretion in deciding whether to approve or deny the proposed facility. The ordinances include findings that must accompany any discretionary decision; these findings include statements regarding the mitigation of environmental impacts, the lack of a detrimental impact on the surrounding area, and that if located in a rural area that the project is compatible and subordinate to scenic and rural character of the area.

Location in residential zone districts: The existing regulations provide that commercial telecommunications facilities may be allowed in residential zones by applications under the jurisdiction of the Director of Planning and Development (development plan) or the Zoning Administrator (minor conditional use permit). The proposed regulations would place all applications for telecommunication facilities proposed to be located in residential zones (except for very low power facilities) under the jurisdiction of the Planning Commission (major conditional use permit). The proposed language also includes a requirement that the Planning Commission, in order to approve such a conditional use permit, must find that that the area proposed to be served by the facility would otherwise not be served if the facility were not allowed to be constructed.

Very low power (VLP) facilities: The proposed regulations allow the placement of VLP (less than 10 watts) facilities on existing utility poles located within road rights-of way in all zone districts including residential. These facilities would typically be part of a neighborhood-based service (where there is a larger transceiver located in the vicinity) providing Internet access, etc.

Setbacks for freestanding antennas located adjacent to residential zones: The proposed regulations require that the base of any new freestanding antenna support system is setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.

Development standards: The proposed regulations include several additional development standards that govern the siting of commercial telecommunication facilities (see Attachment B, page B-14). The purpose of these standards is to minimize the potential for any adverse visual impacts, reduce the visibility of the facilities and ensure their compatibility with the surrounding area. Under the existing ordinance, certain standards apply to locations adjacent to state-designated scenic highways (Highway 1 between Las Cruces and the City of Lompoc, and the entire length of Highway 154). The proposed ordinance would also apply development standards to projects located adjacent to a larger list of roadways that are designated as scenic corridors on the maps of the Environmental Resources Management Element of the County's Comprehensive Plan (see following Section 5 Additional Development Standards - Commercial Telecommunication Facilities, for a list of these roadways).

Design review: The current regulations require that all telecommunication facilities, except for private, ground or roof-mounted satellite dishes and wireless television antennas, are required to be reviewed and approved by the County Board of Architectural Review (BAR). The proposed ordinance amendment would only require those facilities that 1) are under the jurisdiction of the Planning Commission or 2) involve a building or structure that would otherwise be under the jurisdiction of the BAR, be subject to review by the BAR.

Review by Director after facility installation: The new regulations include a provision that allows for a review of the project by the Director of Planning and Development five years after the project is permitted. The provisions also allow the Director to require modifications to the facility if 1) the project fails to achieve the intended outcomes of the development standards 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.

Amateur radio station antennas: The existing regulations require the approval of a conditional use permit by the Zoning Administrator for any antenna associated with an amateur radio station. The proposed regulations would allow antennas of 65 feet or less by a ministerial coastal development permit or land use permit; antennas exceeding 65 feet would require the approval of a development plan by the Director of Planning and Development.

Please refer to the following paragraphs for more specific descriptions of the effect of the amendments.

1. Zoning District Designations

The proposed amendments will designate SLP (Small Lot Planned Development), MHP (Mobile Home Planned Development), MHS (Mobile Home Subdivision) and OT-T (Old Town Residential) as residential zone districts. This will allow residences located within these zone districts to receive the same protections allotted to residences located within single-family and other residential zones.

2. Definitions

The proposed amendments will:

- a. Add definitions of Amateur Radio Station, Inhabited Area, Non-Ionizing Electromagnetic Radiation, Scenic Highway Corridor, Substantially Visible, Telecommunication Facility, Telecommunication Facility - Collocated, Telecommunication Facility - Commercial, Telecommunication Facility - Height, Telecommunication Facility - Multiple User, Telecommunication Facility - Non-Commercial, Telecommunication Facility - Tenant Improvement, Telecommunications Facility - Wireless, Telecommunications Site - Collocated, Tower, Tower - Lattice, and Tower - Monopole.

- b. Amend the existing definitions of Antenna and Antenna Support Structure.
- c. Delete the following existing definitions: Collocated Communication Facility, Collocated Communication Site, Lattice Tower, Master Television Antenna, Monopole, and Wireless Communication Facility (including the definitions of Macrocell, Microcell and Tenant Improvement).

3. General Regulations - Height

The proposed amendments will:

- a. Make minor changes including allowing telecommunications antennas including associated equipment to be located within architectural projections.
- b. Allow the antenna height to exceed the height limit within the General Regulations section (Articles II and IV – 75 feet; Article III – 100 feet) when mounted on or within an existing building that exceeds the height limit provided the top of the antenna does not extend beyond the top of the existing wall, or on an existing utility pole when the top of the antenna is no higher than the top of the pole. This will provide an incentive to located facilities on existing structures rather than construct new freestanding antennas.
- c. Allow amateur radio antennas and support structures to exceed the height limit within the General Regulations section (Articles II and IV – 75 feet; Article III – 100 feet) when required in order to allow for the operational needs of the operator. This is required in order to comply with Federal Communication Commission regulations.

4. General Regulations - Commercial Telecommunication Facilities

The following summarizes the differences, based on the level of permitting required, between the existing and proposed regulations for the siting of commercial telecommunication facilities only. Regulations for non-commercial facilities have been included in a separate section (see following Section 9 Non-commercial Telecommunications Facilities).

Permit Process	Existing Regulations	Proposed Regulations
Land Use Permit – <i>Ministerial</i> , approved by Planning & Development staff.	Not allowed in residential zones.	Same, except for very low power facilities that are extremely limited in power and size, and may only be attached to an existing utility pole located within a road right-of-way, may be allowed in residential zones.

	<p>Minor additions to existing structures required in order to comply with development standards <i>are not</i> allowed.</p> <p>Must maintain a <i>50 foot</i> separation from existing dwellings, residential zones, schools, and day care facilities.</p> <p>Maximum effective radiating power of 1000 watts.</p> <p>Must comply with height limit of zone district in which project is located.</p>	<p>Minor additions to existing structures required in order to comply with development standards <i>are</i> allowed.</p> <p>Must maintain a <i>300 foot</i> separation from existing dwellings, residential zones, schools, and day care facilities.</p> <p>No maximum power limitation except for very low power facilities (10 watts).</p> <p>Same, except when (1) located on an exterior wall of an existing building or structure or (2) within an existing building or structure or (3) located on the roof of an existing building or structure behind a parapet wall or architectural façade and highest point of facility does not protrude above the wall or facade.</p>
<p>Development Plan (Tenant Improvement) – <i>Discretionary</i>, approved by the Director of Planning & Development.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Must comply with height limit of zone district in which project is located. Modification to the height limit is not allowed.</p> <p>If located on a flat roof, the antenna height shall not exceed the distance the antenna is set back from the edge of the roof.</p>	<p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, except when located within an existing or proposed architectural projection or if qualifies under a height exception listed above.</p> <p>Same, and the height of antenna is limited to 15 feet above the highest point of the building or structure the antenna is located on, not including architectural projections.</p>

<p>Development Plan (Microcell) – <i>Discretionary</i>, approved by the Director of Planning & Development.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Must comply with height limit of zone district in which project is located except when the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole. Otherwise, modification to the height limit is not allowed.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p> <p>The maximum number of microcells using a single utility pole is limited to two.</p> <p>No similar standard.</p> <p>No similar standard.</p>	<p><i>The proposed regulations also would allow wireless facilities currently considered as macrocells, subject to the same development standards.</i></p> <p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, unless it qualifies under a height exception listed above. Also, clarifies that in agricultural zones, the height limit is that which applies to residences.</p> <p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p> <p>The maximum number of antennas using a single utility pole is not limited.</p> <p>The base of any new freestanding antenna support system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>Facility may be located within a scenic corridor provided all components of the facility are</p>
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		not visible from the roadway located within the corridor.
<p>Minor Conditional Use Permit – <i>Discretionary</i>, approved by the Zoning Administrator.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Height of antenna and support structure is limited to a height of 50 feet or less, unless the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole.</p> <p>Height of antenna and support structure is limited to 15 feet above the highest point of the building or structure the antenna is located on, not including architectural projections. If located on a flat roof, the antenna height shall not exceed the distance the antenna is set back from the edge of the roof.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p> <p>The maximum number of microcells using a single pole is limited to two.</p> <p>If qualifies as a macrocell, allowed in all zone districts except for (1) residential zone districts that do not have a Comprehensive Plan Institutional/Government</p>	<p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, unless it qualifies under a height exception listed above. Also, clarifies that in agricultural zones, the height limit is that which applies to residences.</p> <p>Height of antenna above roof is not limited except that total height cannot exceed 50 feet.</p> <p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p> <p>The maximum number of antennas using on a single utility pole is not limited.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. Allowed in all non-residential zone districts. Not allowed in residential zone districts regardless of the</p>

	<p>Facility designation, (2) RES Resource Management zone districts and (3) MT-GOL Mountainous - Goleta zone district.</p> <p>If qualifies as macrocell, the antenna support structure and associated antennas are (1) a monopole with an antenna envelope not to exceed two feet, <u>or</u> (2) are designed to look like the natural or man-made environment, <u>or</u> (3) are designed to integrate into the natural environment, do not protrude into the skyline, and include a maximum of two sectors and six antennas.</p> <p>If located in a residential zone, the facility is located a minimum of 100 feet from the nearest dwellings and existing educational facilities (including daycare) on an adjacent parcel, or other residentially zoned parcel line.</p> <p>May not be located in Scenic Highway Corridors.</p>	<p>Comprehensive Plan designation.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. No maximum antenna envelope. Similar standards regarding disguising facilities occur in the <i>Additional Development Standards</i> section.</p> <p>Facility is not limited in number of sectors or antennas.</p> <p>May not be located in a residential zone under this permit type. The base of any new freestanding antenna support system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>May be located in scenic corridors subject to development standards.</p>
<p>Major Conditional Use Permit – <i>Discretionary</i>, approved by the Planning Commission</p>	<p>Allowed in all zone districts.</p> <p>Antenna and support structure limited to a height of 100 feet or less (75 feet in Article II and</p>	<p>Same, however, if located in a residential zone district the Planning Commission must find that the area proposed to be served by the facility would otherwise not be served.</p> <p>Same.</p>

	<p>IV), unless the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p> <p>No similar setback except that if the facility qualified as a macrocell then it must maintain a 100 foot separation from existing dwellings and educational facilities (including day care) on adjacent properties, or other residentially zoned parcels.</p> <p>If qualifies as a macrocell, allowed in all zone districts except residential when (1) the height of the antenna exceeds 50 feet, (2) the facility does not consist of a monopole with an antenna envelope not to exceed two feet or disguised facility (i.e., are (a) designed to look like the natural or man-made environment, <u>or</u> (b) are designed to integrate into the natural environment, do not protrude into the skyline, and include a maximum of two sectors and six antennas), or (3) the facility is located in a Scenic Highway Corridor.</p>	<p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p> <p>The base of any new freestanding antenna support system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. If located in a residential zone district the Planning Commission must find that the area proposed to be served by the facility would otherwise not be served. No maximum antenna envelope. Similar standards regarding disguising facilities occur in the <i>Additional Development Standards</i> section. Facility is not limited in number of sectors or antennas. May be located in scenic corridor subject to compliance with development standards.</p>
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Board of Architectural Review	All telecommunication facilities, except for private, ground or roof-mounted satellite dishes and wireless television antennas, are required to be reviewed and approved by the County Board of Architectural Review (BAR).	The proposed ordinance amendment would only require those facilities that 1) are under the jurisdiction of the Planning Commission or 2) involve a building or structure that would otherwise be under the jurisdiction of the BAR, be subject to review by the BAR.
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5. Additional Development Standards - Commercial Telecommunication Facilities

The proposed regulations also contain several additional development standards that govern the siting of commercial telecommunication facilities (see Attachment B, page B-14. The purpose of these standards is to minimize the potential for any adverse visual impacts, reduce the visibility of the facilities and ensure their compatibility with the surrounding area. These standards are divided into three categories:

- Those that must be adhered to in all instances including:
 - Public exclusion from the facility
 - Review and approval by the Historical Landmarks Advisory Committee if located on a designated landmark.
 - Minimize the need for additional paved areas (access roads and parking).
 - Minimize night lighting.
 - Compliance with airport safety zone requirements.
 - Maintain and protect existing vegetation, provide additional vegetative screening if required.

- Those that must be complied with unless the decision-maker grants an exemption to a particular standard. 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:
 - Avoid locations within environmentally sensitive habitat areas.
 - Collocation required unless existing facilities are not available or would result in a greater negative visual impact.
 - Located support facilities (e.g., equipment shelters) underground if would otherwise be visible from public viewing areas.

- Those that must be complied with unless the Planning Commission, as part of the approval of a conditional use permit, grants an exemption to a particular standard. 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:
 - Facility shall not silhouette against the sky if substantially visible from a scenic highway or scenic corridor.
 - Prohibit installation on exposed ridgelines unless blends with surrounding natural or man-made environment so it will not be substantially visible from public viewing areas or is collocated with an existing facility.
 - Facilities that are substantially visible from public viewing areas shall be sited below the ridgelines, depressed or located behind earth berms in order to minimize intrusion into the skyline.

Under the existing ordinance, certain standards apply to locations adjacent to state-designated scenic highways (Highway 1 between Las Cruces and the City of Lompoc, and the entire length of Highway 154). The proposed ordinance would also apply development standards to projects located adjacent to a larger list of roadways that are designated as scenic corridors on the Environmental Resources Management Element of the County's Comprehensive Plan. These roadways, which are designated by the County as having scenic value, are:

- Route 166 from the Santa Maria City limits east to the county line.
- Foxen Canyon Road from the Santa Maria city limits to its terminus at Highway 154.
- Jalama Road from Highway 1 to its terminus at Jalama County Park.
- Drum Canyon Road from Los Alamos to its terminus at Highway 246.
- Toro Canyon Road from Via Real to East Valley Road.
- Portions of Foothill Road nearest Toro Canyon Road.
- Nidever Road.
- Highway 101 in the following areas:
 - County line west to the west end of the Carpinteria Slough
 - West end of Santa Claus Lane to the Santa Barbara City limits
 - Overcrossing at the western terminus of Hollister Avenue to the point where the highway turns north at the Gaviota pass.
 - North of Buellton to Los Alamos.

6. Project Installation and Post Installation Provisions

New provisions regarding installation of the project and project operation once established are proposed to:

- Ensure that the project complies with non-ionizing electromagnetic radiation levels established by the Federal Communications Commission.

- Provide for a review of the project by the Director of Planning and Development (or designee) five years after the project is permitted. As part of this review the Director may require the permittee to modify the facility if 1) the project fails to achieve the intended outcomes listed in the development standards (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. In this instance decisions of the Director may be appealed directly to the Board of Supervisors.
- Require that existing facilities be available for collocation of new facilities under certain circumstances.
- Require that telecommunication sites be restored if the use of the facility is abandoned.
- Require that in the event that the original permittee sells its interest in a telecommunications facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible for the County for maintaining consistency with all project conditions of approval.
- Allow the applicant to erect an onsite demonstration structure, prior to the issuance of a land use permit, 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. However, if the applicant elects not to erect such a demonstration structure, then 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.

7. Noticing

The proposed regulations include enhanced noticing provisions that require that residents as well as property owners located within 300 feet of a proposed telecommunication facility receive mailed notice of any proposed permit approval or public hearing. Additionally, if the project is located in a residential zone district or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then notice must be mailed to property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

8. Special Findings

The proposed amendments include new findings regarding compatibility, visibility, and public safety that, in addition to the normally required findings, the decision-maker must adopt in order to approve either a development plan or conditional use permit.

9. Non-commercial Telecommunications Facilities

As mentioned above, in the proposed amendment, regulations regarding non-commercial telecommunication facilities are included in a section separate from commercial facilities. Non-commercial facilities include, for example, private antennas associated with residences that are used solely for the reception of TV and radio broadcasts, and antennas associated with amateur radio stations. The existing ordinances require that all antennas associated with amateur radio stations, regardless of the height or type of the associated antenna, must have an approved minor conditional use permit in order to operate. The proposed amendments would revise this as follows:

- Amateur radio antennas of 50 feet or less would be allowed by a ministerial coastal development/land use permit. Standard noticing for such ministerial permits (posting in three conspicuous places on the property) would be required.
- Amateur radio antennas greater than 50 feet but less than or equal to 65 feet would be allowed by a ministerial coastal development/land use permit. Mailed notice to all property owners and residents within 300 feet of the project site would be required.
- Amateur radio antennas greater than 65 feet high would be allowed by a discretionary development plan under the jurisdiction of the Director of Planning and Development. Mailed notice to all property owners and residents within 300 feet of the project site would be required. If requested by a person receiving notice, the project would be shifted to the jurisdiction of the Zoning Administrator and a public hearing would be held.

5.0 ENVIRONMENTAL REVIEW

A Negative Declaration (97-ND-02) was prepared and finalized for the ordinance amendments adopted in 1997. The ND concluded that, with the inclusion of the following mitigation measures, the proposed ordinance amendments would not result in significant environmental impacts:

- All Tier 1 [land use permit] projects shall utilize electricity as the primary power source.
- If a Tier 1 [land use permit] project is proposed to be installed in or on a historic building or structure, the project shall be reviewed and approved by the Historical Landmark Advisory Committee.
- The noise levels associated with the facility do not exceed County and State standards or policies.
- Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure. If the equipment and associated shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened and incorporated into the architectural design of the structure. If project equipment and/or antennas are visible, the

project shall be subject to review by the County of Santa Barbara’s Board of Architectural Review.

- Prior to the issuance of the land use/coastal development permit, the applicant must submit a Hazardous Materials Business Plan to the Hazardous Materials Program of the Fire Department if determined to be necessary.

The ND focused on projects that would be allowed by a ministerial (land use) permit only, and determined that projects that required a discretionary permit and full environmental analysis under the previous ordinances would still require a discretionary permit and environmental review on a case by case basis under the terms of the then proposed ordinance. Therefore, the adoption of the proposed ordinance language was not expected to create any significant environmental impacts, thus alleviating the need for environmental review of the ordinance language regarding discretionary permits.

In regards to projects that would be allowed by a land use permit only, the mitigation measures listed above were incorporated into the existing ordinances as development criteria that are carried forwarded in the proposed ordinances.

The proposed amendments will maintain the existing division between projects approved by ministerial versus discretionary permits, i.e., projects that currently require a discretionary permit and environmental analysis would continue to require the same. Therefore, it is proposed that the Board of Supervisors accept Attachment D, a determination prepared pursuant to Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA) that 97-ND-02 is adequate and sufficient environment review for the proposed ordinance amendments.

6.0 POLICY CONSISTENCY

An analysis of the proposed ordinance amendments consistency with County Coastal, Community and Comprehensive Plan Polices is provided in the following pages.

POLICY	CONSISTENCY
<p>Resources/Services Land Use Element (LUE) Development Policy 4; Coastal Land Use Plan (CLUP) Policy 2-6</p>	<p>Consistent: The telecommunication facilities requiring only a ministerial permit could only be installed in or on an existing building or structure and would require a very limited amount of public or private services/resources. These facilities require a minimum amount of power, generate very little traffic, and do not require any water or sewer service. Therefore, there would be adequate public or private services and resources (i.e., water, sewer, roads. etc.) to serve these facilities.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental</p>

	<p>review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Grading/Site Alterations LUE Hillside and Watershed Protection Policies 1, 2 & 5; CLUP Policy 3-14</p>	<p>Consistent: The telecommunication facilities requiring only a ministerial permit could only be installed in or on an existing building or structure and therefore would not require any grading or site alteration</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Archaeology LUE Historical and Archaeological Sites Policies 1, 2, 3, 4 & 5; CLUP Policies 10-1, 10-2 & 10-3; Summerland Community Plan (SCP) Policy HA-S-1; Montecito Community Plan (MCP) Policy CR-M-2.1; Goleta Community Plan (GCP) Policy HA-GV-1; Los Alamos Community Plan (LACP) Policy HA-LA-1.1.</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit could only be installed in or on an existing building or structure and would not require any grading or site alteration. Therefore, archaeological resources would not be disturbed. If a telecommunication facility is proposed to be installed on a historic building or structure, the project would be subject to review by the Historic Landmark Advisory Commission.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Visual LUE Visual Resources Policies 2 & 3; CLUP Policies 4-3 & 4-5; SCP Policies VIS-S-3, VIS-S-4 & VIS-S-7; MCP Policies LU-M-2.1, VIS-M-1.1, VIS-M-1.2 & VIS-M-1.3</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit could only be installed in or on an existing building or structure and are required to be integrated into the architectural design of the building/structure or fully screened. All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Biology CLUP Policies 2-11 & 9-1; SCP Policies BIO-S-1, BIO-S-3, BIO-S-6 & BIO-S-7; MCP Policies BIO-M-1.1 & BIO-M-1.4; GCP Policies BIO-GV-2, BIO-GV-3, BIO-GV-4, BIO-</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit could only be installed in or on an existing building or structure and therefore would not typically require the removal or any vegetation or environmentally sensitive habitat.</p> <p>All other telecommunication facilities would require a</p>

<p>GV-5, BIO-GV-6, BIO-GV-7 & BIO-GV-8; LACP Policies BIO-LA-1.3, BIO-LA-1.4 & BIO-LA-1.</p>	<p>discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Air Quality Coastal LUP Policy 11-1; SCP Policy AQ-S-1; MCP Policy AQ-M-1.1; GCP Policy AQ-GV-1; LACP Policy AQ-LA-1.1</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit would not generate air quality impacts as battery operated back-up would be utilized.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Noise SCP Policy N-S-1; MCP Policy N-M-1.1; GCP Policy N-GV-1; LACP Policy N-LA-1.1; Noise Element Policies 1 & 2</p>	<p>Consistent: All telecommunication facilities would be required to comply with adopted noise policies and development thresholds. Telecommunication facilities that would require a discretionary permit would also require project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Risk SCP Policy RISK-S-1; GCP Policy RISK-GV-1</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit only could involve hazardous materials (e.g., fire suppression system). If the amount of materials stored at the facilities exceeds a prescribed level, a Hazardous Material Business Plan would be required which would reduce potential risk impacts to a less than significant level.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>EMF MCP Policy E-M-1.1; GCP Policy EMC-GV-1</p>	<p>Consistent: Telecommunication facilities requiring only a ministerial permit would be required to comply with Federal/County radio frequency radiation (RFR) safety thresholds.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
<p>Agriculture</p>	<p>Consistent: Telecommunication facilities requiring only a</p>

Agricultural Element Policy IA	<p>ministerial permit could only be installed in or on an existing building or structure and are not anticipated to interfere with an existing agricultural operation.</p> <p>All other telecommunication facilities would require a discretionary permit and project specific environmental review. A policy consistency analysis will be provided for these future projects at the time of application submittal and review.</p>
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ATTACHMENT B

PROPOSED ARTICLE III TELECOMMUNICATION REGULATIONS

(Revised 3/1/02)

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DIVISION 1. IN GENERAL

Section 35-202. Zoning District Designations and Applicability.

2. Residential Districts

RR	Residential Ranchette
R-1/E-1	Single Family Residential
R-2	Two Family Residential
EX-1	One Family Exclusive Residential
DR	Design Residential
PRD	Planned Residential Development
SLP	Small Lot Planned Development
MHP	Mobile Home Planned Development
MHS	Mobile Home Subdivision
OT-R	Old Town Residential

DIVISION 2. DEFINITIONS

Section 35-209. Definitions

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

ANTENNA: Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

ANTENNA SUPPORT STRUCTURE: A pole, utility pole, monopole tower, lattice tower, guyed tower, telescoping mast, tower tripod, or other similar structure utilized for the purpose of supporting an antenna(s) used for the transmission and reception of electromagnetic waves.

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

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

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

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

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

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

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

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

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

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

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

TELECOMMUNICATION FACILITY, WIRELESS: A commercial telecommunication facility that transmits or receives radio communication signals through the air for cellular, personal

communication services, pagers, or similar services. The facility can include, but is not limited to: antennas, radio transmitters, equipment shelter or cabinet(s), air vents, antenna support structure, air conditioning units, fire suppression systems, emergency back-up generators including fuel storage.

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

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

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

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

DIVISION 7. GENERAL REGULATIONS

Section 35-276. Height

1. Chimneys; elevator and stair housings; television receiving antennas for individual receiving sets; flag poles; monuments; oil and gas derricks; church spires; wind turbines (subject to provisions of Sec. 35-300, Wind Energy Systems); and similar architectural features and similar structures may be up to 50 feet in height in all zone districts where such excess heights are not prohibited by the F Airport Approach Area Overlay District. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone district or general regulations. Antennas and associated equipment may be located within the architectural projections.
2. Antennas and the associated support structure (e.g., lattice tower, monopole, or similar structure) used for the commercial reception and transmission of communication signals (e.g., radio, television, and wireless) or with amateur radio stations may be up to 100 feet in height where such excess heights are not prohibited by the F Airport Approach Overlay District. Amateur radio antennas may exceed 100 feet when the County finds that an increased height is necessary in order to allow for the operational needs of the operator. Antennas used in connection with wireless communication facilities may exceed 100 feet in height if:

- a. The antenna is mounted on or within an existing building and the highest point of the antenna does not protrude above the roof of the building, including parapet walls and architectural facades, that the antenna(s) is mounted on.
 - b. The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
3. Antennas, except for solid dish and panel, and the lattice support structures used for the commercial reception and transmission of radio and television signals may be up to 200 feet in height in Rural Areas, if the Planning Commission makes the findings in Section 3.a in addition to other required findings, and the project complies with the development standards of Section 3.b:
- a. In addition to the required findings of Section 35-292h and 35-315, the project shall be approved only if the following findings can be made:
 1. That the support structure and antenna(s) do not intrude into the skyline as seen from a County-designated scenic highway;
 2. That the support structure and antenna(s) only exceed 100 feet when technical requirements dictate (e.g. FCC signal strength and required coverage). All measurement of height shall be from existing grade;
 3. That the height of the support structure and antenna(s) have been reduced to the maximum extent feasible, taking into account the use for which the antenna is proposed;
 4. That the support structure and antenna(s) do not interfere with the enjoyment and use of surrounding properties;
 5. That the support structure and antenna(s) would not result in a substantial detrimental visual effect on open space views as seen from public viewing points; and
 6. That the visual impacts would not be substantially exacerbated with the addition of the proposed tower at a co-located site.
 - b. In addition to the criteria required by Section 35-292h, towers and antennas exceeding 100 feet shall comply with the following development criteria:

1. Towers and antennas shall not be located within one mile of a County-designated scenic highway unless substantially screened by intervening topography or existing vegetation;
2. Unless substantially screened by intervening topography or existing vegetation, or proposed at a co-located site, the new tower/antenna(s) shall be located no closer than one mile from Urban, Inner-Rural, and Existing Developed Rural Neighborhoods and as far as technically feasible to meet FCC signal strength and coverage requirements;
3. Towers and antennas shall be a minimum of fifty feet from a property line and 1.5 times the tower's height from the nearest development excluding other telecommunication facilities and fences;
4. Noise levels from auxiliary power supplies shall not exceed County and State standards and policies;
5. If a tower is proposed to be co-located at an existing tower location, the applicant shall attempt to locate any existing antenna(s) on the new tower when it will reduce visual impacts from the site;
6. Access is to be provided by existing roads or a road extension that minimizes the amount of ground disturbance and does not create additional visual impacts;
7. All towers, support buildings and antennas shall be painted a color chosen to reduce visual impacts such as a color from the approved Planning Commission color list for telecommunication facilities. In lieu of painting the tower, the Commission may determine that a tower's construction material can be oxidized to a color that is acceptable for its location;
8. Landscaping, if appropriate, shall be utilized to minimize visual impacts of the tower and support buildings;
9. If a tower is proposed to be co-located at an existing tower location, applicant shall attempt to consolidate equipment of existing support structures, underground utilities, or any other measures deemed appropriate to mitigate visual impacts;
10. Tower design and materials shall be the least visually obtrusive, taking technical and engineering considerations into account; and

11. All exterior lighting shall be hooded and directed downward and must be manually operated.

Section 35-292h. Commercial Telecommunication Facilities

Sec. 35-292h.1. Purpose and Intent.

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

Sec. 35-292h.2. Applicability.

The provisions of this section shall apply to all commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, and wireless communication services (e.g., personal communication, cellular, and paging). Such facilities shall also be subject to all the provisions set forth in Sec. 35-314 (Land Use Permits), Sec. 35-315 (Conditional Use Permits), and Sec. 35-317 (Development Plans), as applicable. Modifications to zone district regulations are allowed under Section 35-315 and Section 35-317 only as specified in this section. This section shall not be construed to apply to hand-held, vehicular, or other portable transmitters or transceivers, including but not limited to, cellular phones, citizen band (CB) radios, amateur radio stations, emergency services radio, and other similar devices.

Sec. 35-292h.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 35-292h.4 through 35-292h.8 unless otherwise specified:

1. The following development requires the approval and issuance of a land use permit pursuant to Sec. 35-314:
 - 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 35-202. Minor additions to existing buildings or structures that a facility is proposed to be located on or

within in may be permitted 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 35-202 or Article V of Ordinance No. 661, the height limit is that which applies to residential structures.
- 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, which the antenna is mounted on.
 - iii) The antenna or equipment shelter is located on the roof of an existing building or structure behind a parapet wall or architectural façade such that the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
- 3) Antennas and associated support structures proposed to be installed on the roof or directly attached to an existing building or structure shall be fully screened or architecturally integrated into the design of the building or structure. The highest point of the antenna and associated support structure shall not extend above the portion of the building or structure, including parapet walls and architectural facades, that it is mounted on and shall not protrude more than two feet horizontally from such building or structure. If mounted on the roof of an existing building or structure the highest

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

- 4) Equipment shelters proposed to be installed on the roof of an existing or proposed building or structure shall be fully screened or architecturally integrated into the design of the building or structure (e.g., located behind a parapet wall or architectural façade) such that the highest point of the equipment shelter does not protrude above the parapet wall or architectural façade.
 - 5) Access to the facility is provided by existing roads or driveways.
 - 6) The facility is located a minimum of 300 feet from the nearest existing residence, residentially zoned parcel, licensed day care facility or educational facility.
- b. Wireless telecommunication facilities that qualify as very low power facilities and conform to the following development standards may be allowed in all zone districts as identified in Section 35-202:
- 1) Antennas are (1) limited to panel antennas with a power output that does not exceed three watts or omnidirectional antennas with a power output that does not exceed ten watts, and (2) the associated equipment does not exceed a volume of one cubic foot.
 - 2) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard) which is not being considered for removal, as determined by Planning and Development, located within a road right-of-way. No more than two antennas shall be mounted on a single utility pole or similar structure unless it is determined that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the permit for the very low power facilities shall be null and void.
 - 3) The highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
2. The following development requires a development plan approved by the Director of Planning and Development pursuant to Sec. 35-317 and the approval and issuance of a land use permit pursuant to Sec. 35-314:

- 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 35-202. Additions to existing buildings or structures that a facility is proposed to be located on or within in 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 35-202 or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-317 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. 35-292h.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. 35-276 (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 35-292h.3.1 or 35-292h.3.2.a but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-202.
 - 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 35-202 or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. No modifications to the height limit pursuant to Sec. 35-317 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. 35-292h3.2.a.2.
 - ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by Planning and Development, provided 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 scenic highway corridor, or within a scenic corridor as designated on an Environmental Resources Management Element map, provided all the components of the facility are not visible from the roadway located within the corridor.
3. The following development requires a minor conditional use permit approved by the Zoning Administrator pursuant to Sec. 35-315 and the issuance and approval of a land use permit pursuant to Sec. 35-314:

- a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-292h.3.1, 35-292h.3.2.a or 35-292h.3.2.b but do conform to the following development standards may be allowed in all non-residential zone districts as identified in Section 35-202:
 - 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 35-202 or Article V of Ordinance No. 661, the height limit is that which applies to residential structures in that location. Modifications to the height limit pursuant to Sec. 35-315 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 approval of a modification pursuant to Sec. 35-315 under the following circumstances:
 - i) As provided in Sec. 35-292h.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 communication facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission or reception of radio, television and communication signals that are (1) 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 35-202.
 - c. Private, non-commercial telecommunication 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 Sec. 35-315 and the issuance and approval of a land use permit pursuant to Sec. 35-314:
- a. Wireless telecommunication facilities that may not be permitted pursuant to Sections 35-292h.3.1, 35-292h.3.2.a, 35-292h.3.2.b or 35-292h.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 100 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 35-202, or within the minimum distances specified in subsection 2) above, the Planning Commission, in order to approve a conditional use permit, must also find that the area proposed to be served by the telecommunications facility would otherwise not be served.
 - b. Other telecommunication facilities subject to regulation by the Federal Communications Commission or the California Public Utilities Commission (e.g., AM/FM radio stations, television stations) including but 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 other communication signals, or other communication facilities that exceed 50 feet in height, are allowed in all non-residential zone districts as specified in Sec. 35-202. This does not include wireless telecommunication facilities that are subject to the provisions of Sec. 35-292h.4.a or amateur radio facilities that are subject to the provisions of Sec. 35-292i.

5. Commercial telecommunication facilities shall be subject to Sec. 35-329 (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. 35-329.
 - b. The facility is under the jurisdiction of the Planning Commission.

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 by other than authorized personnel.

- 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 the minimum 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 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. 35-247) 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 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.
- 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 be prepared by a botanist or licensed landscape architect. Performance security shall be required to guarantee the installation and maintenance of any new plantings.
 - 4) Any existing trees or significant vegetation used to screen the facility that dies in the future shall be replaced with native trees and vegetation of a comparable size, species and density. The facility may be required to be repainted during the time required for the newly planted vegetation to mature and provide adequate screening.

- 5) The vegetation that exists when the project is approved shall not be altered after project completion in any manner that would increase the visibility of the facility and associated access roads, power lines and telephone lines.
2. Telecommunication facilities shall comply with the following development standards in all instances except that the decision-maker may exempt a facility from compliance with one or more of the following development standards. Such an exemption may only be granted if the decision-maker finds, after receipt of sufficient evidence, that failure to adhere to the standard in the specific instance (a) will not increase the visibility of the facility or decrease public safety, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served.
 - a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Any new utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground. Any new underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
 - b. Freestanding antenna support structures exceeding 35 feet in height shall be monopoles or guyed or lattice towers except where satisfactory evidence is submitted to the decision-maker that a different design is required in order to:
 - 1) Provide the height or capacity necessary for the proposed use.
 - 2) Minimize the need for screening from adjacent properties.
 - 3) Lessen the visibility of the tower.
 - 4) Lessen the possibility of bird strikes.
 - c. Disturbed areas associated with the development of a facility shall not occur within the boundaries of any environmentally sensitive habitat area.
 - d. Collocation on an existing support structure shall be required for facilities permitted pursuant to Sec. 35-292h.3.2.b, Sec. 35-292h.3.3 and 35-292h.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 in order to minimize the overall visual impact. Sites that are 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.

- e. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, 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 development standards is required, 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.

- 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.

Sec. 35-292h.5 Project Installation and Post Installation Provisions

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

Development and the Director shall hire a qualified electrical engineer licensed by the State of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and the 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.

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

2. Project Review.

- a. Five years after the issuance of the initial land use permit for the facility and no more frequently than every five years thereafter, the Director of Planning and Development may undertake inspection of the project and require the permittee to modify its facilities. Modifications may be required if, at the time of inspection it is determined that:
 - 1) The project fails to achieve the intended outcomes listed in Section 35-292h.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 25 percent of the total cost of facility construction. The decision of the Director as to modifications required under this section shall be deemed final unless appealed pursuant to Sec. 35-327.2 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 each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted by the newest carrier operating at the facility to the Director of Planning and Development. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in inhabited areas shall be prepared and submitted with the report. NIER calculations shall also be prepared every time the adopted NIER standard changes by the newest carrier locating on the facility.
 - 2) If calculated levels in either of these cases exceed 80 percent of the NIER standard established by this section, the said carrier shall notify the Director and the Director shall hire a qualified electrical engineer licensed by the State of California to measure actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Director within five years of facility approval and every five years thereafter. The cost of the preparation of said reports shall be paid for by said carrier.
 - 3) In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.
 - 4) Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement of use by the Director. The decision of the Director to revoke a use permit or other entitlement of use shall be deemed final unless appealed pursuant to Sec. 35-327.2 of this article.
3. Collocation. Following initial approval of a telecommunication project, the permittee shall avail its facility to other prospective applicants and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following limits:
- a. The party seeking the co-location shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs and permit processing.

- b. The permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
 - c. Applicants shall make facilities and property available for collocation of telecommunication facilities on a non-discriminatory and equitable basis. County retains the right to verify that the use of the facilities and property conforms with County policies regarding collocation and to impose additional permit conditions where necessary to assure these policies are being fulfilled.
 - d. In the event that the need for access to such facilities is demonstrated by other developers to the decision-maker, carriers shall make available to such other developers any excess space of their project facilities at an equitable cost.
 - e. In the event access to an existing facility is denied by the applicant, and at the request of the carrier requesting to collocate, the applicant shall submit to the Director of Planning and Development terms, including financial terms, under which other carriers in the area would be permitted to enter and use either the facilities or the property. In addition, the applicant shall submit a record of the typical financial terms used for similar facilities at other locations. The applicant shall submit the requested information to the Director of Planning and Development within 30 days of such request. If these terms are determined to be unacceptable to potential users of the facility and if agreement cannot be reached, the County shall reserve the right to impose additional conditions as described above to amend the permit. The intent of this condition is to ensure the efficient and maximum use of collocated telecommunication facilities in the County.
4. Project Abandonment/Site Restoration. If the use of a facility is discontinued for a period of 12 consecutive months, the facility shall be considered abandoned.
- a. Said time may be extended by the decision-maker with jurisdiction over the project one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with Planning and Development prior to completion of the one year period.
 - b. The facility shall be removed and the site shall be restored to its natural state unless the landowner requests that the facility remain and obtains the necessary permits. The permittee shall remove all support structures, antennas, equipment and

associated improvements and restore the site to its natural pre-construction state within 180 days of the date of receipt of the County's notice to abate.

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

Sec. 35-292h.6. Noticing.

1. Notice of a land use permit approved pursuant to Sec. 35-292h.3.1 shall be provided in accordance with Sec. 35-326.3 (Land Use Permit Noticing). In addition, a copy of the approved land use permit shall be mailed, at least ten calendar days prior to the date that the land use permit is to be issued, to property owners and residents within 300 feet of the

- exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.
2. Notice of the pending decision of the Director on a development plan pursuant to Sec. 35-292h3.2 shall be provided pursuant to Sec. 35-326 except that:
 - a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.
 - b. The notice shall provide the date that the Director will take action on the Development Plan.
 - c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed development plan by submitting a written request to Planning and Development within ten calendar days of such notice. If a written request for a hearing is submitted to Planning and Development within ten calendar days of such notice the project shall be processed as a development plan under the jurisdiction of the Zoning Administrator.
 3. Notice of projects that require a conditional use permit shall be provided in a manner consistent with the requirements of Sec. 35-326 (Noticing) and shall include mailed notice to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with Planning and Development.
 4. If the project is located in a residential zone district or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

Sec. 35-292h.7 Additional Findings.

In addition to the findings required by be adopted by the decision-maker pursuant to Sections 35-314, 35-315 and 35-317, in order to approve an application to develop a telecommunication facility, the decision-maker shall also make the following findings:

1. The facility will be compatible with existing and surrounding development in terms of land use and visual qualities.

2. The facility is located so as to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the decision-maker as provided in Sec. 35-292h.4.
5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission and complies with all other applicable safety standards.

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 impact demonstrations including mock-ups and photo-simulations;
 - g. visual analysis;
 - h. NIER exposure studies;
 - i. title reports identifying legal access;
 - j. security programs
 - k. lists of other nearby telecommunication facilities.

The Director may release 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 a decision on the submitted application.

2. The Director is authorized at his or her discretion to employ on behalf of the County an independent technical expert 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 expert hired shall remain confidential and shall not be disclosed to any third party.

Sec. 35-292i. Non-commercial Telecommunication Facilities.

Sec. 35-292i.1. Purpose and Intent.

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

Sec. 35-292i.2. Applicability.

The provisions of this Section shall apply to all non-commercial telecommunication facilities that transmit or receive electromagnetic signals including but not limited to radio, television, amateur radio stations, data and other non-commercial telecommunication signals. Such facilities shall be subject to all the provisions set forth in Sec. 35-314 (Land Use Permits), Sec. 35-315 (Conditional Use Permits), and Sec. 35-317 (Development Plans).

Sec. 35-292i.3. Processing.

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

1. The following development requires the approval and issuance of a land use permit pursuant to Sec. 35-314:
 - a. Ground or roof-mounted receive-only satellite dish antennas or wireless television antennas over one meter in diameter but not greater than two meters in diameter that are used solely for the non-commercial, private reception of telecommunication signals (e.g., radio, television, data) are allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts provided:
 - 1) The height of the antenna including the support structure does not exceed 65 feet, and

- 2) The development standards set forth in Sec. 35-292i.4 are complied with. Any antenna or antenna support structure installed without the necessary permits prior to [the effective date of the regulations contained in this section] shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from [the effective date of these regulations].
2. The following development requires a development plan approved by the Director of Planning and Development pursuant to Sec. 35-317 and the approval and issuance of a land use permit pursuant to Sec. 35-314:
- a. A ground or roof-mounted receive-only satellite dish antenna and wireless television antenna greater than two meters in diameter that is used solely for the non-commercial, private reception of communication signals (e.g., radio, television, data) is allowed in all zone districts.
 - b. Amateur radio antennas used in connection with licensed amateur radio stations, including Military Affiliated Radio Stations, operated principally by the occupant of the property where the facility is located are allowed in all zone districts where the height of the antenna and associated support structure exceeds 65 feet provided the development standards set forth in Sec. 35-292i.4 are complied with. Any antenna or antenna support structure installed without the necessary permits prior to [the effective date of the regulations contained in this section] shall not be considered a zoning violation provided any necessary permit for the antenna support structure and antenna installation are obtained within one year from [the effective date of these regulations].

Sec. 35-292i.4. Development Standards.

The following standards shall apply to the construction or erection of antennas and antenna support structures associated with amateur radio stations. The purpose and intent of these standards is to allow for maximum flexibility in amateur radio operations while protecting the public interest. It is recognized that there are local, state, national and international interests in services provided by the amateur radio community such that the provision of these services must be protected. However, this must be balanced with local interests regarding public safety and welfare. Antennas and their associated 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 35-314.2.1.e, 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 that the antenna and support structure are located on. Where such access would be impeded, a minimum of three feet clearance must be provided between the antenna support structure and any other building, structure or other obstacle.
2. Antenna support structures that are located on roofs shall be located on the portion of the building that faces away from public viewing areas such as public streets, parks, etc., whenever technically feasible.
3. Any required building and electrical permits shall be obtained prior to erecting or operating the antenna support structure and associated antenna.
4. No antenna, regardless of height, shall be located so that it extends over any neighboring property without the express written, notarized consent of the affected property owner. If the affected property changes ownership, then written, notarized consent must be obtained from the new owner within 120 days from the transfer of ownership. If a new agreement cannot be reached within this time period, then the antenna shall be modified so that it does not extend over the property line. If the antenna support structure must be relocated, then a new Land Use Permit shall be obtained prior to relocation of the antenna support structure.

Sec. 35-292i.5. Noticing.

1. Notice of a Land Use Permit approved pursuant to Sec. 35-292i.3.1 shall be provided in accordance with Sec. 35-326.3. (Land Use Permit Noticing). In addition, if the height of the antenna and associated support structure exceeds 50 feet, a copy of the approved Land Use Permit shall be mailed, at least ten calendar days prior to the date on which the Land Use Permit is to be issued, to property owners within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request to Planning and Development.
2. Notice of the pending decision of the Director on a development plan pursuant to Sec. 35-292i.3.2 shall be provided pursuant to Sec. 35-326 except that:

- a. Notice shall be mailed to property owners and residents within 300 feet of the exterior boundaries of the parcel that the project is located on and to any person who has filed a written request with Planning and Development.
- b. The notice shall provide the date that the Director will take action on the Development Plan.
- c. The notice shall provide a statement that the person to whom the notice was mailed may request a public hearing on the proposed development plan by submitting a written request to Planning and Development within ten calendar days of such notice. If a written request for a hearing is submitted to Planning and Development within ten calendar days of such notice the project shall be processed as a development plan under the jurisdiction of the Zoning Administrator.

ATTACHMENT D

TO: Board of Supervisors

FROM: Noel Langle, Management Specialist
Administration Division, Planning and Development

DATE: March 14, 2002

RE: CEQA Determination: Finding that Section 15162 of the State CEQA Guidelines applies to the Telecommunication Facilities Ordinance Amendments, Case Nos. 01-OA-005, -006 & -007.

Location

The proposed ordinance amendments will apply to all the unincorporated areas of the County within the jurisdiction of the Articles II, III and IV zoning ordinances.

Background

CEQA Section 15162 allows the use of a previously prepared EIR or ND unless subsequent changes are proposed in the project which will require important revisions of the previous EIR or ND due to the involvement of new significant environmental impacts, or there are substantial changes with respect to the circumstances under which the project is undertaken, or new information becomes available.

A Negative Declaration (97-ND-02) was prepared and finalized for the ordinance amendments adopted in 1997 that instituted permit processing requirements for certain telecommunication facilities. The ND concluded that the proposed ordinance amendments would not result in significant environmental impacts with the inclusion of the required mitigation measures.

The ND focused on projects that would be allowed by a ministerial (coastal development/land use) permit only, and determined that projects that required a discretionary permit and full environmental analysis under the previous ordinances would still require a discretionary permit and environmental review on a case by case basis under the terms of the then proposed ordinance, such that the adoption of the proposed ordinance language was not expected to create any significant environmental impacts, thus alleviating the need for environmental review of the ordinance language regarding discretionary permits.

In regards to projects that would be allowed by a coastal development/land use permit only, the following mitigation measures were incorporated into the existing ordinance as development criteria; the presently proposed ordinance also includes these standards:

- Electricity shall be utilized as the primary power source.

- Projects proposed to be installed in or on a historic building or structure shall be reviewed and approved by the Historical Landmark Advisory Committee.
- The noise levels associated with the facility shall exceed County and State standards or policies.
- Antennas installed on the roof or directly attached to an existing building or structure must be fully screened or integrated into the architectural design of the building or structure. If the equipment and associated shelter is proposed to be located on the roof of an existing building or structure, it shall be fully screened and incorporated into the architectural design of the structure. If project equipment and/or antennas are visible, the project shall be subject to review by the County of Santa Barbara's Board of Architectural Review
- Prior to the issuance of the Coastal Development Permit/ Land Use, the applicant must submit a Hazardous Materials Business Plan to the Hazardous Materials Program of the Fire Department if determined to be necessary.

The proposed amendments will alter the existing regulations regarding telecommunication facilities allowed pursuant to only a Coastal Development/Land Use Permit by the addition of facilities known as very low power facilities. Such facilities would only be allowed on existing utility poles or similar structures located within road rights-of-way, and are limited both by power and size to a very small, unobtrusive facility.

The proposed amendments will also alter the existing regulations applied to antennas and support structures associated with amateur radio stations. Under the existing regulations, antennas and support structures associated with amateur radio stations are required to obtain a minor Conditional Use Permit approved by the County Zoning Administrator. The proposed regulations provide that such antennas and support structures that are 65 feet or less in height would only be required to obtain a Coastal Development/Land Use Permit. Antennas and support structures that exceed 65 feet would be required to obtain a discretionary Development Plan approved by the Director, or, if requested by a member of the public, the Zoning Administrator as part of a public hearing. Both applications would be subject to a set of development criteria addressing potential visual and safety impacts.

The proposed amendments will maintain the existing division between projects approved by ministerial versus discretionary permits, i.e., projects that currently require a discretionary permit and environmental analysis would continue to require the same, except as described above regarding antennas and support structures associated with amateur radio stations. However, such amateur radio antennas and support structures proposed to be allowed under a ministerial permit present the same potential impacts as may be associated with private television and radio antennas that are presently allowed up to 50 feet in height subject only to the approval of a ministerial coastal development/land use permit.

The proposed amendments also add several stringent development standards that facilities must comply with in order to protect the public safety and visual quality.

Therefore, it is proposed that the Board of Supervisors accept this determination under California Environmental Quality Act (CEQA) prepared pursuant to Section 15162 of the Guidelines for Implementation of CEQA that 97-ND-02 is adequate and sufficient environmental review for the proposed ordinance amendments.

Changes in Project Impacts

There are no changes in project impacts. The following pages summarize the differences in the ordinance language and application between the existing and the proposed. However, as described above, projects that currently require a discretionary permit and environmental analysis would continue to require the same. Also as described on the following pages, the proposed amendments also institute several additional development standards that will apply to the wireless telecommunication facilities (e.g., Sec. 35-292h.4 of Article III) that give the decision-makers additional ability to regulate the siting of such facilities in order to minimize any potential for adverse visual impacts. Additionally, proposed new regulations regarding non-ionizing electromagnetic radiation (NIER) and monitoring (e.g., Sec. 35-292h.5 of Article III) will serve reduce the risk of adverse health impacts from facilities located close to inhabited areas.

Findings

It is the finding of this Board that the previous environmental document, 97-ND-02, may be used to fulfill the environmental review requirements of the Telecommunication Facilities Ordinance Amendments, Case Nos. 01-OA-005, -006 & -007. No impacts previously found to be insignificant are now significant. Taken together, the original environmental document and this letter fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a new EIR or ND is not necessary.

Discretionary processing of the Telecommunication Facilities Ordinance Amendments, Case Nos. 01-OA-005, -006 & -007 may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

SUMMARY OF TEXT CHANGES PROPOSED BY THE
TELECOMMUNICATION FACILITIES ORDINANCE AMENDMENTS,
CASE NOS. 01-OA-005, 01-OA-006 & 01-OA-007

1.0 Background

1.1 General Information

On June 24, 1997, the Board of Supervisors adopted amendments to the Article II, III and IV zoning ordinances that established new permit procedures aimed at streamlining the process for permitting “cellular” or wireless telecommunications facilities. These amendments were intended to 1) bring the County’s ordinances up to date with the technological advances in the wireless communication industry, 2) shift permit requirements for certain small scale wireless facilities from a Major or Minor Conditional Use Permit to a lesser permit (e.g., a Director-approved permit) where certain development criteria are met, and 3) to provide regulatory consistency for telecommunication facilities amongst the three zoning ordinances.

The existing regulations divide wireless facilities into three categories:

Tenant Improvement: An unmanned microcell or macrocell, or similar facility, that is entirely enclosed within an existing building or structure or is located on the roof of an existing building or structure. If the facility is located on the roof of an existing building, the radio equipment may be enclosed within an equipment shelter or all-weather cabinet.

Microcell: A small low power radio transceiver facility (limited to 10 watts per radio transmitter) comprised of a unmanned utility cabinet with a total volume of approximately 100 cubic feet that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (1 foot by 4 foot) directional panel antennas, mounted on a pole, an existing conventional utility pole, or other similar support structure.

Macrocells: A low power radio transceiver facility (up to 100 watts per radio transmitter) comprised of one unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, omni-directional whip, panel or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower), or building. Macrocells typically include 60 radio transmitters.

The existing regulations also provide a four tiered permitting system that requires different permit processes depending on the type of the facility and whether the facility complies with different development standards.

Tier 1: These projects require only a ministerial permit (coastal development permit or land use permit) and are approved at a staff level. Projects are restricted to small unobtrusive Tenant Improvements that comply with certain restrictive development

standards, and do not allow for the installation of facilities that include freestanding antennas. The height of the antenna and associated equipment must comply with the height limit of the zone district that the facility is located in. Tier 1 projects could only be located in non-residential zone districts.

Tier 2: These projects are subject to discretionary review and require a development plan under the jurisdiction of the Director of Planning and Development. Projects are restricted to Tenant Improvements that do not meet the development criteria for Tier 1 projects but do meet the criteria for this tier, and Microcells that comply with certain development standards. The height of the antenna and associated equipment must comply with the height limit of the zone district that the facility is located in unless mounted on an existing utility pole. Tier 2 projects could be located in all zone districts.

Tier 3: These projects are also subject to discretionary review and require a conditional use permit under the jurisdiction of the Zoning Administrator. Projects are restricted to Tenant Improvements that do not meet the development criteria for Tier 2 projects but do meet the criteria for this tier, Microcells that do not meet the development criteria for Tier 2 projects but do meet the criteria for this tier, and Macrocells that comply with certain development standards. The height of the antenna and associated equipment is restricted to 50 feet or less. Tier 3 projects could potentially be located in all zone districts.

Tier 4: These projects are subject to discretionary review and require a conditional use permit under the jurisdiction of the Planning Commission. Projects include Tenant Improvements, Microcells and Macrocells that do not meet the development criteria for Tier 3 projects. The height of the antenna and associated equipment is restricted to 100 feet or less. Tier 4 projects could potentially be located in all zone districts.

The theory behind this approach was that the review process for minor projects would be minimized while still providing a higher level of review of larger projects. That is, as the size and complexity of the facility and potential for environmental impacts or policy inconsistencies increased, the decision-making body shifted upward (e.g., from the Director to the Zoning Administrator, or from Zoning Administrator to the Planning Commission). In practice, however, due to the specificity of the facility definitions (microcell versus macrocell), and the constantly changing technology, the regulations actually operate to require that some projects be processed at a higher level jurisdiction even through they are fairly minor in nature.

2.0 PROJECT INFORMATION

A summary of the effect of the amendments is provided below. The actual texts of the proposed ordinances are contained in Exhibit 1 of Attachment F, Attachment G and Attachment H.

Permit system structure: The proposed regulations maintain the four-tier permit system with the same decision-making levels. The concept of a tenant improvement is retained, but the

distinction between microcells and macrocells is eliminated. Facilities that do not qualify as tenant improvements are simply referred to as wireless telecommunication facilities. The height limits listed under the descriptions of the four tiers in the previous section still apply, except that there are additional exemptions if the antenna is located on an existing building or structure.

Discretionary review: Applications for facilities that are discretionary under the existing regulations will remain discretionary under the proposed regulations. Applications under the jurisdiction of the Director, Zoning Administrator or Planning Commission (i.e., development plans or conditional use permits) are subject to the California Environmental Quality Act and the decision-maker may exercise discretion in deciding whether to approve or deny the proposed facility. The ordinances include findings that must accompany any discretionary decision; these findings include statements regarding the mitigation of environmental impacts, the lack of a detrimental impact on the surrounding area, and that if located in a rural area that the project is compatible and subordinate to scenic and rural character of the area.

Location in residential zone districts: The existing regulations provide that commercial telecommunications facilities may be allowed in residential zones by applications under the jurisdiction of the Director of Planning and Development (development plan) or the Zoning Administrator (minor conditional use permit). The proposed regulations would place all applications for telecommunication facilities proposed to be located in residential zones (except for very low power facilities) under the jurisdiction of the Planning Commission (major conditional use permit). The proposed language also includes a requirement that the Planning Commission, in order to approve such a conditional use permit, must find that that the area proposed to be served by the facility would otherwise not be served if the facility were not allowed to be constructed.

Very low power (VLP) facilities: The proposed regulations allow the placement of VLP (less than 10 watts) facilities on existing utility poles located within road rights-of way in all zone districts including residential. These facilities would typically be part of a neighborhood-based service (where there is a larger transceiver located in the vicinity) providing Internet access, etc.

Setbacks for freestanding antennas located adjacent to residential zones: The proposed regulations require that the base of any new freestanding antenna support system is setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.

Development standards: The proposed regulations include several additional development standards that govern the siting of commercial telecommunication facilities (see Attachment B, page B-14). The purpose of these standards is to minimize the potential for any adverse visual impacts, reduce the visibility of the facilities and ensure their compatibility with the surrounding area. Under the existing ordinance, certain standards apply to locations adjacent to state-designated scenic highways (Highway 1 between Las Cruces and the City of Lompoc, and the entire length of Highway 154). The proposed ordinance would also apply development standards

to projects located adjacent to a larger list of roadways that are designated as scenic corridors on the maps of the Environmental Resources Management Element of the County's Comprehensive Plan (see following Section 5 Additional Development Standards - Commercial Telecommunication Facilities, for a list of these roadways).

Design review: The current regulations require that all telecommunication facilities, except for private, ground or roof-mounted satellite dishes and wireless television antennas, are required to be reviewed and approved by the County Board of Architectural Review (BAR). The proposed ordinance amendment would only require those facilities that 1) are under the jurisdiction of the Planning Commission or 2) involve a building or structure that would otherwise be under the jurisdiction of the BAR, be subject to review by the BAR.

Review by Director after facility installation: The new regulations include a provision that allows for a review of the project by the Director of Planning and Development five years after the project is permitted. The provisions also allow the Director to require modifications to the facility if 1) the project fails to achieve the intended outcomes of the development standards 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.

Amateur radio station antennas: The existing regulations require the approval of a conditional use permit by the Zoning Administrator for any antenna associated with an amateur radio station. The proposed regulations would allow antennas of 65 feet or less by a ministerial coastal development permit or land use permit; antennas exceeding 65 feet would require the approval of a development plan by the Director of Planning and Development.

Please refer to the following paragraphs for more specific descriptions of the effect of the amendments.

1. Zoning District Designations

The proposed amendments will designate SLP (Small Lot Planned Development), MHP (Mobile Home Planned Development), MHS (Mobile Home Subdivision) and OT-T (Old Town Residential) as residential zone districts. This will allow residences located within these zone districts to receive the same protections allotted to residences located within single-family and other residential zones.

2. Definitions

The proposed amendments will:

- a. Add definitions of Amateur Radio Station, Inhabited Area, Non-Ionizing Electromagnetic Radiation, Scenic Highway Corridor, Substantially Visible,

Telecommunication Facility, Telecommunication Facility - Collocated, Telecommunication Facility – Commercial, Telecommunication Facility – Height, Telecommunication Facility – Multiple User, Telecommunication Facility – Non-Commercial, Telecommunication Facility - Tenant Improvement, Telecommunications Facility - Wireless, Telecommunications Site - Collocated, Tower, Tower - Lattice, and Tower - Monopole.

- b. Amend the existing definitions of Antenna and Antenna Support Structure.
- c. Delete the following existing definitions: Collocated Communication Facility, Collocated Communication Site, Lattice Tower, Master Television Antenna, Monopole, and Wireless Communication Facility (including the definitions of Macrocell, Microcell and Tenant Improvement).

3. General Regulations - Height

The proposed amendments will:

- a. Make minor changes including allowing telecommunications antennas including associated equipment to be located within architectural projections.
- b. Allow the antenna height to exceed the height limit within the General Regulations section (Articles II and IV – 75 feet; Article III – 100 feet) when mounted on or within an existing building that exceeds the height limit provided the top of the antenna does not extend beyond the top of the existing wall, or on an existing utility pole when the top of the antenna is no higher than the top of the pole. This will provide an incentive to located facilities on existing structures rather than construct new freestanding antennas.
- c. Allow amateur radio antennas and support structures to exceed the height limit within the General Regulations section (Articles II and IV – 75 feet; Article III – 100 feet) when required in order to allow for the operational needs of the operator. This is required in order to comply with Federal Communication Commission regulations.

4. General Regulations - Commercial Telecommunication Facilities

The following summarizes the differences, based on the level of permitting required, between the existing and proposed regulations for the siting of commercial telecommunication facilities only. Regulations for non-commercial facilities have been included in a separate section (see following Section 9 Non-commercial Telecommunications Facilities).

Permit Process	Existing Regulations	Proposed Regulations
Land Use Permit –	Not allowed in residential	Same, except for very low

<p><i>Ministerial</i>, approved by Planning & Development staff.</p>	<p>zones.</p> <p>Minor additions to existing structures required in order to comply with development standards <i>are not</i> allowed.</p> <p>Must maintain a <i>50 foot</i> separation from existing dwellings, residential zones, schools, and day care facilities.</p> <p>Maximum effective radiating power of 1000 watts.</p> <p>Must comply with height limit of zone district in which project is located.</p>	<p>power facilities that are extremely limited in power and size, and may only be attached to an existing utility pole located within a road right-of-way, may be allowed in residential zones.</p> <p>Minor additions to existing structures required in order to comply with development standards <i>are</i> allowed.</p> <p>Must maintain a <i>300 foot</i> separation from existing dwellings, residential zones, schools, and day care facilities.</p> <p>No maximum power limitation except for very low power facilities (10 watts).</p> <p>Same, except when (1) located on an exterior wall of an existing building or structure or (2) within an existing building or structure or (3) located on the roof of an existing building or structure behind a parapet wall or architectural façade and highest point of facility does not protrude above the wall or facade.</p>
<p>Development Plan (Tenant Improvement) – <i>Discretionary</i>, approved by the Director of Planning & Development.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Must comply with height limit of zone district in which project is located. Modification to the height limit is not allowed.</p>	<p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, except when located within an existing or proposed architectural projection or if qualifies under a height exception listed above.</p>

	<p>If located on a flat roof, the antenna height shall not exceed the distance the antenna is set back from the edge of the roof.</p>	<p>Same, and the height of antenna is limited to 15 feet above the highest point of the building or structure the antenna is located on, not including architectural projections.</p>
<p>Development Plan (Microcell) – <i>Discretionary</i>, approved by the Director of Planning & Development.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Must comply with height limit of zone district in which project is located except when the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole. Otherwise, modification to the height limit is not allowed.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p> <p>The maximum number of microcells using a single utility pole is limited to two.</p> <p>No similar standard.</p>	<p><i>The proposed regulations also would allow wireless facilities currently considered as macrocells, subject to the same development standards.</i></p> <p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, unless it qualifies under a height exception listed above. Also, clarifies that in agricultural zones, the height limit is that which applies to residences.</p> <p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p> <p>The maximum number of antennas using a single utility pole is not limited.</p> <p>The base of any new freestanding antenna support</p>

	<p>No similar standard.</p>	<p>system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>Facility may be located within a scenic corridor provided all components of the facility are not visible from the roadway located within the corridor.</p>
<p>Minor Conditional Use Permit – <i>Discretionary</i>, approved by the Zoning Administrator.</p>	<p>Allowed in <i>all</i> zone districts.</p> <p>Height of antenna and support structure is limited to a height of 50 feet or less, unless the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole.</p> <p>Height of antenna and support structure is limited to 15 feet above the highest point of the building or structure the antenna is located on, not including architectural projections. If located on a flat roof, the antenna height shall not exceed the distance the antenna is set back from the edge of the roof.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p>	<p>Allowed in <i>all non-residential</i> districts.</p> <p>Same, unless it qualifies under a height exception listed above. Also, clarifies that in agricultural zones, the height limit is that which applies to residences.</p> <p>Height of antenna above roof is not limited except that total height cannot exceed 50 feet.</p> <p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p>

	<p>The maximum number of microcells using a single pole is limited to two.</p> <p>If qualifies as a macrocell, allowed in all zone districts except for (1) residential zone districts that do not have a Comprehensive Plan Institutional/Government Facility designation, (2) RES Resource Management zone districts and (3) MT-GOL Mountainous - Goleta zone district.</p> <p>If qualifies as macrocell, the antenna support structure and associated antennas are (1) a monopole with an antenna envelope not to exceed two feet, <u>or</u> (2) are designed to look like the natural or man-made environment, <u>or</u> (3) are designed to integrate into the natural environment, do not protrude into the skyline, and include a maximum of two sectors and six antennas.</p> <p>If located in a residential zone, the facility is located a minimum of 100 feet from the nearest dwellings and existing educational facilities (including daycare) on an adjacent parcel, or other residentially zoned parcel line.</p> <p>May not be located in Scenic</p>	<p>The maximum number of antennas using on a single utility pole is not limited.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. Allowed in all non-residential zone districts. Not allowed in residential zone districts regardless of the Comprehensive Plan designation.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. No maximum antenna envelope. Similar standards regarding disguising facilities occur in the <i>Additional Development Standards</i> section.</p> <p>Facility is not limited in number of sectors or antennas.</p> <p>May not be located in a residential zone under this permit type. The base of any new freestanding antenna support system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>May be located in scenic</p>
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	Highway Corridors.	corridors subject to development standards.
<p>Major Conditional Use Permit – <i>Discretionary</i>, approved by the Planning Commission</p>	<p>Allowed in all zone districts.</p> <p>Antenna and support structure limited to a height of 100 feet or less (75 feet in Article II and IV), unless the antenna is mounted on an existing utility pole or similar support structure, provided the highest point of the antenna does not exceed the height of the pole.</p> <p>Underground components of the facility may be located within applicable setbacks provided antenna is installed on an operational utility or similar pole structure.</p> <p>No similar setback except that if the facility qualified as a macrocell then it must maintain a 100 foot separation from existing dwellings and educational facilities (including day care) on adjacent properties, or other residentially zoned parcels.</p> <p>If qualifies as a macrocell, allowed in all zone districts except residential when (1) the height of the antenna exceeds 50 feet, (2) the facility does not consist of a monopole with an antenna envelope not to exceed</p>	<p>Same, however, if located in a residential zone district the Planning Commission must find that the area proposed to be served by the facility would otherwise not be served.</p> <p>Same.</p> <p>Same, except that antenna does not need to be mounted on an operational utility or similar pole structure.</p> <p>The base of any new freestanding antenna support system shall be setback from any residentially zoned parcel a distance equal to five times the overall height of the antenna and support structure, but no less than 300 feet.</p> <p>Proposed regulations do not distinguish between macrocells and other types of wireless facilities. If located in a residential zone district the Planning Commission must find that the area proposed to be</p>

	two feet or disguised facility (i.e., are (a) designed to look like the natural or man-made environment, <u>or</u> (b) are designed to integrate into the natural environment, do not protrude into the skyline, and include a maximum of two sectors and six antennas), or (3) the facility is located in a Scenic Highway Corridor.	served by the facility would otherwise not be served. No maximum antenna envelope. Similar standards regarding disguising facilities occur in the <i>Additional Development Standards</i> section. Facility is not limited in number of sectors or antennas. May be located in scenic corridor subject to compliance with development standards.
Board of Architectural Review	All telecommunication facilities, except for private, ground or roof-mounted satellite dishes and wireless television antennas, are required to be reviewed and approved by the County Board of Architectural Review (BAR).	The proposed ordinance amendment would only require those facilities that 1) are under the jurisdiction of the Planning Commission or 2) involve a building or structure that would otherwise be under the jurisdiction of the BAR, be subject to review by the BAR.

5. Additional Development Standards - Commercial Telecommunication Facilities

The proposed regulations also contain several additional development standards that govern the siting of commercial telecommunication facilities (see Attachment B, page B-14. The purpose of these standards is to minimize the potential for any adverse visual impacts, reduce the visibility of the facilities and ensure their compatibility with the surrounding area. These standards are divided into three categories:

- Those that must be adhered to in all instances including:
 - Public exclusion from the facility
 - Review and approval by the Historical Landmarks Advisory Committee if located on a designated landmark.
 - Minimize the need for additional paved areas (access roads and parking).
 - Minimize night lighting.
 - Compliance with airport safety zone requirements.
 - Maintain and protect existing vegetation, provide additional vegetative screening if required.

- Those that must be complied with unless the decision-maker grants an exemption to a particular standard. 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:
 - Avoid locations within environmentally sensitive habitat areas.
 - Collocation required unless existing facilities are not available or would result in a greater negative visual impact.
 - Located support facilities (e.g., equipment shelters) underground if would otherwise be visible from public viewing areas.

- Those that must be complied with unless the Planning Commission, as part of the approval of a conditional use permit, grants an exemption to a particular standard. 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:
 - Facility shall not silhouette against the sky if substantially visible from a scenic highway or scenic corridor.
 - Prohibit installation on exposed ridgelines unless blends with surrounding natural or man-made environment so it will not be substantially visible from public viewing areas or is collocated with an existing facility.
 - Facilities that are substantially visible from public viewing areas shall be sited below the ridgelines, depressed or located behind earth berms in order to minimize intrusion into the skyline.

Under the existing ordinance, certain standards apply to locations adjacent to state-designated scenic highways (Highway 1 between Las Cruces and the City of Lompoc, and the entire length of Highway 154). The proposed ordinance would also apply development standards to projects located adjacent to a larger list of roadways that are designated as scenic corridors on the Environmental Resources Management Element of the County's Comprehensive Plan. These roadways, which are designated by the County as having scenic value, are:

- Route 166 from the Santa Maria City limits east to the county line.
- Foxen Canyon Road from the Santa Maria city limits to its terminus at Highway 154.
- Jalama Road from Highway 1 to its terminus at Jalama County Park.
- Drum Canyon Road from Los Alamos to its terminus at Highway 246.
- Toro Canyon Road from Via Real to East Valley Road.
- Portions of Foothill Road nearest Toro Canyon Road.

- Nidever Road.
- Highway 101 in the following areas:
 - County line west to the west end of the Carpinteria Slough
 - West end of Santa Claus Lane to the Santa Barbara City limits
 - Overcrossing at the western terminus of Hollister Avenue to the point where the highway turns north at the Gaviota pass.
 - North of Buellton to Los Alamos.

6. Project Installation and Post Installation Provisions

New provisions regarding installation of the project and project operation once established are proposed to:

- Ensure that the project complies with non-ionizing electromagnetic radiation levels established by the Federal Communications Commission.
- Provide for a review of the project by the Director of Planning and Development (or designee) five years after the project is permitted. As part of this review the Director may require the permittee to modify the facility if 1) the project fails to achieve the intended outcomes listed in the development standards (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. In this instance decisions of the Director may be appealed directly to the Board of Supervisors.
- Require that existing facilities be available for collocation of new facilities under certain circumstances.
- Require that telecommunication sites be restored if the use of the facility is abandoned.
- Require that in the event that the original permittee sells its interest in a telecommunications facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible for the County for maintaining consistency with all project conditions of approval.
- Allow the applicant to erect an onsite demonstration structure, prior to the issuance of a land use permit, 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. However, if the applicant elects not to erect such a demonstration structure, then 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.

7. Noticing

The proposed regulations include enhanced noticing provisions that require that residents as well as property owners located within 300 feet of a proposed telecommunication facility receive mailed notice of any proposed permit approval or public hearing. Additionally, if the project is located in a residential zone district or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then notice must be mailed to property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

8. Special Findings

The proposed amendments include new findings regarding compatibility, visibility, and public safety that, in addition to the normally required findings, the decision-maker must adopt in order to approve either a development plan or conditional use permit.

9. Non-commercial Telecommunications Facilities

As mentioned above, in the proposed amendment, regulations regarding non-commercial telecommunication facilities are included in a section separate from commercial facilities. Non-commercial facilities include, for example, private antennas associated with residences that are used solely for the reception of TV and radio broadcasts, and antennas associated with amateur radio stations. The existing ordinances require that all antennas associated with amateur radio stations, regardless of the height or type of the associated antenna, must have an approved minor conditional use permit in order to operate. The proposed amendments would revise this as follows:

- Amateur radio antennas of 50 feet or less would be allowed by a ministerial coastal development/land use permit. Standard noticing for such ministerial permits (posting in three conspicuous places on the property) would be required.
- Amateur radio antennas greater than 50 feet but less than or equal to 65 feet would be allowed by a ministerial coastal development/land use permit. Mailed notice to all property owners and residents within 300 feet of the project site would be required.
- Amateur radio antennas greater than 65 feet high would be allowed by a discretionary development plan under the jurisdiction of the Director of Planning and Development. Mailed notice to all property owners and residents within 300 feet of the project site would be required. If requested by a person receiving notice, the project would be shifted to the jurisdiction of the Zoning Administrator and a public hearing would be held.

Attachment D: Telecommunications Facilities Ordinance Amendments (Revised 3/1/02)
Board of Supervisors Hearing of March 26, 2002
Case Nos. 01-OA-005, -006 & -007
CEQA Guidelines Section 15162 Determination
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ATTACHMENT E

FINDINGS FOR APPROVAL

CASE NOS. 01-OA-005, -006, & -007

1. The proposed amendments will assist Planning & Development in accomplishing its goal to continually streamline, clarify, and update the land use regulatory process.
2. The proposed amendments are in the interest of the general community welfare, since the amendments will clarify, update, and streamline the development permit process for telecommunication facilities without compromising community values, environmental quality, or the public health and safety. The proposed amendments include:
 - a) Development standards that give decision-makers additional ability to regulate the siting of such facilities in order to minimize potential adverse visual impacts.
 - b) Provisions that govern project installation and post-installation, within the limits established by the Federal Communications Commission, to ensure that facilities will be operated such in a manner that they will not pose a threat to public safety.
 - c) Regulations that allow the Director of Planning and Development to require modifications to a completed project if the project fails to comply with the development standards or more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstances from the time the project was initially improved.
3. The proposed amendments are consistent with the Santa Barbara County Comprehensive Plan including the Coastal Land Use Plan and adopted Community Plans, the requirements of State Planning and Zoning Laws, and Articles II, III and IV of Chapter 35 of the County Code, the zoning ordinances.
4. The proposed amendments are consistent with good zoning and planning practices to regulate land uses for the overall protection of the environment and community values.