

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
27-4863

RECORD PACKET COPY

M12c

DATE: March 28, 2000

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Charles Lester, District Manager
Rick Hyman, Coastal Program Analyst
C. Kelly Cuffe, Coastal Program Analyst

SUBJECT: **County of Monterey Local Coastal Program Major Amendment #1-98**
Concurrence with the Executive Director's determination that the action by the County of Monterey, accepting certification of Major Amendment #1-98 with modifications to the County's Local Coastal Program, is legally adequate.

EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR
COMMISSION REVIEW AT THE MEETING OF APRIL 10, 2000

Background

Local Coastal Program Major Amendment # 1-98, regarding wireless communication facilities was certified by the Commission on May 13, 1999 with modifications. There is a six month time limit for accepting the modifications. The County was granted two three-month time extensions on November 3, 1999 and February 16, 2000, due to workload constraints. The Monterey County Board of Supervisors subsequently approved Resolution #00-045, agreeing to incorporate the Commission's modifications and County staff's alternative language on February 8, 2000. Ordinance 4053 adopted all of the Commission's recommended modifications essentially verbatim, except for five minor changes suggested by County Counsel. These five minor changes to the language of the ordinance do not change the intent or the substance of the Commission's suggested modifications.

Pursuant to Section 20.94.030.D.8 of the Monterey County Local Coastal Program, The Coastal Commission may either accept the alternative language suggested by the Board of Supervisors or not and must notify the County as to their decision.

Recommendation

Staff recommends that the Commission adopt the following resolution:

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of Monterey County is legally adequate and report that determination to the Commission. It is recommended that the commission concur with the determination of the Executive Director that the action of the Board of Supervisors of

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



Monterey County accepting the certification that LCP Major Amendment #1-98, with the alternative language suggested by the Board of Supervisors is legally adequate.

Attachments

1. Draft letter to Board of Supervisors Chairperson L.R. Calcagno
2. Copy of Resolution No. 00-045 and Ordinance # 4053

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



- DRAFT -

March 28, 2000

Louis R. Calcagno, Chairperson
Monterey County Board of Supervisors
Board of Supervisors Chambers
240 Church Street
Salinas, CA 93901

Re: Monterey County, Local Coastal Program Major Amendment #1-98

Dear Chairperson Calcagno:

This office has reviewed Monterey County's Resolution No. 00-045 and companion Ordinance # 4053 adopted by the Board on February 22, 2000. By that action the County acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the County's Local Coastal Program. I have determined, and the Commission has concurred, that the County's action with respect to Local Coastal Program Major Amendment #1-98, regarding Wireless Communications Ordinance, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the April 10th meeting in Long Beach. The modified amendment is, therefore, in effect.

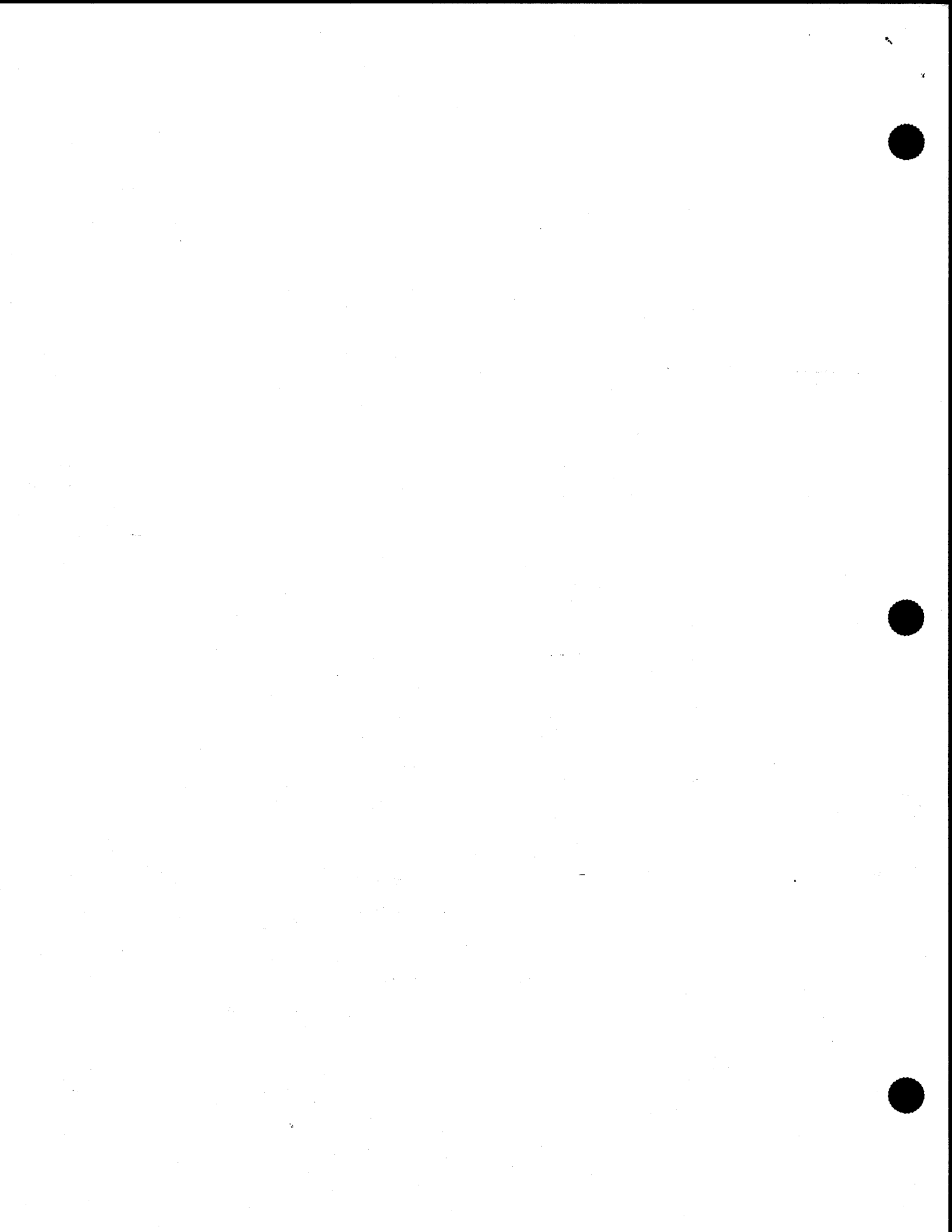
Very truly yours,

PETER M. DOUGLAS
Executive Director

CHARLES LESTER
District Manager

cc: Mike Novo, Monterey County Planning
Sally R. Reed, Clerk of the Board

CKC



Before the Board of Supervisors in and for the
County of Monterey, State of California

2800.000

Resolution No. 00-045-
Resolution Acknowledging Receipt of and)
Agreeing to California Coastal Commission)
Commission Certification of Amendments to)
Title 20, Monterey County Code (Coastal Imple-)
mentation Plan) (PD970002))

WHEREAS, pursuant to the California Coastal Act of 1976 (Public Resources Code Section 30000 et seq.), the County of Monterey ("County") has previously adopted a certified Local Coastal Program ("LCP") for that portion of the Coastal Zone within its jurisdiction;

WHEREAS, the Monterey County LCP consists of four Land Use Plan segments (North County, Del Monte Forest, Carmel Arca, and Big Sur Coast) and a Coastal Implementation Plan (Parts 1 - 6); and

WHEREAS, on September 30, 1997, this Board adopted Ordinance No. 3937 amending Part 1 of Title 20 of the Monterey County Code (Coastal Implementation Plan) in accordance with adopted procedures for such amendments; and

WHEREAS, the California Coastal Commission, on May 13, 1999 certified the proposed amendment subject to modification and notified the County of certification by letter on May 21, 1999.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Board acknowledges receipt of the Coastal Commission's certification of the amendments as modified; and
2. The Board agrees to the Coastal Commission's modifications and, incorporates County staff's alternative language, which fulfills the intent of the Coastal Commission. A subsequent hearing will be held on February 22, 2000, with the ordinance becoming effective on March 25, 2000.

PASSED AND ADOPTED on this 8th day of February, 2000, upon motion of Supervisor
Potter, seconded by Supervisor Salinas, by the following vote, to-wit:

AYES: Supervisors Salinas, Pennycook, Calcagno, Johnsen, Potter
NOES: None
ABSENT: None

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 70, on February 8, 2000.

DATED: February 8, 2000

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California
By: Carrie Wilkinson
Deputy
Carrie Wilkinson

ORDINANCE NO. 04053*

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING
SUBSECTION Q TO SECTION 20.10.040; SUBSECTION AA TO SECTION 20.10.050;
SUBSECTION R TO SECTION 20.12.040; SUBSECTION AA TO SECTION 20.12.050;
SUBSECTION V TO SECTION 20.14.040; SUBSECTION CC TO SECTION 20.14.050;
SUBSECTION V TO SECTION 20.16.040; SUBSECTION RR TO SECTION 20.16.050;
SUBSECTION V TO SECTION 20.17.040; SUBSECTION KK TO SECTION 20.17.050;
SUBSECTION AA TO SECTION 20.18.050; SUBSECTION PP TO SECTION 20.18.060;
SUBSECTION T TO SECTION 20.20.050; SUBSECTION V TO SECTION 20.20.060;
SUBSECTION F TO SECTION 20.21.050; SUBSECTION G TO SECTION 20.21.050;
SUBSECTION F TO SECTION 20.22.050; SUBSECTION AA TO SECTION 20.22.060;
SUBSECTION L TO SECTION 20.24.050; SUBSECTION M TO SECTION 20.24.050;
SUBSECTION BB TO SECTION 20.26.050; SUBSECTION CC TO SECTION 20.26.050;
SUBSECTION W TO SECTION 20.28.050; SUBSECTION X TO SECTION 20.28.050;
SUBSECTION T TO SECTION 20.30.040; SUBSECTION DD TO SECTION 20.30.050;
SUBSECTION T TO SECTION 20.32.040; SUBSECTION HH TO SECTION 20.32.050;
SUBSECTION J TO SECTION 20.38.040; SUBSECTION T TO SECTION 20.38.050;
SUBSECTION G TO SECTION 20.40.040; SUBSECTION S TO SECTION 20.40.050;
SUBSECTION D TO SECTION 20.64.160; REVISING SECTION 20.70.120.M; ADDING
SECTION 20.64.310 TO TITLE 20, OF THE MONTEREY COUNTY CODE, RELATING TO
STANDARDS AND PROCEDURES REGARDING WIRELESS COMMUNICATION FACILITIES

G. County Counsel Synopsis

This ordinance adds Section 20.64.310 to Title 20 of the Monterey County Code and provides for minimum standards and procedures to be followed in the siting of wireless communication facilities.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1 Subsection Q is added to Section 20.10.040 of the Monterey County Code to read:

Q. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 2 Subsection AA is added to Section 20.10.050 of the Monterey County Code to read:

AA. Wireless communications facilities, pursuant to Section 20.64.310;

* ADOPTED ORDINANCE showing
CCC modifications in under line & strike out.
County Counsel changes in bold print.

SECTION 3 Subsection R is added to Section 20.12.040 of the Monterey County Code to read:

R. Additions to existing approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 4 Subsection AA is added to Section 20.12.050 of the Monterey County Code to read:

AA. Wireless communication facilities, pursuant to Section 20.64.310;

SECTION 5 Subsection V is added to Section 20.14.040 of the Monterey County Code to read:

V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 6 Subsection CC is added to Section 20.14.050 of the Monterey County Code to read:

CC. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 7 Subsection V is added to Section 20.16.040 of the Monterey County Code to read:

V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 8 Subsection RR is added to Section 20.16.050 of the Monterey County Code to read:

RR. Wireless communication facilities, pursuant to Section 20.64.310;

SECTION 9 Subsection V is added to Section 20.17.040 of the Monterey County Code to read:

V. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 10 Subsection KK is added to Section 20.17.050 of the Monterey County Code to read:

KK. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 11 Subsection AA is added to Section 20.18.050 of the Monterey County Code to read:

AA. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 12 Subsection PP is added to Section 20.18.060 of the Monterey County Code to read:

PP. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 13 Subsection T is added to Section 20.20.050 of the Monterey County Code to read:

T. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 14 Subsection V is added to Section 20.20.060 of the Monterey County Code to read:

V. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 15 Subsection F is added to Section 20.21.050 of the Monterey County Code to read:

F. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 16 Subsection G is added to Section 20.21.050 of the Monterey County Code to read:

G. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 17 Subsection F is added to Section 20.22.050 of the Monterey County Code to read:

F. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 18 Subsection AA is added to Section 20.22.060 of the Monterey County Code to read:

AA. Wireless communications facilities (ZA); pursuant to Section 20.64.310;

SECTION 19 Subsection L is added to Section 20.24.050 of the Monterey County Code to read:

L. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 20 Subsection M is added to Section 20.24.050 of the Monterey County Code to read:

M. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 21 Subsection BB is added to Section 20.26.050 of the Monterey County Code to read:

BB. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 22 Subsection CC is added to Section 20.26.050 of the Monterey County Code to read:

CC. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 23 Subsection W is added to Section 20.28.050 of the Monterey County Code to read:

W. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 24 Subsection X is added to Section 20.28.050 of the Monterey County Code to read:

X. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 25 Subsection T is added to Section 20.30.040 of the Monterey County Code to read:

T. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 26 Subsection DD is added to Section 20.30.050 of the Monterey County Code to read:

DD. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 27 Subsection T is added to Section 20.32.040 of the Monterey County Code to read:

T. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 28 Subsection HH is added to Section 20.32.050 of the Monterey County Code to read:

HH. Wireless communications facilities pursuant to Section 20.64.310;

SECTION 29 Subsection J is added to Section 20.38.040 of the Monterey County Code to read:

J. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

SECTION 30 Subsection T is added to Section 20.38.050 of the Monterey County Code to read:

T. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 31 Subsection G is added to Section 20.40.040 of the Monterey County Code to read:

G. Additions to existing, approved wireless communications facilities, pursuant to Section 20.64.310;

SECTION 32 Subsection S is added to Section 20.40.050 of the Monterey County Code to read:

S. Wireless communications facilities, pursuant to Section 20.64.310;

SECTION 33. Subsection D is added to Section 20.64.160 of Title 20 of the Monterey County Code to read as follows:

D. This section does not apply to wireless communication facilities, which are instead governed by section 20.64.310.

SECTION 34. Section 20.64.310 is added to Title 20 to read as follows:

REGULATIONS FOR THE SITING, DESIGN, AND CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES

A. **PURPOSE:** The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the coastal areas of the unincorporated area of the County of Monterey.

It is also the purpose of this Chapter to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the indiscriminate and inappropriate proliferation of wireless communication facilities while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California and the policies of Monterey County.

B. APPLICABILITY: The provisions of this Section are applicable in all zoning districts.

C. REGULATIONS: Wireless communication facilities shall be allowed on any lot or parcel in any zoning district, subject to a Coastal Administrative Permit or a Coastal Development Permit. Facilities regulated by this ordinance include the construction, modification, and placement of all Federal Communication Commission (FCC) regulated amateur radio antenna, satellite dish antennas and any antennas used for multi-channel, multi-point distribution services (MMDS or "Wireless Cable") and personal wireless service facilities. ~~and~~ Wireless service facilities shall be subject to the following regulations: to the extent that such requirements (1) do not unreasonably discriminate among providers of functionally equivalent services or (2) do not have the effect of prohibiting personal wireless services within Monterey County.

1. Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.
2. Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
3. Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply with the requirement of all Comprehensive Airport Land Use Plans adopted by the Monterey County Airport Land Use Commission (ALUC) unless the Board of Supervisors has overruled the adoption of said plans pursuant to the California Public Utility Code section 21676.
4. Wireless communication facilities shall be sited in the least visually obtrusive location possible pursuant to Sections 20.64.310G and 20.64.310H1. Appropriate mitigation measures shall be applied in instances where the facility is visible from a designated scenic corridor or public viewing area.
5. A visual simulation of the wireless communication facility shall be provided together with a written report from an installer showing all locations where an unimpaired signal can be received. Visual simulation can consist of either a physical mock-up of the facility, balloon simulation, computer simulation or other means. In instances where the wireless communication facility is located near or in a residential area, photos shall be submitted of the proposed wireless communication facility from the nearest residential neighbors. In instances where the wireless communication facility is located along a scenic corridor, critical viewshed area or within a designated historic resource site or district, a detailed visual analysis of the facility shall be submitted.
6. Where the wireless communication facility is proposed to be located within a

designated historic resource site or district, the applicant shall comply with the regulations for historic resources pursuant to Chapter 20.54 and Chapters 18.25 and 18.26.

7. Where a wireless communication facility exists on the proposed site location, co-location shall be pursued to the maximum extent feasible. If a co-location agreement cannot be met, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Planning and Building Inspection.
8. Other regulations enacted pursuant to the General Plan, Local Coastal Program and Area Plan may be applied to the proposed wireless communication facility, depending on the location, and type of facility.

D. EXEMPTIONS: The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this chapter. Except that, if defined as development (Sec. 20.06.310) which is not exempt, pursuant to Section 20.70.120, nor preempted by federal law, a coastal permit shall be required.

1. Structure-mounted antennas as defined in Section 20.64.310 (F)(3) of this Chapter.
2. Ground-mounted antennas as defined in Section 20.64.310 (F)(4) of this Chapter.
3. A ground- or building mounted citizens band or two-way radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post, does not exceed zoning district height requirements of the zoning district.
4. A ground-, building- or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service, provided that its maximum height does not exceed the height requirements of the zoning district.
5. A ground- or building-mounted receive-only radio or television antenna which does not exceed 12' in height above the roofline or television satellite dish, which does not exceed one meter ~~thirteen feet (13')~~ in diameter, if located on residential property within the exclusive use or control of the antenna user. ~~for the sole use of the resident occupying a residential parcel on which the radio or television antenna or satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel, including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located.~~

6. A television satellite dish which is between one and two meters in diameter and is located in any area where commercial or industrial uses are permitted by the land use designation.
7. Mobile services providing public information coverage of news events of a temporary nature.
8. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning Director.

E. FINDINGS:

1. The proliferation of antennas, towers, and or satellite dishes could create significant, adverse visual impacts; therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to insure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities.
2. General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local government are often in a better position than the Commission to measure local impact and to identify alternative sites. Accordingly, the Commission will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and MTSOs (mobile telephone switching office) including (a) the issuance of land use approvals; (b) acting as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) the satisfaction of noticing procedures for both land use and CEQA procedures.
3. While the licensing of wireless communication facilities is under the control of the Federal Communication Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local government must address public health, safety, welfare, zoning, and environmental concerns where not preempted by federal statute or regulation.
4. In order to protect the public health, safety and the environment, it is in the public interest for local government to establish rules and regulations addressing certain land use aspects relating to the construction, design, and siting of wireless communication facilities and the compatibility with surrounding land uses.

F. DEFINITIONS

1. ALUC – Airport Land Use Commission of Monterey County

2. Antennas – Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.
3. Antenna – Structure-Mounted – Any antenna, 10 feet or less tall and six inches or less in diameter, attached to a structure not exceeding the height limit for the zoning district.
4. Antenna – Ground-Mounted – Any antenna with its base placed directly on the ground or a mast less than 10 feet tall and six inches in diameter and not exceeding the height limit for the zoning district.
5. Cellular Service – A wireless communications service that permits customers to use mobile telephones to connect, via low-power radio transmitter sites, either to the public-switched network or to other mobile cellular phones.
6. CEQA – California Environmental Quality Act
7. Co-located Facility – A communication facility comprised of a single tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
8. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by wireless communication providers to house equipment at a facility.
9. FAA – Federal Aviation Administration
10. FCC - Federal Communications Commission
11. MTSOs – Mobile Telephone Switching Offices
12. Monopole – A structure erected on the ground to support wireless communication antennas and connecting appurtenances.
13. PCS – Personal Communications Services – Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also know as Personal Communications Network (PCN).
14. PUC – California Public Utilities Commission
15. Satellite Dish – Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is

used to transmit and/or receive electromagnetic signals.

16. Telecommunication Facility – A facility that transmits and/or receives electromagnetic signals including but not limited to antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
17. Telecommunication Tower – A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
18. Wireless Communication Facility – An unstaffed facility for the transmission and reception of low-power radio signals. Wireless communication facilities include cellular radiotelephone service facilities; personal communications service facilities; specialized mobile radio service facilities and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
19. Wireless Communication Facility – Commercial – A wireless communications facility that is operated primarily for a business purpose or purposes.
20. Wireless Communication Facility – Non-commercial – A wireless communication facility that is operated solely for a non-business purpose.

H. REGISTRATION REQUIREMENT

1. All wireless communications carriers and providers that offer or provide any wireless communication services for a fee directly to the public, within the unincorporated areas of the County of Monterey, shall register with the County pursuant to this Chapter on forms to be provided by the Director of Planning and Building Inspection and which shall include the following:
 - a. The identity and legal status of the registrant, including any affiliates.
 - b. The name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the registration statement.
 - c. A narrative and map description of registrant's existing or proposed facilities within the unincorporated areas of the County of Monterey.

- d. A description of the wireless communication services that the registrant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within the unincorporated areas of the County of Monterey.
 - e. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission to provide wireless communications services or facilities within the unincorporated areas of the County of Monterey.
 - f. Information sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Telecommunications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Monterey.
 - g. Such other information as the Director of Planning and Building Inspection may reasonably require.
2. The purpose of the registration under this Section is to:
 - a. Provide the County with accurate and current information concerning the wireless communications carriers and providers who offer or provide communications services within the unincorporated areas of the County of Monterey, or that own or operate facilities within the unincorporated areas of the County of Monterey;
 - b. Assist the County in the enforcement of this Chapter;
 - c. Assist the County in monitoring compliance with local, State and Federal laws.
 3. Amendment. Each registrant shall inform the County, within sixty (60) days of any change of the information required pursuant to this Section.
 4. The provider shall consult with the Director of Planning and Building Inspection on site selection, prior to securing any sites that the provider does not already own or lease at the time of initial registration.

H. GENERAL DEVELOPMENT STANDARDS

1. Site Location

The following criteria shall govern appropriate locations for wireless communication facilities and may require an alternative site other than the site shown on an initial permit application for a wireless facility:

- a. Site location and development of wireless communications facilities shall preserve the visual character and aesthetic values of the specific parcel and surrounding land uses and shall not significantly impact public views to the ocean. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site.
- b. Co-location is encouraged when it will decrease visual impact and discouraged in cases when it will increase visual impact.
- c. Wireless communications facilities, to every extent possible, should not be sited to create visual clutter or negatively affect specific views.
- d. In designated visually sensitive areas, designated scenic corridors or areas of high visibility, wireless communication facilities shall be sited according to Sections 20.144.030; 20.145.030; 20.146.030; or 20.147.070. Furthermore, they should always be sited below the ridge line where possible and be ~~or~~ designed to minimize their visual impact.
- e. Wireless communications facilities shall be screened from any designated scenic corridors or public viewing areas to the maximum extent feasible.
 1. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
 2. Any exterior lighting, except as required for FAA regulations for airport safety, or as recommended by the ALUC, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.
 3. No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport within Monterey County or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad.
 4. No wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Director of Planning and Building Inspection, that the proposed location is the most feasible location for the provision of services as required by the FCC.
 5. ~~Per the policies in the Big Sur Coast Land Use Plan, no development, including~~

telecommunications facilities, shall be located in the critical viewshed. Wireless communication facilities shall be subject to the Big Sur Coast Land Use Plan viewshed policies.

6. No wireless communication facility shall be located in an environmentally sensitive habitat unless found consistent with Sections 20.144.040; 20.145.040; 20.146.040; or 20.147.040 ~~mitigation measures can be adopted which would reduce potential impacts to a level of non-significance.~~
7. Any wireless communication facility between the first through public road and the sea shall be consistent with the access and recreation policies of the LCP and Chapter 3 of the Coastal Act. No portion of a wireless facility shall extend onto or impede access to a public beach.

2. Site Location: Satellite Dish and MMDS Antenna

The antenna shall comply with the following requirements only to the extent such requirements are necessary to find the development consistent with the visual, public view protection, hazard and access policies of the certified LUP.

- a. The antenna complies with all applicable development standards of the base district in which it is located.
- b. The antenna and associated equipment blends into the surrounding environment, or provides adequate concealment through architecturally integrated elements.
- c. Where screening potential is low, innovative designs have been incorporated to reduce the visual impact.
- d. The applicant has demonstrated good faith to collocate on existing facilities or sites.
- e. The antenna does not significantly impact public views to the ocean.

3. Design Review Criteria

- a. Towers and monopoles shall be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise.
- b. Support facilities (i.e. vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed of non-flammable, non-reflective materials and shall be placed in underground vaults, unless otherwise approved by the County.

- c. All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the appropriate authority. If a facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the appropriate authority, and thereafter repainted as necessary with a flat paint color. Components of a telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.
- d. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts.

4. Requirements for Application Submittal

Applications for the use of wireless communication facilities shall be subject to the Planning and Building Inspection Department "Requirements for Application Submittal for the Development of Wireless Communication Facilities."

I. APPROPRIATE AUTHORITY:

The Planning Commission, the Zoning Administrator or the Director of Planning and Building Inspection shall be the Appropriate Authority to hear and decide all applications for Wireless Communication Facilities based on the following:

Planning Commission – The Planning Commission shall be the Appropriate Authority for applications for the installation of new, wireless communications facilities proposed in visually sensitive areas, critical viewsheds, scenic corridors and historic resource zoning districts.

Zoning Administrator – The Zoning Administrator shall be the Appropriate Authority for applications for the installation of new wireless communications facilities proposed on existing buildings or structures and which exceed the height limit for the zoning district, co-located facilities, and facilities that have no significant adverse visual impact from any common public viewing area.

Director of Planning and Building Inspection – The Director of Planning and Building Inspection shall be the Appropriate Authority for additions/amendments to existing, approved wireless communications facilities. The Director of Planning and Building Inspection may refer a proposed project to the Zoning Administrator if the project is determined to be more than minor in nature or if a coastal permit or a non-minor or non-trivial coastal permit amendment is required and not preempted by Federal law, based on Sections 20.06.310, 20.70.120, 20.70.105, and/or 20.76.115 or conditions of previously-issued coastal permits."

Applications for wireless communication facilities that have the following characteristics shall be referred to the Monterey County Airport Land Use Commission for a report and recommendation prior to consideration by the appropriate authority:

- a. Any structure penetrating a FAR Part 77 Imaginary Surface;
- b. Any structure within 5 miles of an airport that exceeds 35 feet in height;
- c. All structures over 100 feet anywhere in the County if the application requires a Use Permit or Variance for a height exception;
- d. Any structure that has the potential to present a hazard to aircraft in flight as determined by the Director of Planning and Building Inspection.

Applications shall also be referred to the local land use advisory committee, as appropriate.

The Director of Planning and Building Inspection, the Zoning Administrator or Planning Commission may impose such conditions deemed necessary to protect public health, safety, welfare, and the environment.

I. ACTION BY THE APPROPRIATE AUTHORITY

In order to grant any Coastal Administrative Permit or Coastal Development Permit, the Appropriate Authority shall make the following findings:

1. That the development of the proposed wireless communications facility will not significantly affect any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resources as defined in the Monterey County General Plan and the Area Plan.
2. That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that there are not alternative **sites** for the proposed facility.
3. That the proposed wireless communication facility complies with all of the applicable requirements of Section 20.64.310 of this Title.
4. That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any have been paid.
5. That the proposed telecommunications facility will not create a hazard for aircraft in flight.

6. Any decision to deny a permit for a personal wireless service facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence.

K. SITE RESTORATION UPON TERMINATION/ABANDONMENT OF FACILITY

1. The site shall be restored to its natural state within six months of termination of use or abandonment of the site.
2. Applicant shall enter into a site restoration agreement subject to the approval of the Director of Planning and Building Inspection and County Counsel.
3. As part of the agreement, the applicant shall commit to the following: where future technological advances would allow for reduced visual impacts resulting from the proposed wireless communication facility, the applicant shall agree to make those modifications that would reduce the visual impact of the proposed facility.

L. INDEMNIFICATION

Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the county and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

M. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have passed this Section and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

~~N. CONFLICTS WITH OTHER CHAPTERS~~

~~If this Section is found to be in conflict with any other Chapter, Section, Subsection, or Title, the provisions of this Section shall prevail.~~

SECTION 35. Section 20.70.120.M of Title 20 of the Monterey County Code is revised to read as follows:

Any project undertaken by a federal agency or exempt from local regulation pursuant to federal law.

Effective Date. This ordinance shall become effective on the thirty-first day after adoption or upon certification by the Coastal Commission, whichever date occurs last.

PASSED AND ADOPTED this _____ day of _____, 2000, by the following vote:

AYES:
NOES:
ABSENT:

LOUIS R. CALCAGNO, Chair
Monterey County Board of Supervisors

SALLY R. REED, Clerk
to the Board of Supervisors

By: _____
Deputy

Approved as to Form:
ADRIENNE GROVER
County Counsel

By: _____
Deputy County Counsel

and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid.

SECTION 35. Section 20.70.120.M of Title 20 of the Monterey County Code is revised to read as follows:

M. Any project undertaken by a federal agency or exempt from local regulation pursuant to federal law.

Effective Date. This ordinance shall become effective on the thirty-first day after adoption or upon certification by the Coastal Commission, whichever date occurs last.

PASSED AND ADOPTED this 22nd day of February, 2000, by the following vote:

AYES: Supervisors Salinas, Pennycook, Calcagno, Johnsen and Potter.
NOES: None.
ABSENT: None.

Louis R. Calcagno /s/ Louis R. Calcagno
LOUIS R. CALCAGNO, Chair
Monterey County Board of Supervisors

(SEAL)

SALLY R. REED, Clerk
to the Board of Supervisors

By: /s/ Nancy Lukenbill
Deputy

Approved as to Form:
ADRIENNE M. GROVER
Acting County Counsel

By: *Mary Grace Perry* /s/ Mary Grace Perry
2-10-2000
Deputy County Counsel

