

ATTACHMENT 14

COUNTY OF SANTA BARBARA  
CALIFORNIA

MONTECITO PLANNING COMMISSION



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

MONTECITO PLANNING COMMISSION  
HEARING OF OCTOBER 16, 2019

**RE: 2019 Zoning Ordinance Package Amendments; 19ORD-00000-00004, 19ORD-00000-00005**

Hearing on the request of the Planning and Development Department for the Montecito Planning Commission to consider the following:

- a) **Case No. 19ORD-00000-00004.** Adopt a resolution recommending to the Board of Supervisors (Board) that the Board adopt an ordinance (19ORD-00000-00004) amending the following divisions of Section 35-2, the Santa Barbara County Montecito Land Use and Development Code (MLUDC), of Chapter 35, Zoning, of the Santa Barbara County Code: Division 35.1, Montecito Development Code Applicability; Division 35.2, Montecito Zones and Allowable Uses; Division 35.3, Montecito Site Planning and Other Project Standards; Division 35.4, Montecito Standards for Specific Land Uses; Division 35.5, Montecito Resource Management; Division 35.7, Montecito Planning Permit Procedures; Division 35.9, Montecito Land Use and Development Code Administration; and Division 35.10, Glossary.
- b) Recommend that the Board determine that ordinance Case No. 19ORD-00000-00004 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines for the Implementation of CEQA, and accept 97-ND-02 and Addendum dated March 4, 2011, as adequate environmental review for the amendments to telecommunications facilities pursuant to Section 15162 of the State Guidelines for the Implementation of CEQA.
- c) **Case No. 19ORD-00000-00005.** Adopt a resolution recommending to the County Planning Commission that it recommend to the Board that the Board adopt an ordinance (19ORD-00000-00005) amending the following divisions of the Santa Barbara County Coastal Zoning Ordinance, Article II, of Chapter 35, Zoning, of the Santa Barbara County Code: Division 2, Definitions; Division 7, General Regulations; Division 11, Permit Procedures; and Division 12, Administration.
- d) Recommend that the County Planning Commission recommend that the Board determine that ordinance Case No. 19ORD-00000-00005 is exempt from the provisions of CEQA pursuant to Sections 15061(b)(3) and 15265 of the State Guidelines for the Implementation of CEQA, and accept 97-ND-02 and Addendum dated March 4, 2011, as adequate environmental review for the

amendments to telecommunications facilities pursuant to Section 15162 of the State Guidelines for the Implementation of CEQA.

The proposed ordinances would implement new regulations and make other minor clarifications, corrections, and revisions regarding commercial telecommunications facilities and recordable documents. In addition, 19ORD-00000-00004 would delete from the MLUDC uncertified regulations that were intended to apply solely within the Coastal Zone, delete repealed regulations regarding Small Wind Energy Systems, and delete expired regulations regarding time extensions due to economic hardship. The proposed ordinances also make other minor corrections and language revisions that do not materially change the existing regulations and serve only to clarify or correct existing language.

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Dear Honorable Members of the Board of Supervisors:

**19ORD-00000-00004**

At the Montecito Planning Commission hearing of October 16, 2019, Commissioner Kupiec moved, seconded by Commissioner Pulice and carried by a vote of 3 to 0 (Keller and Senauer absent) to:

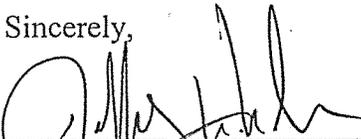
1. Make the required findings for approval, including CEQA findings, and recommend that the Board make the required findings for approval of the proposed amendment (Attachment A of the staff report dated October 9, 2019, revised October 16, 2019).
2. Recommend that the Board determine that this ordinance is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) of the State Guidelines for the Implementation of CEQA (Attachment B), and accept 97-ND-02 and Addendum dated March 4, 2011, as adequate environmental review for the amendments to telecommunications facilities pursuant to Section 15162 of the State Guidelines for the Implementation of CEQA (Attachment A of the staff report dated October 9, 2019).
3. Adopt a resolution recommending that the Board approve Case No. 19ORD-00000-00004, an ordinance amending the MLUDC (Attachment C of the staff report dated October 9, 2019) with three revisions proposed on October 16, 2019, concerning telecommunications facilities as follows:
  - a. Revise the permit review process for Tier 2(a) “small wireless facilities” to require that a member of the Montecito Planning Commission shall participate in the review of any application for Tier 2(a) “small wireless facilities” that is subject to initial review and to approval by the Director.
  - b. Add a development standard for “small wireless facilities” requiring that any telecommunications equipment installed by an applicant for “small wireless facilities”, shall, when it is feasible, also be made available for use by any other carrier if that additional use is compatible with any existing use.
  - c. Retain the existing finding that the proposed wireless facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

**19ORD-00000-00005**

Commissioner Pulice moved, seconded by Commissioner Kupiec and carried by a vote of 3 to 0 (Keller and Senauer absent) to:

1. Make the required findings for approval, including CEQA findings, and recommend to the County Planning Commission that the County Planning Commission make the findings for approval and recommend that the Board make the required findings for approval of the proposed amendment (Attachment D of the staff report dated October 9, 2019, revised October 16, 2019).
2. Recommend to the County Planning Commission that the County Planning Commission recommend to the Board that the Board determine that the adoption of this ordinance is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) and Section 15265 of the State Guidelines for the Implementation of CEQA (Attachment E), and accept 97-ND-02 and Addendum dated March 4, 2011, as adequate environmental review for the amendments to telecommunications facilities pursuant to Section 15162 of the State Guidelines for the Implementation of CEQA (Attachment D of the staff report dated October 9, 2019).
3. Adopt a resolution recommending that the County Planning Commission adopt a resolution recommending that the Board approve Case No. 19ORD-00000-00005, an ordinance amending Article II (Attachment F of the staff report dated October 9, 2019) with three revisions proposed on October 16, 2019, concerning telecommunications facilities as follows:
  - a. Revise the permit review process for Tier 2(a) “small wireless facilities” within the Montecito Planning Area to require that a member of the Montecito Planning Commission shall participate in the review of any application for Tier 2(a) “small wireless facilities” that is subject to initial review and approval by the Director.
  - b. Add a development standard for “small wireless facilities” within the Montecito Planning Area requiring that any telecommunications equipment installed by an applicant for “small wireless facilities”, shall, when it is feasible, also be made available for use by any other carrier if that additional use is compatible with any existing use.
  - c. Retain the existing finding that the proposed wireless facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.

Sincerely,



Jeff Wilson  
Secretary Planning Commission

cc: Case File: 19ORD-00000-00004, 19ORD-00000-00005  
Planning Commission File  
Brian Pettit, Deputy County Counsel  
David Lackie, Supervising Planner  
Julie Harris, Planner

Attachments: Attachment A – 19ORD-00000-00004 MLUDC Findings for Approval  
Attachment C – 19ORD-00000-00004 Resolution and Proposed Ordinance Amendment

2019 Zoning Ordinance Package Amendments; 19ORD-00000-00004, 19ORD-00000-00005  
Attachment D – 19ORD-00000-00005 Findings  
Page D-4

Attachment D – 19ORD-00000-00005 Article II Findings for Approval  
Attachment F – 19ORD-00000-00005 Article II Resolution and Proposed Ordinance Amendment

JW/dmv

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## ATTACHMENT A: MLUDC REVISED FINDINGS FOR APPROVAL

Case No. 19ORD-00000-00004

### 1.0 CEQA FINDINGS

#### 1.1 CEQA EXEMPTION

The Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, Case No. 19ORD-00000-00004, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment B, Notice of Exemption.

#### 1.2 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED

The Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that the previous environmental document prepared for the commercial telecommunications facilities ordinance amendments, 97-ND-02 and Addendum dated March 4, 2011, may be used to fulfill the environmental review requirements for this project, that portion of Case No. 19ORD-00000-00004 amending the commercial telecommunications facilities section of the Montecito Land Use and Development Code (Section 35.444.010). The project is a modification of the project reviewed in the previously adopted environmental document. The project modification will not substantially change the project or the circumstances under which the project will be undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project, as noted in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference. Therefore, the Montecito Planning Commission finds, and recommends that the Board of Supervisors find, that no new CEQA document is required and that the project modification does not trigger subsequent environmental review under State CEQA Guidelines Section 15162. Projects subject to discretionary permits will be required to comply with CEQA, as applicable to the specific project proposed.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 AMENDMENTS TO THE COMPREHENSIVE PLAN, DEVELOPMENT CODE AND COUNTY ZONING MAP FINDINGS

**Findings required for all Comprehensive Plan, Development Code, and the Zoning Map Amendments.** In compliance with Section 35.494.060 of the Montecito Land Use and Development Code, prior to the approval or conditional approval of an Amendment to the Comprehensive Plan, Development Code, or Zoning Map, the review authority shall first make all of the following findings, in order to approve a text amendment to the Montecito Land Use and Development Code as applicable:

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

As discussed in the Montecito Planning Commission staff report, dated October 9, 2019, herein incorporated by reference, the ordinance amendment, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is in the interests of the general community welfare since the amendment will serve to (1) clarify, update, and streamline the development permit process without compromising community values,

environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) update existing regulations to better conform to the requirements of state and federal law, and (4) correct and clarify existing text provisions.

**2.1.2 The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, and this Development Code.**

Adoption of the proposed ordinance, as discussed in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference, and subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, will provide more effective implementation of the state planning and zoning laws by revising the Montecito Land Use and Development Code to be consistent with state and federal regulations and provide clear and efficient permit processes that will benefit the public. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Montecito Land Use and Development Code that would not be revised by this ordinance. Therefore, this ordinance is consistent with the Comprehensive Plan, including the Montecito Community Plan, the requirements of State planning and zoning Laws, and the Montecito Land Use and Development Code.

**2.1.3 The request is consistent with good zoning and planning practice.**

The proposed ordinance, as discussed in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference, and subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment since it will revise the Montecito Land Use and Development Code to be consistent with state and federal regulations, and provide for clearer and more efficient permit processes. As discussed in Finding 2.1.2, above, the amendment is consistent with the Comprehensive Plan, including the Montecito Community Plan, and the Montecito Land Use and Development Code.

ATTACHMENT C: RESOLUTION AND ORDINANCE FOR MLUDC

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

IN THE MATTER OF RECOMMENDING TO THE BOARD )  
OF SUPERVISORS THE ADOPTION OF AN AMENDMENT )  
TO SECTION 35-2, THE SANTA BARBARA COUNTY )  
MONTECITO LAND USE AND DEVELOPMENT CODE, )  
OF CHAPTER 35, ZONING, OF THE COUNTY CODE, )  
AMENDING DIVISION 35.2, MONTECITO ZONES AND )  
ALLOWABLE USES, DIVISION 35.3, MONTECITO SITE )  
PLANNING AND OTHER PROJECT STANDARDS, )  
DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC ) RESOLUTION NO.: 19- 03  
LAND USES, DIVISION 35.5, MONTECITO RESOURCE )  
MANAGEMENT, DIVISION 35.7, MONTECITO PLANNING )  
PERMIT PROCEDURES, DIVISION 35.9, MONTECITO ) CASE NO.: 19ORD-00000-00004  
LAND USE AND DEVELOPMENT CODE )  
ADMINISTRATION, AND DIVISION 35.10, GLOSSARY, )  
TO IMPLEMENT NEW REGULATIONS REGARDING )  
TELECOMMUNICATION FACILITIES AND )  
RECORDABLE DOCUMENTS, TO DELETE UNCERTIFIED )  
REGULATIONS THAT WOULD APPLY SOLELY WITHIN )  
THE COASTAL ZONE, TO DELETE WIND ENERGY )  
CONVERSION (SMALL WIND ENERGY) SYSTEMS AND )  
AND TIME EXTENSIONS DUE TO ECONOMIC )  
HARDSHIPS, AND TO MAKE OTHER MINOR )  
CLARIFICATIONS, CORRECTIONS, AND REVISIONS. )

WITH REFERENCE TO THE FOLLOWING:

- A. On November 27, 2007, by Ordinance 4660, the Board of Supervisors adopted the Santa Barbara County Montecito Land Use and Development Code, Section 35-2 of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend that the Board of Supervisors adopt an ordinance (Case No. 19ORD-00000-00004) amending Section 35-2 of Chapter 35 of the Santa Barbara County Code, the Santa Barbara County Montecito Land Use and Development Code, to implement new regulations and make other minor clarifications, corrections, and revisions, subject to the recommended revisions identified herein.

The proposed Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is consistent with the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the requirements of California planning, zoning, and development laws.

- D. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is in the interest of the general community welfare since it will serve to (1) clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) update existing regulations to better conform to the requirements of State and federal law, and (4) correct and clarify existing text provisions.
- E. The Montecito Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed ordinance, at which hearing the ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

- 1. The above recitations are true and correct.
- 2. In compliance with the provisions of Section 65855 of the Government Code, the Montecito Planning Commission recommends that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the remainder of the above mentioned ordinance Case No. 19ORD-00000-00004, based on the findings included as Attachment A of the Montecito Planning Commission staff report dated October 9, 2019, as revised at the hearing of October 16, 2019, with three revisions proposed on October 16, 2019, concerning telecommunications facilities as follows:
  - a. Revise the permit review process for Tier 2(a) "small wireless facilities" to require that a member of the Montecito Planning Commission shall participate in the review of any application for Tier 2(a) "small wireless facilities" that is subject to initial review and to approval by the Director.
  - b. Add a development standard for "small wireless facilities" requiring that any telecommunications equipment installed by an applicant for "small wireless facilities", shall, when it is feasible, also be made available for use by any other carrier if that additional use is compatible with any existing use.
  - c. Retain the existing finding that the proposed wireless facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.
- 3. The Montecito Planning Commission endorses and transmits a certified copy of this Resolution to the Board of Supervisors.
- 4. The Chair of the Montecito Planning Commission is hereby authorized and directed to sign and certify all documents, and other materials in accordance with this Resolution to show the above mentioned action by the Montecito Planning Commission.

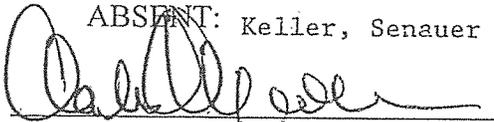
PASSED, APPROVED, AND ADOPTED this 16 day of October, 2019 by the following vote:

AYES: Kupiec, Pulice, Newman

NOES:

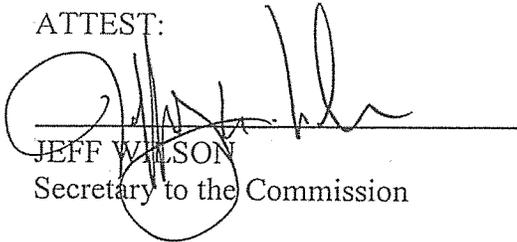
ABSTAIN:

ABSENT: Keller, Senauer



CHARLES NEWMAN, Chair  
Santa Barbara County Montecito Planning Commission

ATTEST:



JEFF WILSON  
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

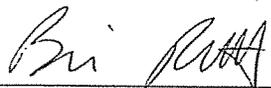
By   
Deputy County Counsel

EXHIBIT:

1. Ordinance Amending the Montecito Land Use and Development Code (Case No. 19ORD-00000-00004)

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## EXHIBIT 1: MLUDC AMENDMENT

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

AN ORDINANCE AMENDING SECTION 35-2, THE SANTA BARBARA COUNTY MONTECITO LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (MLUDC), TO IMPLEMENT NEW REGULATIONS REGARDING TELECOMMUNICATION FACILITIES AND RECORDABLE DOCUMENTS, DELETE UNCERTIFIED REGULATIONS THAT WOULD APPLY SOLELY WITHIN THE COASTAL ZONE, TO DELETE WIND ENERGY CONVERSION (SMALL WIND ENERGY) SYSTEMS AND TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP, AND TO MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS, BY AMENDING: DIVISION 35.1, MONTECITO DEVELOPMENT CODE APPLICABILITY; DIVISION 35.2, MONTECITO ZONES AND ALLOWABLE USES; DIVISION 35.3, MONTECITO SITE PLANNING AND OTHER PROJECT STANDARDS; DIVISION 35.4, MONTECITO STANDARDS FOR SPECIFIC LAND USES; DIVISION 35.5, MONTECITO RESOURCE MANAGEMENT; DIVISION 35.7, MONTECITO PLANNING PERMIT PROCEDURES; DIVISION 35.9, MONTECITO LAND USE AND DEVELOPMENT CODE ADMINISTRATION; AND DIVISION 35.10, GLOSSARY.

Case No. 19ORD-00000-00004

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

### SECTION 1:

DIVISION 35.1, Montecito Development Code Applicability, of the MLUDC, is hereby amended to revise Table 1-1 – Zones, to delete zones and overlay zones that occur only within the Coastal Zone of the Montecito Community Plan area (AG-I, TC, HC, SD, and VC), of Section 35.404.020, Zoning Map and Zones, of Chapter 35.404, Zoning Map.

### SECTION 2:

DIVISION 35.2, Montecito Zones and Allowable Uses, of the MLUDC, is hereby amended to combine Table 2-7 and Table 2-8, Allowed Land Uses and Permit Requirements for Residential Zones, into one table and renumber it as Table 2-4, of Section 35.423.030, Residential Zones Allowable Land Uses, of Chapter 35.423, Residential Zones.

### SECTION 3:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of the MLUDC, is hereby amended to delete Subsection J, Small Wind Energy Facilities, of Section 35.430.090, Height Measurement, Exceptions and Limitations, of Chapter 35.430, Standards for All Development and Land Uses, in its entirety.

### SECTION 4:

DIVISION 35.3, Montecito Site Planning and Other Project Standards, of the MLUDC, is hereby amended to revise Chapter 35.438, Sign Standards, to delete Section 35.438.070, Signs Allowed in Agricultural Zones, in its entirety and reserve the section number for future use.

**SECTION 5:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of the MLUDC, is hereby amended to revise Table 4-1 to delete references to Agricultural and AG-I zones, of Section 35.442.040, Animal Keeping, of Chapter 35.442, Standards for Specific Land Uses.

**SECTION 6:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of the MLUDC, is hereby amended to delete Subsection B, Greenhouses in the AG-I zone, of Section 35.442.110, Greenhouses, of Chapter 35.442, Standards for Specific Land Uses, in its entirety.

**SECTION 7:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of the MLUDC, is hereby amended to combine Table 4-7 and Table 4-7 – Continued, Allowed Temporary Uses and Permit Requirements for Residential Zones, into one condensed Table 4-7, of Section 35.442.180, Temporary Uses and Trailers, of Chapter 35.442, Standards for Specific Land Uses.

**SECTION 8:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of the MLUDC, is hereby amended to revise Section 35.444.010, Commercial Telecommunication Facilities, of Chapter 35.444, Telecommunications Facilities, to read as follows:

**35.444.010 - Commercial Telecommunications Facilities**

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

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

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

**Notes:**

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

**C. Processing.** Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D. through Subsection H. below, unless otherwise specified. Modifications to zone regulations in compliance with Section 35.472.060 (Conditional Use Permits) or Section 35.472.080 (Development Plans) may be allowed only as specified in this Section.

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

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

**b. Standard for Tier 1 projects, Spectrum Act facilities.** Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.

(1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:

**(a) Eligible facilities request.** The project must be a request for modification to an existing wireless tower or base station that involves:

(i) Collocation of new transmission equipment;

(ii) Removal of transmission equipment; or

(iii) Replacement of transmission equipment.

(b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.

(c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.

(2) Substantial change. Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:

(a) Wireless towers not located within the public right-of-way.

(i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(b) Wireless towers located within the public right-of-way and base stations.

(i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.

(ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

(iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.

(iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

(c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.

(d) The modification entails excavation or deployment outside of the current site.

(e) The modification would defeat the concealment elements of the support structure.

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

(1) The facility qualifies as a hub site.

(2) No antennas are proposed except as follows:

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

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

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

a. Standards for Tier 2 projects, very small facilities. Wireless telecommunication facilities

that comply with the following may be allowed:

- ~~(1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above-ground equipment shall not exceed a combined volume of one cubic foot.~~
- ~~(2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
  - ~~(a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the review authority that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.~~~~
- ~~(3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~
- ~~(4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g. antennas, equipment, cabling, trenching, boring, vaults, poles, hub-sites.)~~

a. Standards for Tier 2 projects, small wireless facilities. "Small wireless facilities," as that term is defined in 47 C.F.R. Section 1.6002(l), as amended, that comply with the following may be allowed:

- (1) The facilities:
  - (a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);
  - (b) are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - (c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- (4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).
- (5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.

- (7) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure, or vaulted underground, unless technical requirements dictate otherwise.
    - (a) If technical requirements dictate that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, the antenna may be mounted on a new pole or similar support structure provided the new pole or support structure replicates the materials, color, and finish of existing infrastructure nearby.
  - (8) The placement of multiple, interconnected, small wireless facilities to establish a new network (i.e., four or more within a square mile) may be reviewed as a whole project including all components that result in a physical change to the environment (e.g., antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
  - (9) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
  - (10) Facade-mounted antennas. Antennas mounted to the façade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Facade-mounted antennas shall not protrude more than two feet horizontally from the façade.
- b. **Standards for Tier 2 projects, tenant improvements.** Wireless telecommunication facilities that comply with the following may be allowed: ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following development standards:~~
- (1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a, above.
  - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.
  - (3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:
    - (a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
    - (b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
    - (c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.

- (d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
  - (4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
  - (5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
  - (6) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
  - (67) Access to the facility shall be provided by existing roads or driveways.
- c. **Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed: ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with applicable development standards.~~
- (1) The facility qualifies as a collocated telecommunications facility that does not otherwise qualify as a small wireless facility under C.2.a. above.
  - (2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.
  - (3a) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
    - (ai) As provided in Subsection C.2.b.(3).
    - (bii) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
- d. **Standards for Tier 2 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a. above and that comply with the following may be allowed:
- (1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. ~~If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Subsection 35.472.080.H (Conditions, restrictions, and modifications) shall not be allowed.

- (a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
    - (i) As provided in Subsection C.2.c.(32)(a).
    - (ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
  - (2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
  - (3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
- a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height that do not otherwise qualify as a small wireless facility under C.2.a. above.** Wireless telecommunication facilities that comply with the following may be allowed:
    - (1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. ~~If the facility is located in the AG-I zone, the height limit is that which applies to residential structures in that location.~~ A modification to the height limit in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
    - (2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) under the following circumstances:
      - (a) As provided in Subsection C.2.d.(1)(a).
      - (b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
    - (3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
    - (4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
  - b. **Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or**

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

- (1) Are not located in a residential zone as identified in Section 35.404.020 (Zoning Map and Zones).
- (2) Do not exceed 50 feet in height.

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

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

b. **Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations.** Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35.404.020 (Zoning Map and Zones). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35.444.020 (Noncommercial Telecommunication Facilities).

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

(2) Other commercial telecommunication facilities that exceed 50 feet in height.

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

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

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

(1) Antennas may be located within the setback area without approval of a modification in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications) or Subsection 35.472.080.H (Conditions, restrictions, and modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.

(2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.

(3) A modification to the setback is granted in compliance with Subsection 35.472.060.I (Conditions, restrictions, and modifications), or Section 35.472.080.H (Conditions, restrictions, and modifications).

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

limits specified in Subsection C. (Processing) above.

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

- (1) Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
- (2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
- (3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
  - (a) The vegetation is required to screen the improvements from public viewing areas.
  - (b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing vegetation.

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

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

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

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

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

- b. ~~In the Inland area, d~~Disturbed areas associated with the development of a facility shall not occur within the boundaries of an environmentally sensitive habitat area. ~~See Subsection D.3.e below regarding allowance for disturbance within environmentally sensitive habitat areas located within the Coastal Zone.~~
- c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2, through Subsection C.4.of this Section, unless:
- (1) The applicant can demonstrate that reasonable efforts, acceptable to the review authority, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
  - (2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
  - (3) The review authority determines that collocation of the proposed facility would result in greater visual impacts than if a new support structure were proposed.

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

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

state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.

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

**E. Project installation and post installation provisions.**

- 1. **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 and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction.
  - a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio-frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
  - b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the review authority to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
    - (1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
      - (a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together

with other sources of RF energy in the environment as a whole.

- (b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
  - (c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
- (2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following:-
- (a) Every five years, or other time period as specified by the review authority as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
  - (3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
  - (4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.
- c. **Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use by the Director. The decision of the Director to revoke the ~~Coastal Development Permit or Land Use Permit~~ or other entitlement of use is final subject to appeal in compliance with Chapter 35.102 (Appeals).
2. **Project Review.** The County reserves the right to undertake inspection of the facility and require the pPermittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities).
3. **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:

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

**4. Abandonment-Revocation.**

- a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
- b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
- c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
- d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

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

**6. Color compatibility.** Prior to the issuance of a Zoning Clearance, ~~Coastal Development Permit~~ or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure prior to issuance of the Zoning Clearance, ~~Coastal Development Permit~~ or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

**F. Public notice.** Notice of the approval of any ~~Coastal Development Permit~~ or Land Use Permit, or the pending decision of the Director on a Development Plan, or a public hearing on a Conditional Use Permit or Development Plan shall be given in compliance with Chapter 35.496 (Noticing and Public Hearings).

**G. Additional findings.** In addition to the findings required to be adopted by the review authority in compliance with ~~Section 35.472.050 (Coastal Development Permits)~~, Section 35.472.060 (Conditional Use Permits), Section 35.472.080 (Development Plans) and Section 35.472.110 (Land Use Permits) in order to approve an application to develop a telecommunication facility, the review authority shall also make the following findings:

1. The facility will be compatible with the existing and surrounding development in terms of land use and visual qualities.
2. The facility is located to minimize its visibility from public view.
3. The facility is designed to blend into the surrounding environment to the greatest extent feasible.
4. The facility complies with all required development standards unless granted a specific exemption by the review authority as provided in Subsection D. (Additional development standards for

telecommunication facilities) above.

- a. An exemption to one or more of the required development standards may be granted if the review authority additionally finds that in the specific instance that the granting of the exemption:
  - (1) Would not increase the visibility of the facility or decrease public safety, or
  - (2) Is required due to technical considerations and if the exemption was not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or
  - (3) Would avoid or reduce the potential for environmental impacts.
5. The applicant has demonstrated that the facility shall be operated within the frequency range allowed by the ~~Federal Communications Commission~~ FCC and complies with all other applicable safety standards.
- ~~6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~7. The applicant has demonstrated that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

#### H. Application requirements.

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

#### **SECTION 9:**

DIVISION 35.4, Montecito Standards for Specific Land Uses, of the MLUDC, is hereby amended to delete Chapter 35.446, Wind Energy Conversion Systems, in its entirety and reserve the chapter number for future use.

**SECTION 10:**

DIVISION 35.7, Montecito Planning Permit Procedures, of the MLUDC, is hereby amended to add Section 35.472.050, Recordable Documents, of Chapter 35.472, Permit Review and Decisions, to read as follows:

**35.472.050 – Recordable Documents Reserved**

In addition to any requirements to record a Notice to Property Owner for certain identified land uses pursuant to Chapter 35.430 (Standards for All Development and Land Uses) and Chapter 35.442 (Standards for Specific Land Uses), applicants shall record a Notice to Property Owner, Agreement, or other document, for the following matters related to real property, when a condition of approval of a planning permit or other land use entitlement requires it.

- A. Notices to Property Owners. Any notice to property owner required by this Development Code, including, but not limited to, the following, are recordable documents.
1. Accessory structure.
  2. Agricultural employee dwelling.
  3. Building and development envelopes.
  4. Buyer beware/notification regarding availability of public water and/or sewer.
  5. Community plan requirements. A Notice to Property Owner is required when a buyer notification or Notice to Property Owner is required pursuant to a community plan.
  6. Development exclusion areas.
  7. Fencing to allow animal passage.
  8. Fuel management zones.
  9. Landscaping maintenance.
  10. Plans (e.g., a solid waste management plan or habitat management plan) or actions (e.g., maintenance activities) that an applicant must implement, maintain, and/or take for an extended period of time (e.g., for the life of a project).
  11. Temporary dwelling unit (or temporary second unit).
  12. Watchman's trailer.
- B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.
1. Compliance with the parking requirements of this Development Code, including, but not limited to, provision of an offsite parking easement.
  2. Compliance with project and/or permit conditions of approval.
  3. Implementation of historic structural preservation and restoration/renovation plan or program.
  4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
  5. Maintenance of stormwater quality and retention measures.
  6. Prohibitions on high water use/consumption businesses.
  7. Resale Restrictive Covenant and Preemptive Right.
  8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

**SECTION 11:**

DIVISION 35.7, Montecito Planning Permit Procedures, of the MLUDC, is hereby amended to delete Subsection D.7, Time extension due to economic hardship, of Section 35.474.030, Time Extensions, of Chapter 35.474, Post Approval Procedures, in its entirety.

**SECTION 12:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of the MLUDC, is hereby amended to revise Subsection A of Section 35.490.050, Director, of Chapter 35.490, Administrative Responsibility, to read as follows:

- A. **Appointment.** The Director shall be appointed by the County Board of Supervisors ~~Chief Executive Officer~~.

**SECTION 13:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of the MLUDC, is hereby amended to delete Subsection C, Compliance with Measure A96 required, of Section 35.494.050, Action on Amendment, of Chapter 35.494, Amendments, in its entirety.

**SECTION 14:**

DIVISION 35.9, Montecito Land Use and Development Code Administration, of the MLUDC, is hereby amended to delete Subsection 4 of Subsection B, Notice for projects that require a public hearing or discretionary review authority action, of Section 35.496.080, Contents of Notice, of Chapter 35.496, Noticing and Public Hearings, in its entirety.

**SECTION 15:**

DIVISION 35.1, Montecito Development Code Applicability, DIVISION 35.2, Montecito Zones and Allowable Uses, DIVISION 35.3, Montecito Site Planning and Other Project Standards, DIVISION 35.4, Montecito Standards for Specific Land Uses, DIVISION 35.5, Montecito Resource Management, DIVISION 35.7, Montecito Planning Permit Procedures, DIVISION 35.9, Montecito Land Use and Development Code Administration, and DIVISION 35.10, Glossary, of the MLUDC, are hereby amended to: (1) delete all regulations that apply solely within the Coastal Zone, which were not certified by the California Coastal Commission and which are not in effect in the inland area of Montecito; (2) to delete unnecessary references to the Coastal Zone and the inland areas of Montecito; (3) excepting therefrom to retain Chapter 35.454, Montecito Transfer of Development Rights, which applies to inland areas in addition to the Coastal Zone; and (4) to correct minor grammatical errors and omissions that do not affect the meaning of this Development Code; including revisions to the following Sections: 35.400.010, 35.400.020, 35.400.040, 35.402.030, 35.422.020, 35.422.030, 35.423.030, 35.423.040, 35.423.050, 35.423.060, 35.423.070, 35.424.030, 35.424.040, 35.424.060, 35.425.030, 35.428.030, 35.428.040, 35.428.070, 35.430.030, 35.430.050, 35.430.060, 35.430.070, 35.430.090, 35.430.100, 35.430.130, 35.430.160, 35.430.190, 35.432.030, 35.432.040, 35.432.050, 35.432.060, 35.434.040, 35.434.080, 35.436.080, 35.436.090, 35.436.100, 35.442.010, 35.442.040, 35.442.120, 35.442.170, 35.442.180, 35.444.010, 35.444.020, 35.446.040, 35.446.050, 35.450.010, 35.450.020, 35.452.020, 35.452.040, 35.470.020, 35.472.020, 35.472.030, 35.472.040, 35.472.060, 35.472.070, 35.472.080, 35.472.090, 35.472.110, 35.472.120, 35.472.140, 35.472.170, 35.474.040, 35.474.060, 35.478.020,

35.478.040, 35.490.040, 35.491.020, 35.492.010, 35.492.020, 35.492.030, 35.494.050, 35.498.010, 35.498.080, and 35.498.090.

**SECTION 16:**

DIVISION 35.10, Glossary, of the MLUDC, is hereby amended to revise Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to correct the spelling of “collocated,” and to add a definition of “Base Station” under the definition of “Telecommunications Facility,” as new number 4, and renumbering the subsequent definitions, to read as follows:

4. Base Station. A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, which does not encompass a tower or any equipment associated with a tower, and as further defined by 47 C.F.R. Section 1.6100(b)(1), as amended.

**SECTION 17:**

DIVISION 35.10, Glossary, of the MLUDC, is hereby amended to revise Section 35.500.020, Definitions of Specialized Terms and Phrases, of Chapter 35.500, Definitions, to delete the existing definitions of “Appealable Development,” “Bluff Edge,” “Coastal Bluff,” “Coastal Bluff Edge,” “Coastal Dependent Development or Use,” “Coastal Dependent Recreation,” “Coastal Related Development,” “Coastal Related Recreation,” that portion of “Development” within the Coastal Zone, that portion of “Environmental Review” within the Coastal Zone, “Greenhouse – Coastal Zone,” “Greenhouse Related Development – Coastal Zone,” “Inland Extent of Beach,” that portion of “Lot” within the Coastal Zone, “Major Public Works Project and Major Energy Facility – Coastal Zone,” “Mean High Tide Line,” “Small Wind Energy System,” “Stream,” that portion of “Temporary Use” within the Coastal Zone, and “Utility Connection to Approved Development.”

**SECTION 18:**

The MLUDC is hereby amended to delete the text of existing Appendix B, Administrative Guidelines for Implementing Measure A96 – Voter Approval Initiative, in its entirety, and to condense and renumber the retained appendices as Appendix A through Appendix E.

**SECTION 19:**

The MLUDC is hereby amended to delete Attachment 1, Montecito Community Plan Development Standards, in its entirety.

**SECTION 20:**

All existing indices, section references and numbering, and figure and table numbers contained in the MLUDC are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 21:**

Except as amended by this Ordinance, the MLUDC shall remain unchanged and shall continue in full force and effect.

**SECTION 22:**

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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

## ATTACHMENT D: ARTICLE II CZO REVISED FINDINGS FOR APPROVAL

Case No. 19ORD-00000-00005

### 1.0 CEQA FINDINGS

#### 1.1 CEQA EXEMPTION

The Montecito Planning Commission finds, and recommends that the County Planning Commission find and recommend that the Board of Supervisors find, that the proposed project, Case No. 19ORD-00000-00005, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15265 and 15061(b)(3). Please see Attachment E, Notice of Exemption.

#### 1.2 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED

The Montecito Planning Commission finds, and recommends that the County Planning Commission find and recommend that the Board of Supervisors find, that the previous environmental document prepared for the commercial telecommunications facilities ordinance amendments, 97-ND-02 and Addendum dated March 4, 2011, may be used to fulfill the environmental review requirements for this project, that portion of Case No. 19ORD-00000-00005 amending the commercial telecommunications facilities section of the Article II Coastal Zoning Ordinance (Section 35-144F). The project is a modification of the project reviewed in the previously adopted environmental document. The project modification will not substantially change the project or the circumstances under which the project will be undertaken, and there is no new information of substantial importance. Further, there is no increase in the severity of impacts due to the project, as noted in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference. Therefore, the Montecito Planning Commission finds, and recommends that the County Planning Commission find and recommend that the Board of Supervisors find, that no new CEQA document is required and that the project modification does not trigger subsequent environmental review under State CEQA Guidelines Section 15162. Projects subject to discretionary permits will be required to comply with CEQA, as applicable to the specific project proposed.

### 2.0 ADMINISTRATIVE FINDINGS

#### 2.1 FINDINGS FOR ARTICLE II AMENDMENTS

**Findings required for Approval of an Ordinance Amendment.** Pursuant to Section 35-180.6 of the Santa Barbara County Article II Coastal Zoning Ordinance, the Montecito Planning Commission shall first make all of the following findings in order to approve the text amendment to the Article II Coastal Zoning Ordinance:

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

As discussed in the Montecito Planning Commission staff report, dated October 9, 2019, herein incorporated by reference, the ordinance amendment, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is in the interests of the general community welfare since the amendment will serve to (1) clarify, update, and

streamline the development permit process without compromising community values, environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) update existing regulations to better conform to the requirements of state and federal law, and (4) correct and clarify existing text provisions.

**2.1.2 The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, and this Article.**

Adoption of the proposed ordinance, as discussed in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference, and subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, will provide more effective implementation of the state planning and zoning laws by revising the Article II Coastal Zoning Ordinance to be consistent with state and federal regulations and provide clear and efficient permit processes that will benefit the public. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, will not result in any inconsistencies with the adopted policies and development standards of the Coastal Land Use Plan and/or the Comprehensive Plan, including the Montecito Community Plan. The proposed ordinance amendment is also consistent with the remaining portions of the Article II Coastal Zoning Ordinance that would not be revised by this ordinance. Therefore, this ordinance is consistent with the Coastal Land Use Plan and the Comprehensive Plan, including the Montecito Community Plan, the requirements of State planning and zoning Laws, and the Article II Coastal Zoning Ordinance.

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

The proposed ordinance, as discussed in the Montecito Planning Commission staff report dated October 9, 2019, herein incorporated by reference, and subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment since it will revise the Article II Coastal Zoning Ordinance to be consistent with state and federal regulations, and provide for clearer and more efficient permit processes. As discussed in Finding 2.1.2, above, the amendment is consistent with the Coastal Land Use Plan and the Comprehensive Plan, including the Montecito Community Plan, and the Article II Coastal Zoning Ordinance.

ATTACHMENT F: RESOLUTION AND ORDINANCE FOR ARTICLE II CZO

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

IN THE MATTER OF RECOMMENDING TO THE COUNTY )  
PLANNING COMMISSION THAT THE COUNTY )  
PLANNING COMMISSION RECOMMEND TO THE BOARD )  
OF SUPERVISORS ADOPTION OF AN AMENDMENT TO )  
ARTICLE II, THE SANTA BARBARA COUNTY COASTAL )  
ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF ) RESOLUTION NO.: 19- 04  
THE SANTA BARBARA COUNTY CODE, AMENDING )  
DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL ) CASE NO.: 19ORD-00000-00005  
REGULATIONS, DIVISION 11, PERMIT PROCEDURES, )  
AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT )  
NEW REGULATIONS REGARDING )  
TELECOMMUNICATION FACILITIES AND )  
RECORDABLE DOCUMENTS, TO DELETE TIME )  
EXTENSIONS DUE TO ECONOMIC HARDSHIP, AND TO )  
MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS )  
AND REVISIONS. )

WITH REFERENCE TO THE FOLLOWING:

- A. On July 19, 1982, by Ordinance 3312, the Board of Supervisors adopted the Coastal Zoning Ordinance, Article II of Chapter 35 of the Santa Barbara County Code; and
- B. The Montecito Planning Commission now finds that it is in the interest of the orderly development of the County and important to the preservation of the health, safety, and general welfare of the residents of the County to recommend to the County Planning Commission, that the County Planning Commission recommend that the Board of Supervisors adopt an ordinance (Case No. 19ORD-00000-00005) amending Article II of Chapter 35 of the Santa Barbara County Code, the Coastal Zoning Ordinance, to implement new regulations and make other minor clarifications, corrections, and revisions, subject to the recommended revisions identified herein.

The proposed Ordinance is attached hereto as Exhibit 1 and is incorporated herein by reference.

- C. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is consistent with the Coastal Act of 1976, the Santa Barbara County Coastal Land Use Plan, the Santa Barbara County Comprehensive Plan, including the Montecito Community Plan, and the requirements of California planning, zoning, and development laws.
- D. The proposed ordinance, subject to the revisions recommended by the Montecito Planning Commission at the hearing of October 16, 2019, is in the interest of the general community welfare since it will serve to (1) clarify, update, and streamline the development permit process without compromising community values, environmental quality, or the public health and safety, (2) revise existing permit processes to enhance clarity and efficiency, (3) update existing regulations to better conform to the requirements of State and federal law, and (4) correct and clarify existing text provisions.

E. The Montecito Planning Commission has held a duly noticed public hearing in compliance with Government Code Section 65854 on the proposed ordinance, at which hearing the ordinance was explained and comments invited from the persons in attendance.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. The above recitations are true and correct.
2. In compliance with the provisions of Section 65855 of the Government Code, the Montecito Planning Commission recommends to the County Planning Commission, that the County Planning Commission recommend that the Board of Supervisors of the County of Santa Barbara, State of California, following the required noticed public hearing, approve and adopt the above mentioned ordinance Case No. 19ORD-00000-00005, based on the findings included as Attachment D of the Montecito Planning Commission staff report dated October 9, 2019, as revised at the hearing of October 16, 2019, with three revisions proposed on October 16, 2019, concerning telecommunications facilities as follows:
  - a. Revise the permit review process for Tier 2(a) "small wireless facilities" within the Montecito Planning Area to require that a member of the Montecito Planning Commission shall participate in the review of any application for Tier 2(a) "small wireless facilities" that is subject to initial review and approval by the Director.
  - b. Add a development standard for "small wireless facilities" within the Montecito Planning Area requiring that any telecommunications equipment installed by an applicant for "small wireless facilities", shall, when it is feasible, also be made available for use by any other carrier if that additional use is compatible with any existing use.
  - c. Retain the existing finding that the proposed wireless facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.
3. A certified copy of this resolution shall be transmitted to the Board of Supervisors.
4. The Chair of the Montecito Planning Commission is hereby authorized and directed to sign and certify all documents, and other materials in accordance with this Resolution to show the above mentioned action by the Montecito Planning Commission.

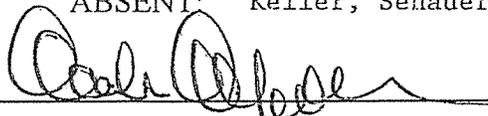
PASSED, APPROVED AND ADOPTED this 16 day of October, 2019 by the following vote:

AYES: Kupiec, Pulice, Newman

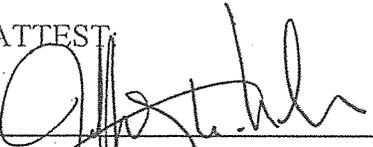
NOES:

ABSTAIN:

ABSENT: Keller, Senauer

  
\_\_\_\_\_  
CHARLES NEWMAN, Chair  
Santa Barbara County Montecito Planning Commission

ATTEST:

  
\_\_\_\_\_  
JEFF WILSON  
Secretary to the Commission

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

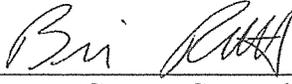
By   
\_\_\_\_\_  
Deputy County Counsel

EXHIBIT:

1. Ordinance Amending the Article II Coastal Zoning Ordinance (Case No. 19ORD-00000-00005)

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## EXHIBIT 1: ARTICLE II CZO AMENDMENT

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

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE SANTA BARBARA COUNTY CODE (ARTICLE II), TO IMPLEMENT NEW REGULATIONS REGARDING TELECOMMUNICATION FACILITIES AND RECORDABLE DOCUMENTS, TO DELETE TIME EXTENSIONS DUE TO ECONOMIC HARDSHIP, AND TO MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS BY AMENDING: DIVISION 2, DEFINITIONS; DIVISION 7, GENERAL REGULATIONS; DIVISION 11, PERMIT PROCEDURES; AND DIVISION 12, ADMINISTRATION.

Case No. 19ORD-00000-00005

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

### SECTION 1:

DIVISION 2, Definitions, of Article II is hereby amended to revise 35-58, Definitions, to add the following new definition of "Telecommunication Facility, Base Station," to read as follows:

Telecommunication Facility, Base Station. A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, which does not encompass a tower or any equipment associated with a tower, and as further defined by 47 C.F.R. Section 1.6100(b)(1), as amended.

### SECTION 2:

DIVISION 7, General Regulations, of Article II is hereby amended to revise Section 35-144F, Commercial Telecommunication Facilities, to read as follows:

#### **Section 35-144F. Commercial Telecommunications Facilities.**

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

a. Coastal Development Permit processing requirement.

- 1) Unless exempt in compliance with Section 35-169.2 (Applicability), all development requires a Coastal Development Permit in compliance with Section 35-169 (Coastal Development Permits).
- 2) A Coastal Development Permit shall be processed concurrently and in conjunction with a Conditional Use Permit or Development Plan in compliance with Section 35.169.4 (Processing).

Allowable Zones and Permit Requirements for Commercial Telecommunications Facilities

Project Level Tier	Zones Where Allowed	Permit Requirements	Development Standards
Tier 1 (a) Project - Temporary Facilities	Allowed as a "Permitted Use" in all zones	Coastal Development Permit	35-144F.C.1.a
Tier 1 (b) Project - Spectrum Act Facility Modifications	All zones	Zoning Clearance	35-144F.C.1.b 35-144F.D
Tier 1 (b)c Project - Hub sites	Allowed as a "Permitted Use" in all zones	Coastal Development Permit	35-144F.C.1.b 35-144F.D
Tier 2 (a) Project - <del>Very-s</del> Small wireless facilities	Allowed as a "Permitted Use" in all nonresidential zones	Development Plan approved by the Director ( <del>2</del> ) and concurrent Coastal Development Permit	35-144F.C.2.a 35-144F.D
Tier 2 (b) Project - Tenant improvements	Allowed as a "Permitted Use" in all nonresidential zones	Development Plan approved by the Director ( <del>2</del> ) and concurrent Coastal Development Permit	35-144F.C.2.b 35-144F.D
Tier 2 (c) Project - Collocated Facilities	Allowed as a "Permitted Use" in all nonresidential zones	Development Plan approved by the Director ( <del>2</del> ) and concurrent Coastal Development Permit	35-144F.C.2.c 35-144F.D
Tier 3 (a) Project - Facilities not exceeding 50 ft. in height (1)	Allowed as a "Use Permitted with a Minor Conditional Use Permit" in nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.a 35-144F.D
Tier 3 (b) Project - Satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception	Allowed as a "Use Permitted with a Minor Conditional Use Permit" in nonresidential zones	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.b 35-144F.D
Tier 3 (c) Project - Facilities that comply with the zone height limit (1)	Allowed as a "Use Permitted with a Minor Conditional Use Permit" in nonresidential zones, except not allowed in the Recreation (REC) zone	Minor Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.3.c 35-144F.D
Tier 4 (a) Project - Facilities that are not allowed in compliance with Tier 1 through Tier 3	Allowed as a "Use Permitted with a Major Conditional Use Permit" in all zones	Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.4.a 35-144F.D
Tier 4 (b) Project - Other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations	Allowed as a "Use Permitted with a Major Conditional Use Permit" in nonresidential zones	Conditional Use Permit and concurrent Coastal Development Permit	35-144F.C.4.b 35-144F.D

Notes:

- (1) Not allowed in or within 300 feet of a residential zone.
- (2) ~~The Director shall act as the decision-maker unless a public hearing is requested in compliance with Section 35-181 (Noticing) and Section 35-174 (Development Plans), in which case the Zoning Administrator or Montecito Planning Commission shall be the decision-maker.~~

- C. **Processing.** Permits for commercial telecommunication facilities shall be approved in compliance with the following requirements, including the requirements of Subsection D through Subsection H unless otherwise specified. Modifications to regulations in compliance with Section 35-169 (Coastal Development Permits), Section 35-172 (Conditional Use Permits) or Section 35-174 (Development Plans) may be allowed for telecommunication facilities only as specified in this Section.
1. **Tier 1 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 1 commercial facility:
- a. **Standards for Tier 1 projects, temporary facilities.** Temporary telecommunications facilities may be permitted in compliance with Section 35-137.3.1.
  - b. **Standard for Tier 1 projects, Spectrum Act facilities.** Pursuant to Section 6409 of the federal Spectrum Act (47 U.S.C. Section 1455) and its implementing regulations (47 C.F.R. Section 1.6100), as amended, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station shall be allowed. The terms used in this subsection shall have the meaning ascribed to them in 47 C.F.R. Section 1.6100(b), as amended.
    - 1) Pursuant to 47 C.F.R Section 1.6100, as amended, the request shall comply with the following:
      - a) Eligible facilities request. The project must be a request for modification to an existing wireless tower or base station that involves:
        - i) Collocation of new transmission equipment;
        - ii) Removal of transmission equipment; or
        - iii) Replacement of transmission equipment.
      - b) The wireless tower or base station is existing at the time of permit application, supports existing antennas, and was permitted in compliance with this Development Code.
      - c) The wireless tower is any structure built for the sole purpose of supporting any Federal Communications Commission (FCC)-licensed antennas and associated facilities.
    - 2) Substantial change. Pursuant to 47 C.F.R Section 1.6100, as amended, a modification shall not be allowed pursuant to this section if it substantially changes the physical dimensions of an existing wireless tower or base station. A modification substantially changes the physical dimensions if it meets any of the following criteria:
      - a) Wireless towers not located within the public right-of-way.
        - i) The modification increases the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet, whichever is greater.
        - ii) The modification adds an appurtenance to the body of the tower that would protrude from the edge of the tower by more than 20 feet, or by more than the width of the tower structure at the level of the appurtenance, whichever is greater.
      - b) Wireless towers located within the public right-of-way and base stations.
        - i) The modification increases the height of the structure by more than 10 percent, or by more than 10 feet, whichever is greater.
        - ii) The modification adds an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

- iii) The modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure.
  - iv) The modification involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
  - c) The modification involves installation of more than the standard number of equipment cabinets for the technology involved, but not to exceed four cabinets.
  - d) The modification entails excavation or deployment outside of the current site.
  - e) The modification would defeat the concealment elements of the support structure.
- c. Standards for Tier 1 projects, hub sites. Wireless telecommunication facilities that comply with all of the following may be allowed:
- 1) The facility qualifies as a hub site.
  - 2) No antennas are proposed except as follows:
    - a) One Global Positioning System (GPS) may be allowed.
  - 3) The facility is located within a permitted building.
  - 4) The facility may be subject to review by the Board of Architectural Review (Section 35-184) in compliance with Section 35-184.2 (Applicability).
2. **Tier 2 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 2 commercial facility:
- a. ~~Standards for Tier 2 projects, very small facilities.~~ Wireless telecommunication facilities that comply with the following may be allowed:
- ~~1) Antennas shall be limited to panel antennas or omnidirectional antennas. Antennas and associated above-ground equipment shall not exceed a combined volume of one cubic foot.~~
  - ~~2) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., street light, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure or vaulted underground.
    - a) More than two antennas shall not be located on a single utility pole or similar structure unless it is determined by the decision-maker that there will not be a negative visual impact. If at a later date the utility poles are proposed for removal as part of the undergrounding of the utility lines, the facility shall be removed prior to undergrounding and the permit for the facilities shall be null and void.~~
  - ~~3) The highest point of the antenna either does not exceed the height of the existing utility pole or similar support structure that it is mounted on, or in the case of an omnidirectional antenna, the highest point of the antenna is no higher than 40 inches above the height of the structure at the location where it is mounted.~~
  - ~~4) The placement of multiple, interconnected, very small facilities to establish a new network (i.e. four or more within a square mile) shall be reviewed as a whole project including all components that result in a physical change to the environment (e.g., antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites).~~
- a. Standards for Tier 2 projects, small wireless facilities. “Small wireless facilities.” as that term is defined in 47 C.F.R. Section 1.6002(l), as amended, that comply with the following may

be allowed:

- 1) The facilities:
  - a) are mounted on structures 50 feet or less in height including antennas as defined in 47 C.F.R. Section 1.1320(d);
  - b) are mounted on structures no more than 10 percent taller than other adjacent structures; or
  - c) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
- 2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume.
- 3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- 4) The facility does not require antenna structure registration under Part 17 of Title 47 C.F.R., or its successor regulations (i.e., Federal Communications registration due to extreme height or proximity to an airport).
- 5) The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x), or its successor regulation.
- 6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b), or its successor regulation.
- 7) The antenna shall be mounted on either an existing operational public utility pole or similar support structure (e.g., streetlight, traffic light, telephone pole, existing wooden pole) that is not being considered for removal, as determined by the Director, or the roof of an existing structure, or vaulted underground, unless technical requirements dictate otherwise.
  - a) If technical requirements dictate that the antenna cannot be mounted on an existing operational public utility pole or similar support structure, the antenna may be mounted on a new pole or similar support structure provided the new pole or support structure replicates the materials, color, and finish of existing infrastructure nearby.
- 8) The placement of multiple, interconnected, small wireless facilities to establish a new network (i.e., four or more within a square mile) may be reviewed as a whole project including all components that result in a physical change to the environment (e.g., antennas, equipment, cabling, trenching, boring, vaults, poles, hub sites.)
- 9) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- 10) Facade-mounted antennas. Antennas mounted to the facade of a building or structure shall be architecturally integrated into the building or structure design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Facade-mounted antennas shall not protrude more than two feet horizontally from the facade.

- b. **Standards for Tier 2 projects, tenant improvements.** Wireless telecommunication facilities that comply with the following may be allowed. ~~Additions to existing structures that a facility~~

~~is proposed to be located on or within may be allowed in order to comply with the following.~~

- 1) The facility qualifies as a tenant improvement that does not otherwise qualify as a small wireless facility under C.2.a. above.
- 2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
- 3) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under any of the following circumstances:
  - a) The antenna, associated antenna support structure, and equipment shelter is located within an existing structure.
  - b) The antenna is mounted on an exterior wall of an existing structure, and the highest point of either the antenna or the antenna support structure does not extend above the portion of the wall, including parapet walls and architectural façades, that the antenna is mounted on.
  - c) The antenna or equipment shelter is located on the roof of an existing structure behind a parapet wall or architectural façade and the highest point of the antenna or equipment shelter does not protrude above the parapet wall or architectural façade.
  - d) The portion of the facility that would exceed the height limit is located within an addition that qualifies as an architectural projection.
- 4) Antennas and associated antenna support structures proposed to be installed on the roof or directly attached to an existing structure shall be fully screened or architecturally integrated into the design of the structure. The highest point of the antenna and associated antenna support structure shall not extend above the portion of the structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure. If mounted on the roof of an existing structure the highest point of the antenna shall not extend above the parapet wall or architectural façade.
- 5) Equipment shelters proposed to be installed on the roof of an existing or proposed structure shall be fully screened or architecturally integrated into the design of the structure (e.g., located behind a parapet wall or architectural façade) and the highest point of the equipment shelter shall not protrude above the parapet wall or architectural façade.
- 6) Colors and materials. Colors and materials shall be chosen to minimize visibility, using textures and colors to match or blend with the primary background.
- (67) Access to the facility shall be provided by existing roads or driveways.

c. **Standards for Tier 2 projects, collocated facilities.** Wireless telecommunication facilities that comply with the following may be allowed: ~~Additions to existing structures that a facility is proposed to be located on or within may be allowed in order to comply with the following.~~ Any addition to an existing structure shall be subject to all applicable permit requirements (e.g., approval of a Coastal Development Permit pursuant to Section 35-169).

- 1) The facility qualifies as a collocated telecommunications facility that does not otherwise qualify as a small wireless facility under C.2.a. above.

- 2) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions provided below. ~~If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
- 3a) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in under the following circumstances:
  - a) As provided in Subsection C.2.b.3).
  - b) The highest point of the any portion of the new facility proposed to be located on an existing facility does not extend above the existing antenna support structure or the portion of any other structure, including parapet walls and architectural façades, that it is mounted on and shall not protrude more than two feet horizontally from the structure.
3. **Tier 3 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 3 commercial facility:
  - a. **Standards for Tier 3 projects, facilities not exceeding 50 feet in height.** Wireless telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a. above and that comply with the following may be allowed:
    - 1) Antennas, the associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in subject to the limitations and exceptions as provided below. ~~If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location.~~ A modification to the height limit in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) may be allowed. However, the highest point of the antenna and associated antenna support structure shall not exceed 50 feet.
    - 2) Antennas, associated antenna support structures, and equipment shelters may exceed the height limit of the zone that the project is located in without the approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) under the following circumstances:
      - a) As provided in Subsection ~~C.3.c.1).~~ C.2.d.(1).
      - b) The antenna and antenna support structure are mounted on an existing structure and the height of the antenna and antenna support structure does not exceed 15 feet above the highest point of the structure provided the highest point of the antenna does not exceed 50 feet. Architectural projections shall not be used in determining the highest point of the structure.
    - 3) New freestanding antenna support structures and associated antennas that do not utilize an existing operational public utility pole or similar support structure, as determined by the Director, shall not exceed a height of 50 feet.
    - 4) The base of a new freestanding antenna support structure shall be set back from a residentially zoned lot a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
  - b. **Standards for Tier 3 projects, satellite ground station facilities, relay towers, towers or antennas for radio/television transmission and/or reception.** Other telecommunication

facilities or structures, including satellite ground station facilities, relay towers, towers or antennas for the transmission and/or reception of radio, television, and communication signals that comply with the following may be allowed:

- 1) Are not located in a residential zone as identified in Section 35-52 (Zoning District Designations and Applicability).
  - 2) Do not exceed 50 feet in height.
- c. **Standards for Tier 3 projects, facilities that comply with the zone height limit.** Wireless telecommunication facilities that do not otherwise qualify as small wireless facilities under C.2.a. above and that comply with the following may be allowed:-
- 1) Antennas, associated antenna support structures, and equipment shelters shall comply with the height limit of the zone that the project is located in except as provided below. ~~If the facility is located in an agricultural zone as identified in Section 35-52 (Zoning District Designations and Applicability), the height limit is that which applies to residential structures in that location.~~ Modifications to the height limit in compliance with Section 35-174.8 (Conditions, Restrictions, and Modifications) shall not be allowed.
    - a) Antennas, associated antenna support structures and equipment shelters may exceed the height limit of the zone that the project is located under the following circumstances:
      - ~~i) As provided in Subsection C.2.c.2)a).3).~~
      - ii) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., streetlight standard), as determined by the Director, provided that the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
  - 2) The height of the antenna and associated antenna support structure shall not exceed 15 feet above the highest point of the structure on which the antenna and support structure is located. Architectural projections shall not be used in determining the highest point of the structure. If located on a flat roof of an existing structure, the height of the antenna above the roof shall not exceed the distance the antenna is set back from any edge of the roof.
  - 3) The base of a new freestanding antenna support structure shall be set back from a lot with a residential zone designation a distance equal to five times the height of the antenna and antenna support structure, or a minimum of 300 feet, whichever is greater.
4. **Tier 4 projects.** Commercial telecommunication facilities that comply with the following may be permitted as a Tier 4 commercial facility:
- a. **Standards for Tier 4 projects, facilities that are not allowed in compliance with Tier 1 through Tier 3.** Wireless telecommunication facilities that may not be permitted in compliance with Subsections C.1 through C.3 above, but do comply with the following development standards, under Subsection D below, may be allowed provided the height of the antenna and associated antenna support structures shall not exceed 75 feet ~~in the Coastal Zone, and 100 feet in Inland areas.~~
  - b. **Standards for Tier 4 projects, other facilities that are subject to regulation by the FCC or CPUC, e.g., AM/FM radio stations, television stations.** Other telecommunication facilities as follows are allowed in nonresidential zones as identified in Section 35-52 (Zoning District Designations and Applicability). These do not include wireless telecommunication facilities that are subject to the provisions of Subsection C.4.a above, or amateur radio facilities that are subject to the provisions of Section 35-144G (Noncommercial Telecommunication Facilities).

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

**D. Additional development standards for telecommunication facilities.** In addition to the development standards in Subsection C (Processing) above, with the exception of temporary mobile telecommunications facilities, commercial telecommunication facilities regulated by this Section 35-144F (Commercial Telecommunication Facilities) shall also comply with the following development standards unless otherwise indicated below.

1. Telecommunication facilities shall comply in all instances with the following development standards:
  - a. **Setbacks.** The facility shall comply with the setback requirements of the zone in which the facility is located except as follows:
    - 1) Antennas may be located within the setback area without approval of a modification in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications) provided they are installed on an existing, operational, public utility pole, or similar existing support structure.
    - 2) Underground equipment (e.g., equipment cabinet) may be located within the setback area and rights-of-way provided that no portion of the facility shall obstruct existing or proposed sidewalks, trails, and vehicular ingress or egress.
    - 3) A modification to the setback is granted in compliance with Section 35-172.12 (Conditions, Restrictions, and Modifications) or Section 35-174.8 (Conditions, Restrictions, and Modifications).
  - b. **Height limits and exceptions.** Antennas and associated antenna support structures (e.g., lattice tower, monopole) are limited to 50 feet in height and shall comply with the height limits specified in Subsection C (Processing) above.
    - 1) This height limit may be increased to a maximum of 75 feet in height where technical requirements dictate.
    - 2) Antennas and support structures used in connection with wireless communication facilities may exceed 75 feet if:
      - a) The antenna is mounted on or within an existing structure and the highest point of the antenna does not protrude above the highest point of the structure, including parapet walls and architectural façades, that the antenna is mounted on; or,
      - b) The antenna is mounted on an existing, operational public utility pole or similar support structure (e.g., street light standard), as determined by the Director provided the highest point of the antenna does not exceed the height of the existing utility pole or similar support structure that it is mounted on.
    - 3) In all cases the height of antennas, including support structures, shall be in compliance with the requirements of Section 35-100 (F - Airport Approach Overlay District).
  - c. **Fencing.** The general public is excluded from the facility by fencing or other barriers that prevent access to the antenna, associated antenna support structure, and equipment shelter.
  - d. **Historical landmarks.** Facilities proposed to be installed in or on a structure or site that has been designated by the County as a historical landmark shall be reviewed and approved by the Historical Landmarks Advisory Commission, or the Board on appeal.

- e. **Compliance with ~~Federal Communication Commission~~FCC.** The facility shall comply at all times with all ~~Federal Communication Commission~~FCC rules, regulations, and standards.
- f. **Access roads and parking areas.** The facility shall be served by roads and parking areas consistent with the following requirements:
  - 1) New access roads or improvements to existing access roads shall be limited to the minimum required to comply with County regulations concerning roadway standards and regulations.
  - 2) Existing parking areas shall be used whenever possible, and new parking areas shall not exceed 350 square feet in area.
  - 3) Newly constructed roads or parking areas shall, whenever feasible, be shared with subsequent telecommunication facilities or other allowed uses.
- g. **Lighting.** The facility shall be unlit except for the following:
  - 1) A manually operated light or light controlled by motion-detector that includes a timer located above the equipment structure door that shall be kept off except when personnel are present at night.
  - 2) Where an antenna support structure is required to be lighted, the lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of light that falls onto nearby residences and habitats.
- h. **Location within F - Airport Approach Overlay District.** The facility shall not be located within the safety zone of an airport unless the airport operator indicates that it will not adversely affect the operation of the airport.
- i. **Exterior finish.** The visible surfaces of support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be finished in non-reflective materials.
- j. **Painted surfaces.** Structures, poles, towers, antenna supports, antennas, and other components of each telecommunication site shall be initially painted and repainted as necessary with a non-reflective paint. The lessee shall not oppose the repainting of their equipment in the future by another lessee if an alternate color is deemed more appropriate by a decision-maker in approving a subsequent permit for development.
- k. **Landscaping.** The facility shall be constructed so as to maintain and enhance existing vegetation, without increasing the risk of fire hazards, through the implementation of the following measures:
  - 1) Facilities shall be sited to avoid the removal of trees and to avoid fuel modification within environmentally sensitive habitats and environmentally sensitive habitat buffers. Existing trees and other vegetation that screens the facility and associated access roads, power lines and telephone lines that are not required to be removed in order to construct the facility or to achieve fire safety clearances, shall be protected from damage during the construction period and for the life of the project.
  - 2) Underground lines shall be routed to avoid damage to tree root systems to the maximum extent feasible.
  - 3) Additional trees and other native or adapted vegetation shall be planted and maintained in the vicinity of the project site, and associated access roads, power lines, and telephone lines, under the following situations:
    - a) The vegetation is required to screen the improvements from public viewing areas.
    - b) The facility or related improvements are likely to become significantly more visible from public viewing areas over time due to the age, health, or density of the existing

vegetation.

Required landscape plans shall be comprised of appropriate species and shall be prepared by a botanist, licensed landscape contractor, or licensed landscape architect. A performance security shall be required to guarantee the installation and maintenance of new plantings.

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

Any alteration of the vegetation, conducted pursuant to an approved permit, shall be completed under the direction of a licensed arborist, licensed landscape contractor, or licensed landscape architect.

- 6) Vegetation proposed and/or required to be planted in association with a commercial telecommunications facility shall consist of non-invasive plant species only.
2. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from compliance with one or more of the following development standards if requested by the applicant. 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 and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
- a. The primary power source shall be electricity provided by a public utility. Backup generators shall only be operated during power outages and for testing and maintenance purposes. New utility line extension longer than 50 feet installed primarily to serve the facility shall be located underground unless an overhead line would not be visible from a public viewing area. New underground utilities shall contain additional capacity (e.g., multiple conduits) for additional power lines and telephone lines if the site is determined to be suitable for collocation.
  - b. Disturbed areas associated with the development of a facility shall be prohibited on prime agricultural soils. An exemption may be approved only upon a showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize impacts to prime soils and that agricultural operations will not be adversely impacted by placement or operation of the telecommunication facility.
  - c. Collocation on an existing support structure shall be required for facilities allowed in compliance with Subsection C.2 through Subsection C.4 of this Section, unless:

- 1) The applicant can demonstrate that reasonable efforts, acceptable to the decision-maker, have been made to locate the antenna on an existing support structure and these efforts have been unsuccessful; or
- 2) Collocation cannot be achieved because there are not existing facilities in the vicinity of the proposed facility; or
- 3) The decision-maker determines that:
  - a) Collocation of the proposed facility would result in greater visual impacts than if a new support structure were constructed.
  - b) The non-collocated development will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access.

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

- d. Support facilities (e.g., vaults, equipment rooms, utilities, equipment enclosures) shall be located underground, if feasible, if they would otherwise be visible from public viewing areas (e.g., public road, trails, recreational areas).
  - e. Facilities shall be prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a location on the seaward side would result in less visible impact. An exemption may be approved only upon showing of sufficient evidence that there is no other feasible location in the area or other alternative facility configuration that would avoid or minimize visual impacts.
3. Telecommunication facilities shall comply with the following development standards in all instances, except that the decision-maker may exempt a facility from one or more standards if requested by the applicant. If an exemption from one or more of the following standards is requested, then the facility shall require a Conditional Use Permit approved by the Planning Commission in compliance with Section 35-172 (Conditional Use Permits). 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 and will not decrease public safety, and will not result in greater impact to coastal resources, including sensitive habitat, coastal waters, and public access, or (b) is required due to technical considerations ~~such that if the exemption were not granted the area proposed to be served by the facility would otherwise not be served by the carrier proposing the facility~~, or (c) would avoid or reduce the potential for environmental impacts and will not increase the visibility of the facility, and will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitat, coastal waters and public access.
- a. A facility shall not be located so as to silhouette against the sky if substantially visible from a state-designated scenic highway or roadway located within a scenic corridor as designated on the Comprehensive Plan maps.

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

**E. Project installation and post installation provisions.**

- 1. **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 and (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction provided that such requirements are consistent with the certified Local Coastal Program and will not result in impacts to coastal resources.
  - a. **Demonstration of compliance.** Compliance with all applicable standards shall be demonstrated with a report prepared by a qualified professional acceptable to the County to perform radio frequency (RF) field testing to evaluate compliance with current federally established MPE standards. Compliance shall be demonstrated as needed to address changes in setting, technology and FCC regulations.
  - b. **Conditions of approval.** The approved planning permit for the facility may include conditions of approval as determined to be appropriate by the decision-maker to ensure that the facility is operated in a manner that does not pose, either by itself or in combination with other facilities, a potential threat to public safety. Said conditions of approval may include the following requirements:
    - 1) **Initial verification.** The Permittee shall submit a report prepared by a qualified professional acceptable to the County (wholly independent of Permittee) that includes a RF field test that measures actual RF electromagnetic exposure at the site within 30 days of Final Building Permit Clearance.
      - a) This RF field-testing shall measure all ambient sources of RF energy at the site and report the cumulative RF exposure, including contributions from the site together with other sources of RF energy in the environment as a whole.<sup>5</sup>

- b) The field test should include the author's/professional's findings with respect to compliance with federally established MPE standards.
    - c) Should the facility exceed the applicable standards, the facility shall cease and desist commercial operations until it complies with, or has been modified to comply with, applicable RF standards.
  - 2) **Continued compliance.** The Permittee shall demonstrate continued compliance with the MPE limits through submittal of regular radio frequency ("RF") field test reporting in compliance with the following:
    - a) Every five years, or other time period as specified by the decision-maker as a condition of approval of the project, a report prepared by a qualified professional acceptable to the County to perform RF field testing to evaluate compliance with current federally established MPE standards shall be prepared that lists the actual measured level of RF emissions radiating from the whole facility. The report shall be submitted by the newest carrier operating at the facility to the Director. If the level of RF emissions has changed since permit approval, measurements of RF levels in nearby inhabited areas shall be taken and submitted with the report.
  - 3) **Facility upgrades.** Prior to the addition/replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and is within the scope of the project description, Permittee shall submit a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole. Once the new equipment has been installed, Permittee shall perform Initial Verification as stated above.
  - 4) **Updated standards.** In the event the federally established RF public exposure standards change, the Permittee shall submit a report with calculations of the maximum potential public RF exposure from the Project with respect to the revised RF public exposure standards within 90 days of the date the change becomes effective. If calculated levels exceed 80 percent of the applicable RF standards, Permittee shall notify the County and submit a MPE compliance verification report with the results from current RF field-testing at the site.
- c. **Failure to supply reports.** Failure to supply the reports required in compliance with this Subsection E.1 within 30 days following the date that written notice is mailed by the Director that such compliance report is due or failure to remain in continued compliance with the MPE limit shall be grounds for revocation of the Coastal Development Permit or Land Use Permit or other entitlement of use by the Director. The decision of the Director to revoke the Coastal Development Permit or Land Use Permit or other entitlement of use is final subject to appeal in compliance with Chapter 35.102 (Appeals).
2. **Project Review.** The County reserves the right to undertake inspection of the facility and require the Permittee to modify its facilities should a more effective means of ensuring aesthetic compatibility with surrounding uses have become available as a result of subsequent technological advances, changes in circumstance from the time the project was initially approved, or the project fails to achieve the intended purposes of the development standards listed in Subsection D. (Additional development standards for telecommunication facilities).
3. **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:
  - a. The party seeking collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing.

- b. The Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk.
- c. The Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis.
- d. The County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

**4. Abandonment-Revocation.**

- a. The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation.
- b. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension.
- c. In the event the Owner requests that the facility or structures remain, the Owner shall apply for necessary permits for those structures within one year of discontinued use.
- d. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.

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

**6. Color compatibility.** Prior to the issuance of a Zoning Clearance, Coastal Development Permit or Land Use Permit, the applicant shall erect an onsite demonstration structure of sufficient scale and height to allow the Director to determine that the proposed exterior color is aesthetically compatible with the surrounding area. If the applicant elects not to erect this demonstration structure prior to issuance of the Zoning Clearance, Coastal Development Permit or the Land Use Permit, the Director may determine within 30 days of the facility becoming operational that the exterior color is not aesthetically compatible with the surrounding area and require that the exterior color be changed.

**F. Public notice.**

1. Notice of the application and pending decision on a Coastal Development Permit in compliance with Section 35-144F.C.1 shall be given in compliance with Section 35-181 (Noticing).
2. Notice of the pending decision of the Director on a Development Plan in compliance with Section 35-144F.C.2 shall be provided in compliance with Section 35-181 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 the Planning and Development Department.
  - 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 the Planning and Development Department within 10 calendar days of such notice. If a written request for a hearing is submitted to the Planning and Development Department within 10 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 Section 35-181 (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 the Planning and Development Department.

4. If the project is located in a residential zone district as identified in Section 35-52 or within 1000 feet of residentially zoned property, and the project includes a new freestanding antenna that is visible from the surrounding area, then, in addition to the noticing required above, notice shall be mailed to all property owners and residents within 1000 feet of the exterior boundaries of the facility lease area that the project is located on.

**G. Additional findings.** In addition to the findings required to be adopted by the decision-maker in compliance with Sections 35-169 (Coastal Development Permits), 35-172 (Conditional Use Permits), 35-174 (Development Plans) and 35-178 (Land Use Permits), 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 in compliance with Section 35-144F.G.4.a, below.
  - a. An exemption to one or more of the required development standards may be granted if the decision-maker additionally finds that in the specific instance that the granting of the exemption:
    - 1) Would not increase the visibility of the facility, will not decrease public safety, and will not result in greater impacts to coastal resources, including sensitive habitats, coastal waters, and public access, 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 and will not increase the visibility of the facility, will not decrease public safety, and will not result in greater impacts to coastal resources including sensitive habitats, coastal waters, and public access.
5. The applicant has demonstrated that the facility will be operated within the allowed frequency range permitted by the Federal Communications Commission FCC and complies with all other applicable health and safety standards.
- ~~6. The applicant has demonstrated a need for service (i.e. coverage or capacity) and the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~7. The applicant has demonstrated that the proposed facility design and location is the least visually and environmentally intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

**H. Application requirements.**

1. The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunication facility. Said information may include, but shall not be limited to:
  - a. Completed supplemental project information forms;
  - b. Cross-sectional area calculations;

- c. Service area maps;
- d. Network maps;
- e. Alternative site analysis;
- f. Visual analysis and impact demonstrations including mock-ups and/or photo-simulations;
- g. RF exposure studies;
- h. Title reports identifying legal access;
- i. Security programs;
- j. Lists of other nearby telecommunication facilities.

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

- 2. The Director is authorized at his or her discretion to employ on behalf of the County independent technical experts to review technical materials submitted including materials required under this section ~~and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required~~. Proprietary information disclosed to the County or the hired expert shall remain confidential and shall not be disclosed to a third party.
- 3. Commercial telecommunication facilities shall be subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review) under the following circumstances:
  - a. The facility includes the construction of a new structure or the remodel of or addition to an existing structure that is otherwise subject to review by the Board of Architectural Review in compliance with Section 35-184 (Board of Architectural Review).
  - b. The Planning Commission is the decision-maker for the facility.
- ~~4. The applicant must demonstrate a need for service (i.e. coverage or capacity) as part of the project application and provide reasonable evidence that the area proposed to be served would not otherwise be served by the carrier proposing the facility.~~
- ~~5. The applicant must demonstrate as part of the application that the proposed facility design and location is the least intrusive means feasible for the carrier proposing the facility to provide the needed coverage.~~

### **SECTION 3:**

DIVISION 11, Permit Procedures, of Article II, is hereby amended to delete Subsection 8, Time extension due to economic hardship, of Subsection D. Processing, of Section 35-179B, Time Extensions, in its entirety.

### **SECTION 4:**

DIVISION 11, Permit Procedures, of Article II is hereby amended to add a new Section 35-179D, titled "Recordable Documents" and to read as follows:

#### **Section 35-179D. Recordable Documents. Reserved**

In addition to any requirements to record a Notice to Property Owner for certain identified land uses pursuant to Division 4 (Zoning Districts), Division 7 (General Regulations), and Division 18 (Gaviota Coast Plan (GAV) Overlay), applicants shall record a Notice to Property Owner, Agreement, or other document, for the following

matters related to real property, when a condition of approval of a planning permit or other land use entitlement requires it.

A. Notices to Property Owners. Any notice to property owner required by this zoning ordinance, including, but not limited to, the following, are recordable documents.

1. Accessory structure.
2. Agricultural employee dwelling.
3. Building and development envelopes.
4. Buyer beware/notification regarding availability of public water and/or sewer.
5. Community plan requirements. A Notice to Property Owner is required when a buyer notification or Notice to Property Owner is required pursuant to a community plan.
6. Development exclusion areas.
7. Fencing to allow animal passage.
8. Fuel management zones.
9. Landscaping maintenance.
10. Plans (e.g., a solid waste management plan or habitat management plan) or actions (e.g., maintenance activities) that an applicant must implement, maintain, and/or take for an extended period of time (e.g., for the life of a project).
11. Temporary dwelling unit (or temporary second unit).
12. Watchman's trailer.

B. Other Notices, Agreements, Covenants, and Easements. Documents to require, or notify future buyers of real property of, the following are recordable.

1. Compliance with the parking requirements of this zoning ordinance, including, but not limited to, provision of an offsite parking easement.
2. Compliance with project and/or permit conditions of approval.
3. Implementation of historic structural preservation and restoration/renovation plan or program.
4. Implementation of Stormwater Control Plan or Stormwater Quality Management Plan.
5. Maintenance of stormwater quality and retention measures.
6. Prohibitions on high water use/consumption businesses.
7. Resale Restrictive Covenant and Preemptive Right.
8. Water well meter monitoring, provision of meter records, and measures to take in the event water quality degrades.

## **SECTION 5:**

DIVISION 12, Administration, of Article II, is hereby amended to delete Subsection e, of Subsection 2, Notice for projects that require a public hearing or discretionary decision-maker action, of Section 35-181.8, Contents of Notice, of Section 35-181, Noticing, in its entirety.

## **SECTION 6:**

All existing indices, section references, and figure and table numbers contained in Article II are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

**SECTION 7:**

Except as amended by this Ordinance, Division 2, Definitions, Division 7, General Regulations, Division 11, Permit Procedures, and Division 12, Administration, of Article II shall remain unchanged and shall continue in full force and effect.

**SECTION 8:**

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

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
COUNTY COUNSEL

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