

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
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TO THE HONORABLE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, CALIFORNIA

PLANNING COMMISSION
HEARING OF JANUARY 7, 2015

**RE: *Verizon Telecommunications Facility at Highway 154 Summit and Consistency Rezone;
14CUP-00000-00019, 14RZN-00000-00004***

Hearing on the request of Michelle Ellis, agent, for Verizon Wireless, applicant, and Roger and Nancy Haines, owners, to consider the following:

- a) **14RZN-00000-00004** [application filed on December 10, 2014] proposing to rezone 3.2 acres from 40-AL-O under Ordinance 661 to AG-II-100 in compliance with Section 35.104 of the County Land Use and Development Code;
- b) **14CUP-00000-00019** [application filed on July 31, 2014] to allow construction and operation of an unstaffed telecommunications facility with a 55-foot tall antenna support structure designed to resemble a pine tree, in compliance with Sections 35.82.060 (Conditional Use Permits) and 35.44.010 (Telecommunications Facilities) of the County Land Use and Development Code, on property zoned 40-AL-O;

and to determine the project is exempt from CEQA pursuant to Sections 15061(b)(3), 15303 and 15304 of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves AP No. 153-080-008, located at 2937 San Marcos Pass Road, approximately 6.5 miles north of the intersection Highways 154 and 192 and approximately 0.5mi south from the summit of San Marcos Pass / Highway 154 Summit, Second Supervisorial District.

Dear Honorable Members of the Board of Supervisors:

At the Planning Commission hearing of January 7, 2015, Commissioner Blough moved, seconded by Commissioner Cooney and carried by a vote of 5 to 0 to:

1. Recommend that the Board of Supervisors make the required findings for approval, including CEQA findings;
2. Recommend that the Board of Supervisors determine that the project is exempt from CEQA pursuant to CEQA Sections 15061(b)(3), 15303, and 15304;

3. Adopt the resolution recommending that the Board of Supervisors approve a rezone changing the zone district of the subject parcel from 40-AL-O (Ordinance 661) to AG-II-100 (County LUDC); and
4. Recommend that the Board of Supervisors approve a Conditional Use Permit subject to the conditions of approval.

Sincerely,



Dianne M. Black
Secretary to the Planning Commission

cc: Case File: 14CUP-00000-00019, 14RZN-00000-00004
Planning Commission File
Dianne M. Black, Assistant Director
Agent: Michelle Ellis, Complete Wireless Consulting, 209 V Street, Sacramento, CA 95818
Owner: Roger and Nancy Haines, 2736 Painted Cave Road, Santa Barbara, CA 93105
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Janet Wolf, Second District Supervisor
Cecilia Brown, Second District Planning Commissioner
Jenna Richardson, Deputy County Counsel
J. Ritterbeck, Planner

Attachments: **Attachment A1 – Findings (CUP)**
 Attachment A2 – Findings (Rezone)
 Attachment B – Conditions of Approval
 Attachment C – PC Rezone Resolution and Ordinance to Rezone

DMB/dmv

ATTACHMENT A1

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

The proposed project is exempt from environmental review pursuant to Sections 15303 and 15304 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). Please see Attachment C (Environmental Document: Notice of Exemption) to the staff memo, dated December 30, 2014, and incorporated herein by reference.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Land Use & Development Code (LUDC), Section 35.82.060.E.1, prior to the approval or conditional approval of an application for a Conditional Use Permit, the review authority shall first make all of the following findings, as applicable:

2.1.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.

The subject 3.2-acre parcel is located within the rural area of the County and is surrounded on the north, east, and south by vacant lands and to the west by a single-family dwelling located approximately 520 feet from the proposed facility. The facility itself consists of one (1) 55-foot tall antenna support structure designed to resemble a pine tree ('monopine'), and a 200 square foot pre-fabricated equipment shelter. The monopole antenna support structure will support two arrays of two (2) panel antennas mounted at a maximum height of 47 feet, for a total of four (4) panel antennas (2 per sector). The lease area will be approximately 840 sq. ft. in area and will be fenced with chain link fencing. The equipment shelter will utilize a concrete slab foundation.

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-sight transmission of signals. The antennas will be located on a monopole approximately 100 feet south of the paved area of Highway 154 (approximately 20 feet from the edge of the right-of-way), and will be visible to the passing motorists in both the north and southbound directions. The proposed faux 'monopine' has been designed to blend the project into the site's surrounding natural environment by blending it in with the adjacent pine trees that occur throughout the area. Additionally, the design of the new facility utilizes the existing topography and other physical characteristics of the site to situate the faux pine tree in the least visually intrusive location. As such, the site is adequate to accommodate the type of use and level of development proposed.

2.1.2 Within the inland area, significant environmental impacts will be mitigated to the maximum extent feasible.

No significant environmental impacts will result from the project. The project is exempt from environmental review pursuant to Section 15303 of the Guidelines for Implementation of CEQA. The facility will utilize a single 'monopine' antenna support structure which is

designed to look like a 55-foot tall pine tree. The faux-pine tree support structure will screen the antennas from public view, and along with the proposed landscaping, will blend the tower and equipment shelter with the existing mature trees in the immediate vicinity to the maximum extent feasible.

To ensure that proposed projects will operate within Federal Communication Commission (FCC) limits, the County requires that applicants submit a report prepared by a qualified third party that estimates the project's radio-frequency emissions and determines whether or not they comply with the Federal requirements. As part of the permit application, the applicant provided a Radio-Frequency Electromagnetic (RF-EME) Compliance report prepared by Site Safe, RF Compliance Experts, dated June 19, 2014. The report concluded that at the nearest walking / working surfaces to the Verizon antennas, the maximum power density generated due to the operation by itself is less than 1% of the FCC's occupational limit. Since there are no other carriers on site, the cumulative level was not calculated. The report also states, based on 'worst-case' predictive modeling, that there are no modeled exposures on any ground-level walking / working surfaces related to equipment in the area that exceed the FCC's occupational and general public exposure limits at this site. The report verifies that the facility will operate in compliance with FCC limits.

Additional conditions include the requirement for final SBAR approval to ensure that the project is visually compatible with the surrounding area, and the requirement for monitoring of radio-frequency emissions to ensure compliance with FCC standards.

2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The un-manned facility will not generate traffic other than for periodic maintenance required on an as-needed basis. The proposed facility would be accessed from an existing paved driveway leading to the lease area from Highway 154, a public road. The property owners have granted the lessee a private 15-foot wide access easement to the leased area and the paved driveway would also provide onsite parking for routine maintenance of the facility. Therefore, the existing streets are sufficient to serve the project and this finding can be made.

2.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 13, 2014 and incorporated herein by reference, the facility will be un-manned and will not require any public services such as water or sewer. However, fire and police services will be provided by the Santa Barbara County Fire Department and Sheriff's Department. Therefore, this finding can be made.

2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.

As discussed in Sections 4.2 and 6.2 of the staff report dated November 13, 2014 and in the staff memo to your Commission dated December 30, 2014, incorporated herein by reference, the facility complies with the Federal health and safety standards and therefore will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood.

Additionally, the monopole is designed to resemble a pine tree which is a common tree found throughout the area. The faux tree support structure will reduce the visibility of the antennae. The tower and equipment shelter have been carefully sited and designed to be visually compatible with the surrounding area. Therefore, this finding can be made.

2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.

As discussed in Sections 6.2 and 6.3 of the staff report dated November 13, 2014 and in the staff memo to your Commission dated December 30, 2014, incorporated herein by reference, the project will be in conformance with all applicable provisions of the Comprehensive Plan and all applicable development standards of the County LUDC. Therefore this finding can be made.

2.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.

As discussed above in Findings 2.1.1, and 2.1.5 of the staff memo, dated December 30, 2014, and Sections 6.2 and 6.3 of the staff report dated November 13, 2014 and incorporated herein by reference, the telecommunications facility will be disguised as a pine tree to reduce the visibility of the antennas. In addition, the facility equipment within the fenced lease area will be screened from view by the existing natural vegetative screening. As such, the design of the facility is compatible with and subordinate to the rural character of the area and this finding can be made.

2.2 ADDITIONAL FINDINGS (LUDC SECTION 35.44.010.G)

In addition to the findings required to be adopted by the review authority in compliance with Section 35.82.050 (Coastal Development Permits), Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permit), Section 35.82.080 (Development Plans) and Section 35.82.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

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

The proposed monopole design will resemble a pine tree, which occurs nearby and is common in the area. The pine tree monopole design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximized the structure's compatibility with the surrounding area (see Attachment E to the Staff Report, dated November 13, 2014 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment. Additionally, the radio-frequency report prepared for the facility has confirmed that the facility is operating in compliance with FCC requirements and is well within the applicable emissions limits (see Attachment G to the Staff Report dated November 13, 2014 and incorporated herein by reference). Therefore the use is compatible with the existing rural residential use of the property. Therefore, this finding can be made.

2.2.2 The facility is located to minimize its visibility from public view.

Technical requirements dictate that wireless facilities be sited in a manner that provides clear line-of-sight transmission of signals. The monopole will be located approximately 118 feet south of the paved area of Highway 154 (approximately 40 feet from the edge of the 175-foot wide Highway 154 right-of-way). As situated on the site, only the top portion of the 'monopine' will be visible to the passing motorist in both the north and southbound directions. However, the monopole design will resemble a pine tree which occurs nearby and is common in the area. The faux pine tree ('monopine') design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximizes the structure's compatibility with the surrounding area (see Attachment E to the Staff Report, dated November 13, 2014 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the support facilities would only be visible from Highway 154, a public viewing area, for a brief moment as motorists pass by the entrance driveway to the site. As designed, situated and screened, the above ground support facility would not increase the visibility of the facility or decrease public safety. Furthermore, the above ground facility would minimize necessary grading and site disturbance in order to avoid potential environmental impacts and blend into the surrounding natural environment. Therefore, this finding can be made.

2.2.3 The facility is designed to blend into the surrounding environment to the greatest extent feasible.

The pine tree monopole design was reviewed by the South County Board of Architectural Review (SBAR) on October 17, 2014. The SBAR commented that the design maximizes the structure's compatibility with the surrounding area (see Sections 6.2 and 6.3, and Attachment E of the staff report, dated November 13, 2014 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment. Therefore, this finding can be made.

2.2.4 The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D (additional development standards for telecommunication facilities).

- a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:**
 - 1. Would not increase the visibility of the facility or decrease public safety, or**
 - 2. Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or**
 - 3. Would avoid or reduce the potential for environmental impacts.**

The proposed support facility consisting of a 16'-10"(L) x 11'-6"(W) x 12'-0"(H) equipment shelter mounted to a concrete foundation, and an emergency generator mounted to a concrete pad would be located above ground. The proposed approximately 200 square foot equipment shelter would be a maximum of 12'-0" in height and the generator a maximum height of 6'-0". However, the equipment shelter and generator would be situated below the elevation of

Highway 154, painted natural colors, enclosed within a locked perimeter fence that is also painted natural colors and screened with existing trees and additional vegetative landscaping. As proposed, the support facilities would not be visible from public viewing areas. Therefore, this finding can be made.

2.2.5 The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the Federal Communications Commission and complies with all other applicable safety standards.

A radio-frequency emissions report completed by Site Safe, RF Compliance Experts, dated June 19, 2014, concluded that the facility meets the FCC requirements. As a part of the project conditions (see Attachment B, Condition #10 of the Staff Memo, dated December 30, 2014 and incorporated herein by reference), a verification measurement report will be required within 30 days of installation to confirm adherence to these requirements. Therefore, this finding can be made.

2.2.6 The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.

Currently, Verizon does not provide adequate telecommunications service to the area around the subject lot. As shown in Attachment H to the staff report dated November 13, 2014, the applicant has demonstrated a gap of coverage at the Highway 154 Summit. The only existing telecommunications facility within a two mile radius is an AT&T facility that is located 1,000 feet east of the proposed Verizon lease area. However, this AT&T pole is not capable of co-location (see Attachment I to the staff report, dated November 13, 2014 and incorporated herein by reference). Since there are no existing support structures within the necessary coverage area, the proposal for a new facility is in conformance with this development standard. There are no other existing support structures within the project site vicinity which could accommodate the proposed facility. Therefore, this finding can be made.

2.2.7 The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

As shown in Attachment I to the staff report, dated November 13, 2014 and incorporated herein by reference, there are no existing support structures within the vicinity of project site which could accommodate co-location of the proposed facility. Additionally, there were no suitable alternative sites in the vicinity that could provide adequate coverage area without causing significant visual impacts.

The faux pine tree monopole design was proposed by the applicant in order to maximize the structure's compatibility with the surrounding area. The design was reviewed by the Board of Architectural Review on October 17, 2014, where it received positive comments (see Attachment E of the Staff Report, dated November 13, 2014 and incorporated herein by reference). The design of the facility effectively utilizes the existing landforms and trees so that the facility blends into the surrounding natural environment, and is the least intrusive design feasible for the proposed project.

The equipment shelter and generator will be situated below the elevation of Highway 154, painted natural colors, enclosed within a locked perimeter fence that is also painted natural colors and screened with existing trees and additional vegetative landscaping. As proposed, the support facilities will not be visible from public viewing areas. Therefore, this finding can be made.

ATTACHMENT A2: FINDINGS

1.0 CEQA FINDINGS

The Planning Commission finds the proposed project exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3). CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed project is a legislative action that will replace an outdated agricultural zone district under Ordinance 661 with an agricultural zone district under the Land Use and Development Code. The project does not involve any development. Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

2.1 REZONE

A. In compliance with Section 35.104.060 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for an Amendment to the Development Code, Local Coastal Program, or Zoning Map the review authority shall first make all of the following findings:

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

The rezone is in the interest of the general community as it would update the subject parcel's zoning from Ordinance 661 to zoning under the County's Land Use and Development Plan. Ordinance 661 is outdated and does not provide for telecommunications facilities. The subject parcel has been identified as an ideal site for a telecommunications facility. Telecommunication facilities are considered critical structures by emergency services and are also in the public interest as more and more residents of the County use telecommunication devices for their health and safety as well as for their personal and professional needs.

2.1.2 The request is consistent with the Comprehensive Plan, the requirements of the State planning and zoning laws, and this Development Code. If the Amendment involves an Amendment to the Local Coastal Program, then the request shall also be found to be consistent with the Coastal Land Use Plan.

Pursuant to the discussion in Sections 6.2 and 6.3 of this report dated September 16, 2014, herein incorporated by reference, the rezone is consistent with the Comprehensive Plan and with the requirements of the Zoning Ordinance (Land Use and Development Code) and with State Land Use Law requiring vertical consistency between an agency's Comprehensive Plan and its Zoning Ordinance. The rezone does not involve an amendment to the Local Coastal Program.

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

The rezone is consistent with good zoning and planning practice because it updates antiquated regulations and allows for modern uses not contemplated under the antiquated regulations to be permitted on the subject lot consistent with current zoning.

ATTACHMENT B

CONDITIONS OF APPROVAL

Verizon Telecommunications Facility

Case No. 14CUP-00000-00019

I. PROJECT DESCRIPTION

1. **Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Attachments A - I, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations.

The project description is as follows:

The project is a request by Michelle Ellis of Complete Wireless Consulting, Inc., agent for the applicant, Verizon Wireless, for a Major Conditional Use Permit to allow construction and operation of an un-manned telecommunications facility, in compliance with Sections 35.82.060 and 35.44 of the County Land Use and Development Code, on property zoned 40-A-O. The facility would be located within a 840 square foot lease area on a 3.2-acre parcel located at 2937 San Marcos Pass Road, Assessor Parcel No. 153-080-008.

The proposed facility consists of four Verizon Wireless panel antennas in two sectors, with two antennas per sector, mounted on a proposed 55-foot tall 'monopine' along with associated equipment. The 42'x20' lease area would have a locked chain link fence at the perimeter and would house all support equipment for the antenna at the base of the structure, including a pre-fabricated equipment shelter, underground power and Telco utilities, a standby diesel generator, two GPS antennas, two air conditioning units, and a surge protector. The diesel generator would be installed on a new concrete pad and the existing paved driveway leading to the lease area would provide onsite parking for routine maintenance of the facility. Although some minor ground disturbance would be needed for footings and utility trenching, the proposed facility would not require grading, and no tree removal is proposed as a component of the project.

One manual security light would be installed and shall be hooded, low-wattage, directed downward, and would be located above the equipment structure door and kept off except when personnel are present at night.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

II. PROJECT SPECIFIC CONDITIONS

3. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors,

materials and landscaping) shall be compatible with vicinity development and shall conform in all respects to BAR approved plans (Case No. 14BAR-00000-00215).

- a. The monopine shall be designed and constructed to appear as an organic, non-symmetrical form, with varying limb/branch lengths and shapes and needle clusters installed in random, seemingly natural patterns (rather than rows of limbs). Branches shall generally be installed at a density sufficient to create the appearance of a mature specimen pine tree. The branches' lengths shall taper up the monopine trunk and the longest (lowest) branches shall begin at a sufficient elevation to blend with the existing tree line as viewed from all surrounding public roads. Bark shall extend the full length of the trunk and the top of the proposed monopine shall taper to a point similar to that of a mature specimen pine tree.
- b. Antennas and associated equipment shall be completely integrated within the foliage of the faux pine tree (i.e. shall not disrupt the silhouette of the tree).
- c. The hard edges and rectilinear shape of the antennas shall not be visible through the limbs/branches and foliage of the monopine. All antennas and associated equipment shall be painted a non-reflective dark green color to blend with the tree and shall be covered with "antenna socks" of the highest available foliage density, to the satisfaction of the South Board of Architectural Review (SBAR) prior to Final BAR approval.
- d. Final colors for the proposed monopine (i.e. limbs/branches, needles, and bark) shall be field matched with adjacent on-site mature trees, subject to SBAR final approval. Approved color samples shall be included with plans submitted for a building permit.
- e. The landscape plans shall provide for native shrubs to be installed around the enclosure to screen and soften views. Species selection and appropriate on center spacing shall be subject to SBAR review and approval.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of the follow-on Zoning Clearance.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

4. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
 - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
 - b. During clearing and /or trenching, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
 - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
 - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
 - f. Order increased watering as necessary to prevent transport of dust off-site.

- g. If the site is disturbed and left undeveloped for over four weeks, the Owner/Applicant shall immediately:
 - i. Seed and water to re-vegetate graded areas; and/or
 - ii. Spread soil binders; and/or
 - iii. Employ any other method(s) deemed appropriate by P&D or APCD.

PRE-CONSTRUCTION REQUIREMENTS: The contractor or builder shall provide P&D and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.

TIMING: The dust monitor shall be designated prior to building permit issuance. The dust control components apply from the beginning of any construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is successfully installed.

PLAN REQUIREMENTS: P&D processing planner shall ensure measures are on plans.

MONITORING: P&D compliance monitoring staff and B&S inspection staff shall spot check and ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

- 5. **Bio-20 Equipment Washout-Construction.** The Owner/Applicant shall designate one or more washout areas for the washing of concrete tools, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in these areas and removed from the site.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all plans for zoning and building permits.

MONITORING: Building & Safety and P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

- 6. **CulRes-09 Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of follow-on Zoning Clearance and P&D compliance monitoring staff shall spot check in the field throughout construction.

- 7. **Tel-03 Colors and Painting.** All exposed equipment and facilities (e.g., antennas, support structure, equipment cabinets, etc.) shall be finished in non-reflective materials (including painted surfaces) and shall be painted to match the existing surroundings.

PLAN REQUIREMENTS: Color specifications shall be identified on final zoning plans submitted by the Permittee to the County prior to zoning clearance issuance, as well as on final building plans.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance.

8. **Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated light which limits lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The light fixture shall be fully shielded, full cut off and downcast so as to avoid spillage onto adjacent areas and shall be kept off except when maintenance personnel are actually present at night.
PLAN REQUIREMENTS: The Permittee shall restate the lighting limitations on the construction plans. Plans for exterior lighting, if any are provided, shall be submitted to the County for review and approval.
MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection prior to Final Building Inspection Clearance and respond to any complaints.
9. **Tel-06 Underground Utilities.** Except as otherwise noted in the Project Description and development plans, all utilities necessary for facility operation, including coaxial cable, shall be placed underground. Conduit shall be sized so as provide additional capacity to accommodate utilities for other telecommunication carriers should collocation be pursued in the future.
PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.
MONITORING: Building & Safety and P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.
10. **Tel-08 FCC Compliance.** The facility shall be operated in strict conformance with: (i) all rules, regulations, standards and guidance published by the Federal Communications Commission ("FCC"), including but not limited to, safety signage, Maximum Permissible Exposure ("MPE") Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Compliance shall be governed by the following:
 - a. Permittee shall hire a qualified professional acceptable to the County (wholly independent of Permittee), to perform radio-frequency ("RF") field test that measures actual RF electromagnetic exposure at the site. This RF field-testing shall measure all ambient sources of RF energy at the site & report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole. Measurements shall be made by the responsible professional who will author the report to the County. Report of the results and the author's/professional's findings with respect to compliance with federally established MPE standards shall be submitted to the County w/in 30 days of Final Building Clearance. Permittee shall pay for the cost of the field measurements and preparing the report. The facility shall cease-and-desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
 - b. Every 5 years, Permittee shall hire a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards. In the event the adopted RF standards change, Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards, w/in 90 days of the date the change becomes effective. If calculated levels exceed 80% of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site. Permittee shall pay for the cost of preparing the reports.

For joint-carrier sites, cumulative reporting may be delegated to one carrier upon the agreement of all carriers at the site. Procedures, penalties & remedies for non-compliance with these reporting requirements shall be governed by the provisions of the Telecommunications Ordinance & FCC regulations.

- c. Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is w/in the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated in "a" above.

PLAN REQUIREMENTS: All building plans shall include provisions for MPE compliance.

TIMING: Initial verification of compliance with RF public MPE standards shall be accomplished no later than 30 days following Final Building Clearance. Continued verification of compliance with MPE requirements shall be accomplished by RF field test reports submitted every 5 years following initial verification. P&D planner shall review all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard.

MONITORING: P&D planner shall monitor changes in RF standards, as well as equipment modifications, additions & RF exposures at the site as reported by the Owner/Applicant that might trigger the requirement for field-testing at intervening times between regular test periods.

11. **Tel-09 Project Review.** Five years after issuance of the Zoning Clearance for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) 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.

- b. **Modification Limits.** The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for emissions compliance on all building plans.

TIMING: Building permit valuation data shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee.

MONITORING: P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

12. **Tel-10 Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review, Mitigation Measures, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
13. **Tel-11 Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.
PLAN REQUIREMENTS: The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility.
TIMING: Notification of changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.
14. **Tel-12 Site Identification.** The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.
TIMING: This condition shall be satisfied prior to Final Building Inspection Clearance. P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.
15. **Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times for the life of the project. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.
16. **Tel-15 Agreement to Comply.** The facility owner and property owner shall sign and record an agreement to comply with the project description and all conditions of approval on a form acceptable to P&D.
TIMING: The Owner/Applicant shall provide P&D with evidence that he/she has recorded the Agreement to Comply with Conditions prior to issuance of the Zoning Clearance.
17. **Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities

the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:

- a. Prior to issuance of the Land Use Permit, the Permittee shall post a performance security. The security shall equal 10 percent of the installation value of the facility as determined at the time of granting the building permit. The performance security shall be retained until this condition is fully satisfied.
- b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist.
- c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

III. COUNTY RULES AND REGULATIONS

18. **Rules-01 Effective Date.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
19. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
20. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
21. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
22. **Rules-17 CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or

revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060].

23. **Rules-18 CUP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised permit.
24. **Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
25. **Rules-23 Processing Fees Required.** Prior to issuance of the first Building Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
26. **Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
27. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Pay fees prior to issuance of the Land Use Permit as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute;
 - c. Note the following on each page of grading and building plans "This project is subject to Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval";
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
28. **Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

29. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
30. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
31. The exterior light included in the project shall be operated by a manual switch. No motion detector lighting shall be included in the project.
32. **Bio-01 Tree Protection Without a Tree Protection Plan.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all oak trees located in the area of construction, except as indicated on plans for trenching for conduit.
- a. Prior to the pre-construction meeting on the site, all oak trees within the area of construction shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
 - b. No tree removal or damage is authorized by this permit. However, any unanticipated damage to trees or sensitive habitats from construction activities shall be mitigated in a manner approved by P&D. This mitigation shall include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consulting biologist or arborist to assess damage and recommend mitigation. The required mitigation shall be done under the direction of P&D prior to any further work occurring onsite. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and confirmation of such installation and maintenance.
 - c. To help ensure the long term survival of oak trees adjacent to the lease area, no permanent irrigation systems are permitted within six feet of the dripline of oak trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- PLAN REQUIREMENTS:** Fencing shall be graphically depicted on project plans. **TIMING:** This condition shall be printed on project plans submitted for zoning clearance, and fencing shall be installed prior to a preconstruction meeting on the site. **MONITORING:** P&D compliance monitoring staff shall review plans and confirm fence installation. Compliance staff shall conduct site inspections to ensure compliance during grading and construction.

33. **Bio-03a Onsite Arborist/Biologist.** The Owner/Applicant shall designate a P&D-approved arborist/biologist to be onsite throughout all grading and construction activities which may impact native oak trees. Duties include revising grading techniques as necessary to protect the oaks. **MONITORING:** The Owner/Applicant shall submit to P&D compliance monitoring staff the name and contact information for the approved arborist/biologist prior to commencement of construction / pre-construction meeting. P&D compliance monitoring staff shall site inspect as appropriate.

ATTACHMENT C:
PLANNING COMMISSION RESOLUTION AND ORDINANCE

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

IN THE MATTER OF RECOMMENDING
TO THE BOARD OF SUPERVISORS THAT
AN ORDINANCE BE APPROVED AMENDING
SECTION 35-1, THE SANTA BARBARA
COUNTY LAND USE AND DEVELOPMENT
CODE, OF CHAPTER 35 OF THE SANTA
BARBARA COUNTY CODE, BY AMENDING
THE COUNTY ZONING MAP BY CHANGING
THE ZONING OF ASSESSOR'S PARCEL
NUMBER 153-080-008 FROM 40-AL-O, LIMITED
AGRICULTURE, 40 ACRE MINIMUM PARCEL
SIZE, TO AG-II-100, AGRICULTURE, 100 ACRE
MINIMUM PARCEL SIZE

Resolution No. 15-01

CASE NO.: 14RZN-00000-00004

WITH REFERENCE TO THE FOLLOWING:

- A. WHEREAS on February 28, 1977 by Ordinance 2928, the Board of Supervisors of the County of Santa Barbara adopted the Santa Barbara County Zoning Ordinance, Ordinance 661 of Chapter 35 of the Santa Barbara County Code; and
- B. WHEREAS, the Planning Commission recommends that the Board of Supervisors repeal all zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35.104 "Adoption of New Zoning Maps", of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, as they relate to Assessor's Parcel Number 153-080-008.
- C. WHEREAS the County Planning Commission has held a duly noticed public hearing, as required by Section 65854 of the Government Code on the proposed amendments to a zoning ordinance, at which hearing the proposed amendments were explained and comments invited from persons in attendance.
- D. Whereas Section 65855 of the Government Code requires inclusion of the reason for the recommendation and the relationship of the zoning map amendment to the applicable general and specific plans, which is hereby identified as updating the antiquated zoning to current zoning to allow modern uses such as telecommunication facilities to be permitted on the property.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The Commission recommends that the Board of Supervisors approve an Ordinance, Exhibit 1, Amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35 of the Santa Barbara County Code, by Amending the County Zoning Map by changing the zoning of Assessor's Parcel Number 153-080-008 from 40-AL-O to AG-II-100 based on the findings included as Attachment A of the Planning Commission staff report dated January 7, 2014.
2. A certified copy of this resolution shall be transmitted to the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this January 7, 2015 by the following vote:

AYES: Cooney, Brown, Hartmann, Ferini, Blough

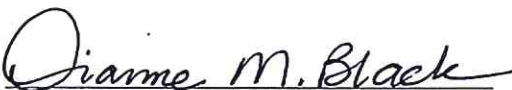
NOES:

ABSTAIN:

ABSENT:


CECILIA BROWN, Chair
Santa Barbara County Planning Commission

ATTEST:


DIANNE BLACK
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By


Deputy County Counsel

EXHIBIT: 1. Ordinance

EXHIBIT 1

LAND USE AND DEVELOPMENT CODE (ZONING MAP AMENDMENT)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ASSESSOR PARCEL NUMBER 153-080-008

Case No. 14RZN-00000-00004

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

SECTION 1:

All zoning maps and zoning designations previously adopted under the provisions of Sections 35.14.020 and 35.104 "Adoption of New Zoning Maps," of Chapter 35, Zoning, of the Code of the County of Santa Barbara, California, are hereby repealed as they relate to Assessor's Parcel Number 153-080-008 shown on the map attached hereto as Exhibit A and incorporated by reference.

SECTION 2:

Pursuant to the provisions of Section 35.14.020, "Adopting New Zoning Ordinances and Maps," of the Land Use and Development Code, of Chapter 35 of the Code of the County of Santa Barbara, California, the Board of Supervisors hereby adopts by reference the Zoning Map identified as Board of Supervisors Exhibit A, dated (date of Board of Supervisors Approval), which rezones Assessor's Parcel Number 153-080-008 from 40-AL-O, Limited Agriculture, 40 acre minimum parcel size, to AG-II-100, Agriculture, 100 acre minimum parcel size, and which is made a part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein, as exhibited in Exhibit A, and which is made part of said section by reference, with the same force and effect as if the boundaries, locations, and lines of the districts and territory therein delineated and all notations, references, and other information shown on said Zoning Map were specifically and fully set out and described therein.

SECTION 3:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 4:

Except as amended by this Ordinance, Section 35.14.020 of the Land Use and Development Code of Santa Barbara County, California, shall remain unchanged and shall continue in full force and effect.

SECTION 5:

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Janet Wolf, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:

MONA MIYASATO
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

By _____
Deputy County Counsel