

**CALIFORNIA COASTAL COMMISSION**

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

**W7a****August 18, 2004 (for September 8, 2004 Hearing)****RECORD PACKET COPY****To:** Coastal Commissioners and Interested Persons**From:** Diane Landry, Central Coast District Manager  
Dan Carl, Coastal Planner**Subject: Certification Review for Santa Cruz County Local Coastal Program Amendment Number 3-03 Part 2 (Wireless Communications Facilities)**

At the June 2004 Coastal Commission meeting in San Pedro, the Commission approved, with suggested modifications, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 3-03 Part 2. This LCP amendment established specific regulations and standards for siting, designing, constructing, and operating wireless communications facilities in the County, and added wireless communications facilities as an allowed use in various zoning districts (see exhibit A).

By action taken August 10, 2004, Santa Cruz County adopted the amending LCP text as directed by the Commission's suggested modifications (again, see exhibit A). This action was taken within the required six month timeframe.

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., September 8, 2004), and notification of this certification and Commission concurrence will be forwarded to the County.

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by Santa Cruz County to accept the Commission's suggested modifications for LCP Amendment 3-03 Part 2 are legally adequate.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the Santa Cruz County LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 3-03 Part 2; the amended LCP will be certified as of today's date (i.e., September 8, 2004). The motion passes only by affirmative vote of a majority of the Commissioners present.

**Exhibits**

Exhibit A: County's Acceptance of the Coastal Commission's Suggested LCP Modifications

**California Coastal Commission****September 2004 Meeting in Eureka**

SCO Major LCPA 3-03 Part 2 Wireless ED certification stfprt 9.8.2004.doc

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0246

RESOLUTION NO. 273-2004

On the motion of Supervisor Beautz  
duly seconded by Supervisor Campos  
the following Resolution is adopted:

RESOLUTION AMENDING THE WIRELESS COMMUNICATION FACILITIES ORDINANCE (COUNTY CODE SECTION 13.10.660 THROUGH 13.10.668 INCLUSIVE) AND AMENDING THE ZONING ORDINANCE USES CHARTS (COUNTY CODE SECTIONS 13.10.312, 13.10.322, 13.10.332, 13.10.342, 13.10.352, 13.10.362, AND 13.10.372) TO INCORPORATE THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS

WHEREAS, the proliferation of wireless communication towers and antennas have the potential to create significant, adverse visual impacts and, therefore, there is a need to regulate the siting, design, and construction and major modification of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by the cluttering of unsightly facilities; and

WHEREAS, 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 PUC to measure local impact and to identify alternative sites; and

WHEREAS, accordingly, the PUC will generally defer to local governments to regulate the location and design of cellular towers and other wireless communication facilities, 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; and

WHEREAS, 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; and

WHEREAS, on April 29, 2003, the Board of Supervisors, after a duly noticed public hearing, adopted the Santa Cruz County Wireless Communication Facilities Ordinance and related Zoning Ordinance Use Chart amendments and directed the Planning Department to forward the new and amended ordinances to the California Coastal Commission for their approval and certification, as Local Coastal Program (LCP) Implementation Plan Major Amendment 1-03 (Part 1), as required under the Coastal Act; and

**CCC Exhibit A**  
**(page 1 of 40 pages)**

WHEREAS, on August 6, 2003, the California Coastal Commission considered and denied as submitted, but then approved with suggested modifications, the proposed LCP Major Amendment 1-03 (Part 1); and

WHEREAS, while the Coastal Commission's initial suggested modifications consisted primarily of minor changes that provide clarification, remove redundancies, or strengthen environmental protection provisions in the LCP Implementation Plan amendments previously approved by the Board of Supervisors, the County found two of the modifications objectionable because they would have inhibited the installation of public safety wireless communication network and would have removed incentives to co-locate wireless facilities; and

WHEREAS, on November 18, 2003, the Board of Supervisors, after a duly noticed public hearing, adopted an amended Wireless Communication Facilities Ordinance and related Zoning Ordinance Use Chart amendments, incorporating the Coastal Commission's initial suggested modification and related revisions addressing the County's concerns, and directed the Planning Department to forward the new amended ordinances to the California Coastal Commission for their approval and certification, as Local Coastal Program (LCP) Implementation Plan Major Amendment 3-03 (Part 2), as required under the Coastal Act; and

WHEREAS, on June 9, 2004, the California Coastal Commission considered and denied as submitted, but then approved with new suggested modifications, the proposed LCP Major Amendment 3-03 (Part 2); and

WHEREAS, while the Coastal Commission's new suggested modifications consist primarily of minor changes that provide clarification, remove redundancies, or strengthen environmental protection provisions in the LCP Implementation Plan amendments previously approved by the Board of Supervisors, and therefore have been found to be acceptable to County staff; and

WHEREAS, the proposed amendments to the Wireless Communication Facilities Ordinance and associated ordinance amendments incorporating the Coastal Commission's latest suggested modifications have been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Santa Cruz County Board of Supervisors has six (6) months from the date of the Coastal Commission action (i.e., until December 9, 2004) to adopt the Coastal Commission's suggested modifications to LCP Major Amendment 3-03 (Part 2);

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the Coastal Commission's new suggested modifications to the previously approved Wireless Communication Facilities Ordinance, as set forth in Exhibits 1-A and 1-B, and approves the CEQA Categorical Exemption incorporated herein by reference, and authorizes their submittal to the California Coastal Commission for final certification.

IT IS FURTHER RESOLVED AND ORDERED THAT this Resolution shall take effect the date of approval of this Resolution for those areas outside the Coastal Zone, and shall take effect on the date of final certification by the Coastal Commission for those areas within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 10th day of August, 2004 by the following vote:

AYES: SUPERVISORS Beautz, Campos, Pirie, Stone and Wormhoudt  
 NOES: SUPERVISORS None  
 ABSENT: SUPERVISORS None  
 ABSTAIN: SUPERVISORS None

**MARDI WORMHOUDT**

Chairperson of the Board of Supervisors

ATTEST: **GAIL T. BORKOWSKI**

Clerk of the Board of Supervisors

APPROVED AS TO FORM: *David Kender*

County Counsel

Exhibits:

- 1-A: Coastal Commission Suggested Modifications, with County Staff's Revisions, to the Wireless Communication Facilities Ordinance - County Code Sections 13.10.660 through 13.10.668 inclusive
- 1-B: Coastal Commission Suggested Modifications to Zoning Ordinance Use Charts Amendments Related to the Wireless Communication Facilities Ordinance - County Code Sections 13.10.312, 13.10.322, 13.10.332, 13.10.342, 13.10.352, 13.10.362, 13.10.372

cc: County Counsel  
 Planning Department  
 CAO's Office  
 General Services  
 Sheriff's Department  
 California Coastal Commission

STATE OF CALIFORNIA	)	ss
COUNTY OF SANTA CRUZ	)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>August 12, 04</u>		
SUSAN A. MAURIELLO, County Administrative Officer		
By	<u><i>Alicia Penella</i></u>	Deputy

0249

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

**AN ORDINANCE OF THE COUNTY OF SANTA CRUZ ESTABLISHING  
ZONING REGULATIONS REGARDING  
WIRELESS COMMUNICATION FACILITIES**

(CCC Modifications Shown in Underlined Italics for Additions and ~~Strikethrough~~ for Deletions)

**SECTION I**

Section 13.10.659 of the Santa Cruz County Code is hereby repealed effective upon certification of this Ordinance by the California Coastal Commission as to those areas within the Coastal Zone.

**SECTION II**

The Santa Cruz County Code Section 13.10.660 through 13.10.668 inclusive is hereby amended to read as follows:

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

**(a) PURPOSE:**

The purpose of Sections 13.10.660 through 13.10.668 inclusive is to establish regulations, standards and circumstances for the siting, design, construction, major modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of Sections 13.10.660 through 13.10.668 inclusive 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 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 Santa Cruz County. It is also the purpose of Sections 13.10.660 through 13.10.668 inclusive to locate and design wireless communication towers/facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, agricultural and open space land resource impacts, impacts to the community and aesthetic character of the built and natural environment, attractive nuisance, noise and falling objects, and the general safety, welfare and quality of life of the community. It is also the purpose of Sections 13.10.660 through 13.10.668 inclusive to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.

## (b) FINDINGS:

- (1) The proliferation of antennas, towers, satellite dishes, and other wireless communication facility structures could create significant, adverse visual impacts, therefore, there is a need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not marred by unsightly commercial facilities, particularly in residential, historically significant, scenic coastal areas, and other environmentally sensitive areas.
- (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 PUC to measure local impact and to identify alternative sites. Accordingly, the PUC will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and Mobile Telephone Switching Offices (MTSOs) 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, siting, major modification, and operation of wireless communication facilities and their compatibility with surrounding land uses.
- (5) Commercial wireless communication facilities are commercial uses and as such are generally incompatible with the character of residential zones in the County and, therefore, should not be located on residentially zoned parcels unless it can be proven that there are no alternative nonresidential sites from which can be provided the coverage needed to eliminate or substantially reduce significant gaps in the applicant carrier's coverage network.

## (c) APPLICABILITY:

Activities and development regulated by this ordinance include the siting, design, construction, major modification, and operation of all wireless communication facilities, including Federal Communication Commission (FCC) regulated dish antennas, antennas used for Multi-channel, Multi-point Distribution Services (MMDS) or "Wireless Cable" and personal wireless service facilities (e.g., cellular phone services, PCS - personal communication services, wireless paging services, wireless internet services, etc.). The regulations in this ordinance are intended to be consistent with state and federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to: (1) be used to unreasonably discriminate among providers of functionally equivalent services; or (2) have the effect of prohibiting personal wireless services within Santa Cruz County; or (3) have the effect of prohibiting the siting of wireless

0251

communication facilities on the basis of the environmental/health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

(d) DEFINITIONS:

- (1) Antennas - Any system of wires, poles, rods, reflecting discs, dishes, flat panels, or similar devices, including "whip antennas", attached to a telecommunications tower, mast or other structure, which in combination with the radio-frequency radiation generating equipment associated with a base station are used for the transmission or reception of electromagnetic waves.
- (2) Available Space - The space on a tower or structure to which antennas of a telecommunications provider are both structurally and electromagnetically able to be attached.
- (3) Base Station - The primary sending and receiving site in a wireless telecommunications network, including all radio-frequency generating equipment connected to antennas. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.
- (4) Cellular Service - A wireless telecommunications service that permits customers to use mobile telephones and other communication devices to connect, via low-power radio transmitter sites, either to the public-switched telephone network or to other fixed or mobile communication devices.
- (5) CEQA- California Environmental Quality Act.
- (6) Channel - The segment of the radiation spectrum from an antenna which carries one signal. An antenna may radiate on many channels simultaneously.
- (7) Co-location or Co-located Facility - When more than one wireless service providers share a single wireless communication facility. A co-located facility can be comprised of a single tower, mast/pole or structure that supports two or more antennas, dishes, or similar wireless communication devices, that are separately owned or used by more than one public or private entity. Co-location can consist of additions or extensions made to existing towers so as to provide enough space for more than one user, or it can involve the construction of a new replacement tower with more antenna space that supplants an older tower with less capacity. Placing new wireless communication facilities/antennas upon existing or new P.G.&E. or other utility towers or poles (e.g., "micro-cell" sites) is also considered co-location.
- (8) Communication Equipment Shelter - A structure located at a base station designed principally to enclose equipment used in connection with telecommunication transmissions.

0252

- (9) dBm – Unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to 1 milliwatt.
- (10) Dish Antenna - 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.
- (11) Equipment Building, Shelter or Cabinet - A cabinet or building used to house equipment used by wireless communication providers at a facility.
- (12) FAA - Federal Aviation Administration
- (13) Facility Site – A property, or any part thereof, which is owned or leased by one or more wireless service providers and upon which one or more wireless communication facility(s) and required landscaping are located.
- (14) FCC - Federal Communications Commission, the federal government agency responsible for regulating telecommunications in the United States.
- (15) GHz – Gigahertz – One billion hertz.
- (16) Ground-Mounted Wireless Communication Facility - Any antenna with its base placed directly on the ground, or that is attached to a mast or pipe, with an overall height of not exceeding sixteen (16) feet from the ground to the top of the antenna.
- (17) Hertz – One hertz is a unit of measurement of an electric or magnetic field which reverses its polarity at a frequency of once per second (i.e., one cycle or wavelength per second).
- (18) Least Visually Obtrusive – with regard to wireless communication facilities, this shall refer to technically feasible facility site and/or design alternatives that render the facility the most visually inconspicuous relative to other technically feasible sites and/or designs. It does not mean that the facility must be completely hidden, but it may require screening or other camouflaging so that the facility is not immediately recognizable as a wireless communication facility from adjacent properties and roads used by the public.
- (19) Macrocell Site – A radio transceiver (i.e., transmits and receives signals) facility that is comprised of an unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, omni-directional whip, panel or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower) or building. A macrocell site typically includes 60 radio transmitters.
- (20) Major Modification to Power Output – Any of the following resulting in an increase in the wireless communication facility's power output and/or increase in the intensity or change in the directionality of NIER propagation patterns: increase or intensification, or proposed increase or intensification, in power output or in size or number of antennas; change in antenna type or model; repositioning of antenna(s); change in number of channels per antenna above the maximum number previously approved by the County of Santa Cruz,



including changes to any/all RF-generating equipment/componentry that are attached to antennas (e.g., conversion of wireless communication to wireless internet that requires continuous transmitting at full power).

- (21) Major Modification to Visual Impact – Any increase or intensification, or proposed increase or intensification, in dimensions of an existing and/or permitted wireless communications facility (including, but not limited to, its telecommunications tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment) resulting in an increase of the visual impact of said wireless communications facility.
- (22) MHz – Megahertz – One million hertz.
- (23) Microcell Site – A small radio transceiver facility comprised of an unmanned equipment cabinet with a total volume of one hundred (100) cubic feet or less that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet, or up to three small (approximately 1'x 2' or 1'x 4') directional panel antennas, mounted on a single pole, an existing conventional utility pole, or some other similar support structure.
- (24) “Minor Antenna” or “Minor Wireless Communication Facility” - means any of the following:
  - (i) A ground- or building-mounted receive-only radio or television antenna that is: (a) six (6) inches or less in diameter or width; and (b) ten (10) feet or less in height as measured from existing grade (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for non-commercial antennas in the zoning district;
  - (ii) A ground- or building-mounted citizens band radio antenna that is: (a) six (6) inches or less in diameter or width; and (b) ten (10) feet or less in height as measured from existing grade (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for non-commercial antennas in the zoning district;
  - (iii) A ground- or building-mounted satellite receiving dish that: (a) is not more than one (1) meter in diameter for a residential zoned parcel, or is not more than two (2) meters in diameter for a commercial or industrial zoned parcel; and (b) does not exceed the height limit for non-commercial antennas in the zoning district; or
  - (iv) A ground-, building-, or tower-mounted antenna operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur Radio Service, the height of which (including tower or mast) does not exceed the height limit for non-commercial antennas in the zoning district.
- (25) Monitoring – The measurement, by the use of instruments in the field, of radio-frequency/non-ionizing radiation exposure at a site as a whole, or from individual wireless communication facilities/towers/antennas/repeaters.

- (26) Monitoring Protocol – An industry accepted radio-frequency (RF) radiation measurement protocol used to determine compliance with FCC RF radiation exposure standards, in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the RF radiation modeling specifications of OET Bulletin 65 (or any superceding reports/standards), which is to be used to measure the emissions and determine radio-frequency radiation exposure levels from existing and new telecommunications facilities. RF radiation exposure measurements are to be taken at various locations, including those from which public RF exposure levels are expected to be the highest
- (27) MMDS – Multi-channel, Multi-point Distribution Services (also known as “wireless cable”).
- (28) MTSOs - Mobile Telephone Switching Offices.
- (29) Monopole - A single pole-structure erected on the ground to support one or more wireless communication antennas.
- (30) Non-Ionizing Electromagnetic Radiation (NIER)– Radiation from the portion of the electromagnetic spectrum with frequencies of approximately 1 million GHz and below, including all frequencies below the ultraviolet range, such as visible light, infrared radiation, microwave radiation, and radio frequency radiation.
- (31) Non-Major Modification or Maintenance Activity – A modification that is not a major modification to power output and is not a major modification to visual impact, or a maintenance activity that does not result in a major modification to power output or a major modification to visual impact.
- (32) PCS - Personal Communications Services - Digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).
- (33) PUC or CPUC - California Public Utilities Commission.
- (34) Personal Wireless Services – Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communication services, specialized mobile radio services, and paging services.
- (35) Radio-Frequency (RF) Radiation – Radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately 100 GHz and below), including microwaves, television VHF and UHF signals, radio signals, and low to ultra low frequencies.
- (36) Repeater – A small receiver/relay transmitter of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

- (37) Stealth Technology/Techniques – Camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous.
- (38) Significant Gap – A gap in the service provider's (applicant carrier's) own personal wireless services network within the County of Santa Cruz, as defined in Federal case law interpretations of the Federal Telecommunications Act of 1996, including Sprint Spectrum v. Willoth (1999) 176 F.3d 630 and Cellular Telephone Company v. Zoning Board of Adjustment of the Borough of Ho-Ho-Kus (1999) 197 F.3d 64.
- (39) Structurally Able – The determination that a tower or structure is capable of carrying the load imposed by the new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.
- (40) Structure-Mounted Wireless Communication Facility - Any immobile antenna (including panels and directional antennas) attached to a structure, such as a building façade or a water tower, or mounted upon a roof.
- (41) Technically Feasible: Capable of being accomplished based on existing technology compatible with an applicant's existing network.
- (42) Telecommunication Tower (tower) - A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas.
- (43) Viable – Primarily in reference to the Alternatives Analysis, an alternative site for which there is a property owner/manager interested in renting, leasing, selling, or otherwise making available, space for one or more wireless communication facilities upon said site on reasonable terms commensurate with the market in Santa Cruz County.
- (44) Visual Impact – An adverse effect on the visual and/or aesthetic environment. This may derive from blocking of a view, or introduction of elements that are incompatible with the scale, texture, form or color of the existing natural or human-made landscape, including the existing community character of the neighborhood.
- (45) Wireless Communication (or "telecommunications") Facility – A facility, including all associated equipment, that supports the transmission and/or receipt of electromagnetic/radio signals. Wireless communication facilities include cellular radio-telephone service facilities; personal communications service facilities (including wireless internet); specialized mobile radio service facilities and commercial paging service facilities. These types of facilities can include, but are not limited to, the following: antennas, repeaters, 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 areas, and other accessory development.

- (46) Wireless Communication Facilities GIS Map – A map maintained by the County in Geographic Information System (GIS) format that includes location and other identifying information about wireless communication facilities in the County.

(e) EXEMPTIONS:

The following types of wireless communications facilities, devices and activities listed below are exempt from the provisions of Sections 13.10.660 through 13.10.668 inclusive, except that Sections 13.10.663(a)(1) through 13.10.663(a)(8) shall continue to apply if the facility, device and/or activity requires a Coastal Zone Approval pursuant to Chapter 13.20. This exemption is not intended to limit or expand the scope of other Federal, state and local policies and regulations, including but not limited to the General Plan/Local Coastal Program, which apply to these facilities, devices and/or activities. ~~If Chapter 13.20 requires a Coastal Development permit for a facility, device or activity exempted from this ordinance, the factors set forth in 13.10.663(a)(1) through 13.10.663(a)(8) shall apply.~~

- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast that is operated on a non-commercial basis.
- (2) A ground-, building- or tower-mounted antenna operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service.
- (3) A ground- or building-mounted receive-only radio or television antenna which does not exceed the height requirements of the zoning district, and which, for a television dish antenna, does not exceed three (3) feet in diameter if located on residential property within the exclusive use or control of the antenna user.
- (4) A television dish antenna that is no more than six (6) feet in diameter and is located in any area where commercial or industrial uses are allowed by the land use designation.
- (5) Temporary mobile wireless services, including mobile wireless communication facilities and services providing public information coverage of news events, of less than two-weeks duration. Any mobile wireless service facility intended to operate in any given location for more than two weeks is subject to the provisions of Sections 13.10.660 through 13.10.668 inclusive.
- (6) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
- (7) Wireless communication facilities and/or components of such facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g., County 911 Emergency Services, police, sheriff, and/or fire departments, first responder medical services, hospitals, etc.). Unless otherwise prohibited by law or exempted by action of the Board of Supervisors, public safety agencies shall be required to provide a map of facility locations for inclusion in the County's Wireless

Communication Facilities GIS map. If a wireless communication facility approved for an authorized public safety agency is not or ceases to be operated by an authorized public safety agency, and if a non-public safety agency operator proposes to use the approved facility, then the change in operator shall require that the new operator submit an application for the wireless communication facility to be evaluated as if it were a new facility subject to Sections 13.10.660 through 13.10.668 inclusive and the General Plan/Local Coastal Program. The facility shall not be operated by the new operator until a final decision has been rendered on the application.

- (8) Any "minor" antenna or facility described under Section 13.10.660(d)(24).
- (9) Any "non-major" modification or maintenance activities, as defined by Section 13.10.660(d)(31), carried out as part of the routine operation of existing permitted wireless communication facilities.
- (10) Small scale, low powered, short-range and visually inconspicuous, wireless internet transmitter/receivers (e.g., "Wi-Fi hotspots").

#### **13.10.661 GENERAL REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES:**

All wireless communications facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards; are subject to Level V review (Zoning Administrator public hearing pursuant to County Code Chapter 18.10); are subject to the California Environmental Quality Act (CEQA); and shall comply with the following requirements:

- (a) Required Permits. All new wireless communication facilities shall be subject to a Commercial Development Permit, and also a Coastal Development Permit if in the Coastal Zone. Additionally, a building permit will be required for construction of new wireless communication facilities.
- (b) Prohibited Areas:
  - (1) Prohibited Zoning Districts. Wireless communication facilities are prohibited in the following zoning districts, unless a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a):
    - Single-Family Residential (R-1),
    - Multi-Family Residential (RM),
    - Single-Family Ocean Beach Residential (RB),
    - Commercial Agriculture (CA),

and the Combining Zone overlays for:

- Mobile Home Parks (MH)

- (2) Prohibited Coastal Areas. Wireless communication facilities are prohibited in areas that are located between the sea and the ~~inland~~ seaward side of the right-of-way of the first through public road parallel to the sea, unless a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a).
- (3) Prohibited School Grounds. Wireless communication facilities are prohibited on all public and private K-12 school sites, unless a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a).
- (4) Exceptions to Prohibited Areas Prohibition. If a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a) that allows for siting a wireless communications facility within any of the above-listed prohibited areas, then such facility shall comply with the remainder of Sections 13.10.660 through 13.10.668 inclusive, and shall be co-located. Applicants proposing new wireless communication facilities in any of the above-listed prohibited areas must submit as part of their application an Alternatives Analysis, as described in Section 13.10.662(c) below. Non-collocated wireless communication facilities may be sited in the prohibited areas listed above only in situations where the applicant can prove that:
  - (i) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and
  - (ii) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited areas identified in Section 13.10.661(b) that could eliminate or substantially reduce said significant gap(s).

Any wireless communications facility and any associated development allowed in a prohibited area: (1) shall be sited and designed so that it is not visible from public vantage points to the maximum extent feasible; or (2) where some portion or all of such a facility and/or any associated development is unavoidably sited and/or designed in a manner that makes it visible from public vantage points (and cannot be sited and/or designed to not be visible), that portion shall be screened and/or camouflaged so that it is inconspicuous and designed to blend seamlessly into the existing public view.

~~In addition to the requirements of the subsection above, any wireless communications facility and any associated development in the right-of-way of the first public road parallel to the sea shall comply with all of the following:~~

- ~~(iii) The facility shall be located on the inland side of the vehicular travel lanes unless a location on the seaward side of the vehicular travel lanes would result in less visual impact; and~~
- ~~(iv) If co-located on a utility pole: (a) the facility shall not require the installation of a new utility pole, but rather shall be co-located on an existing or replacement utility~~

~~pole (where "replacement" means that there exists a utility pole in that location and it is replaced with a pole that looks the same or better (i.e., has a reduced visual impact) and has the same or lesser (i.e., has a reduced visual impact) dimensions as the existing utility pole); and (b) the facility shall only be allowed in the right-of-way provided the applicant's agreement(s) with the owner and operator of the right-of-way and the utility pole specifies that the facility shall be removed and the site restored by the applicant if informed by the owner and operator that the utility pole is to be removed because the utilities the pole supports are to be relocated underground.~~

(c) Restricted Areas:

- (1) Restricted Zoning Districts. Non-collocated wireless communication facilities are discouraged in the following zoning districts, subject to the exceptions described in Section 13.10.661(c)(3) and/or unless a Telecommunications Act Exception is approved pursuant to Section 13.10.668(a):

- Residential Agricultural (RA),
- Rural Residential (RR),
- Special Use (SU) with a Residential General Plan designation,

and the Combining Zone overlays for:

- Historic Landmarks (L), and
- Salamander Protection areas (SP).

- (2) Restricted Coastal Right-of-Way Area. Wireless communications facilities are discouraged in the right-of-way of the first through public road parallel to the sea, subject to the exceptions described in Section 13.10.661(c)(3). If a wireless communications facility is allowed within said right-of-way pursuant to Section 13.10.661(c)(3), then the wireless communications facility shall, in addition to complying with the remainder of Sections 13.10.660 through 13.10.668 inclusive, comply with all of the following:

- (i) The facility shall be of the microcell site type (as defined in Section 13.10.660(d)), and:
- a. shall be mounted upon an existing or replacement utility pole (where "replacement" means that there exists a utility pole in that location and it is immediately replaced with a pole that has the same or a reduced visual impact, and has the same or lesser dimensions as the existing utility pole), and
  - b. shall have antennas no larger than 1'x 2' that are flush mounted and of a color that blends with that of the supporting utility pole, and



c. shall have an equipment cabinet that is no more than 24" high, 18" wide, and 10" deep if mounted upon the utility pole or on the ground, or is located in an underground vault, and;

d. shall be fully camouflaged through stealth techniques to render the facility as visually inconspicuous as possible;

(ii) The facility shall be located on the inland side of the right-of-way unless a location on the seaward side of the right-of-way would result in less visual impact; and

(iii) ~~If located on a the utility pole,~~ The facility shall only be allowed in the coastal right-of-way provided the applicant's agreement(s) with the owner and operator of the right-of-way and the utility pole specifies that the facility shall be removed and the site restored by the applicant if informed by the owner and operator that the utility pole is to be removed because the utilities the pole supports are to be relocated underground.

(3) Exceptions to Restricted Area Prohibition. Wireless communication facilities that are co-located upon existing wireless communication facilities/towers or other utility towers/poles (e.g., P.G.&E. poles), and which do not significantly increase the visual impact of the existing facility/tower/pole, are allowed in the restricted zoning districts listed above. Applicants proposing new non-located wireless communication facilities in the Restricted Areas must submit as part of their application an Alternatives Analysis, as described in Section 13.10.662(c) below. In addition to complying with the remainder of Sections 13.10.660 through 13.10.668 inclusive, non-located wireless communication facilities may be sited in the restricted zoning districts listed above only in situations where the applicant can prove that:

(i) The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and

(ii) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or designs) outside the prohibited and restricted areas identified in Sections 13.10.661(b) and 13.10.661(c)) that could eliminate or substantially reduce said significant gap(s).

(d) Compliance with FCC Regulations. Wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Inhabitants of the county shall be protected from the possible adverse health effects associated with exposure to harmful levels of NIER (non-ionizing electromagnetic radiation) by ensuring that all wireless communication facilities comply with NIER standards set by the FCC.

(e) Compliance with FAA Regulations. Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply



with adopted airport safety regulations for Watsonville Municipal Airport (County Code Section 13.12).

- (f) Site Selection – Visual Impacts. Wireless communication facilities shall be sited in the least visually obtrusive location that is technically feasible, unless such site selection leads to other resource impacts that make such a site the more environmentally damaging location overall.
- (g) Co-Location. Co-location of new wireless communication facilities into/onto existing wireless communication facilities and/or existing telecommunication towers is generally encouraged. Co-location may require that height extensions be made to existing towers to accommodate additional users, or may involve constructing new multi-user capacity towers that replace existing single-user capacity towers. Where the visual impact of an existing tower/facility must be increased to allow for co-location, the potential increased visual impact shall be weighed against the potential visual impact of constructing a new separate tower/facility nearby. Where one or more wireless communication tower/facilities already exist on the proposed site location, co-location shall be required if it will not significantly increase the visual impact of the existing facilities. This may require that the existing tower(s) on the site be dismantled and its antennas be mounted upon the new tower, particularly if the new tower would be less visually obtrusive than the existing tower(s). If a co-location agreement cannot be obtained, or if co-location is determined to be technically infeasible, documentation of the effort and the reasons why co-location was not possible shall be submitted.
- (h) Public Notification. Public hearing notice shall be provided pursuant to Section 18.10.223. However, due to the potential adverse visual impacts of wireless communication facilities the neighboring parcel notification distance for wireless communication facility applications is increased from the normal 300-feet to 1,000-feet from the outer boundary of the subject parcel. To further increase public notification, onsite visual mock-ups as described below in Section 13.10.662(d) are also required for all proposed wireless communication facilities, except for co-located and microcell facilities that do not represent a major modification to visual impact as defined in Section 13.10.660(d).
- (i) Major Modification to Power Output. Any proposed major modification that would increase the power output of a wireless communication facility, as defined in Section 13.10.660(d), shall require the submission of an affidavit by a professional engineer registered in the State of California that the proposed facility improvements will not result in RF exposure levels to the public in excess of FCC's NIER exposure standard. In addition, within 90-days of commencement of operation of the modified facility, the applicant shall conduct RF exposure level monitoring at the site, utilizing the Monitoring Protocol, and shall submit a report to the Planning Department documenting the results of said monitoring.
- (j) Major Modification to Visual Impact. Any proposed major modification that would increase the visual impact of a wireless communication facility, as defined in Section

13.10.660(d), shall be subject to all requirements of ~~this~~ Sections 13.10.660 through 13.10.668 inclusive.

- (k) Transfer of Ownership. In the event that the original permittee sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding carrier to the Planning Department within 30-days of transfer of interest of the facility.

**13.10.662     APPLICATION REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES**

All new wireless communication facilities must be authorized by a Commercial Development Permit, and also by a Coastal Development Permit if located in the coastal zone, and are subject to the following permit application requirements:

- (a) Pre-Application Meeting. All applicants for proposed wireless communication facilities are encouraged to apply for the Development Review Group process, pursuant to County Code Chapter 18.10, in order to allow Planning Department staff to provide feedback to the applicant regarding facility siting and design prior to formal application submittal.
- (b) Submittal Information – All Applications. For all wireless communication facilities, in addition to the submittal requirements for Level V projects as specified in Section 18.10.210(b), the information listed below must accompany each application (for the purpose of permit processing, the Planning Director or his/her designee may release an applicant from having to provide one or more of the pieces of information on this list upon a written finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted):
- (1) The identity and legal status of the applicant, including any affiliates.
  - (2) The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the application information.
  - (3) The name, address, and telephone number of the owner, and agent representing the owner, if applicable, of the property upon which the proposed wireless communication facility is to be built and title reports identifying legal access.
  - (4) The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates (NAD 83) in decimal degree format, of the proposed facility location on the site.
  - (5) A description of the applicant service provider's existing wireless communication facilities network, and the provider's currently proposed facilities and anticipated future facilities for all proposed sites for which an application has been submitted,

and for all proposed sites for which site access rights or agreements have been secured by the provider. This must include a map, and a table (in hardcopy and digital formats) listing facility situs/addresses, site names/identification, facility types, and precise latitude/longitude coordinates (NAD 83) in decimal degree format, for all of the applicant carrier's existing and proposed facilities, within both the unincorporated and incorporated areas of Santa Cruz County, for inclusion on the County's Wireless Communication Facility GIS Map. In lieu of submitting this information with multiple applications, if this information has been previously submitted by the applicant, the applicant alternatively may certify in writing that none of the submitted information has changed. Information regarding proposed network expansions will be kept confidential by the County if identified in writing as trade secrets by the applicant.

- (6) A description of the wireless communication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within both the unincorporated and incorporated areas of Santa Cruz County.
- (7) Information sufficient to determine that the applicant has applied for and/or received any certificate of authority required by the California Public Utilities Commission (if applicable) to provide wireless communications services or facilities within the unincorporated areas of the County of Santa Cruz.
- (8) Information sufficient to determine that the applicant has applied for and/or received any building permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Santa Cruz.
- (9) Compliance with the FCC's non-ionizing electromagnetic radiation (NIER) standards or other applicable standards shall be demonstrated for any new wireless communication facility through submission of a written opinion submitted, by a professional engineer registered in the State of California, at the time of application.
- (10) A plan for safety/security considerations, consistent with Section 13.10.664. A detailed description of the proposed measures to ensure that the public would be kept at a safe distance from any NIER transmission source associated with the proposed wireless communication facility, consistent with the NIER standards of the FCC or any potential future superceding standards, must be submitted as part of the application. The submitted plans must also show that the outer perimeter of the facility site (or NIER hazard zone in the case of rooftop antennas) will be posted with bilingual NIER hazard warning signage that also indicates the facility operator and an emergency contact. The emergency contact shall be someone available on a 24-hour a day basis who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation. For the protection of emergency response personnel, each wireless communication facility shall have an on-site emergency shut-off switch to de-energize all RF-related circuitry/componentry at the base station site (including a single shut off switch for all facilities at a co-location

CCC Exhibit A

(page 18 of 40 pages)

site), or some other type of emergency shut-off by emergency personnel acceptable to the local Fire Chief, unless the applicant can prove that the FCC public exposure limits cannot be exceeded in the vicinity of the proposed facility, even if firefighters or other personnel work in close proximity to the antenna(s) or other RF radiation emitting devices/components.

- (11) A detailed Visual Analysis, including computer photo simulations of the proposed wireless communication facility, shall be provided along with a written description from the installer. Photo-simulations shall be submitted of the proposed wireless communication facility from various locations and/or angles from which the public would typically view the site. All photo simulations shall include a site map indicating the location from which the photo was taken, and a description of the methodology and equipment used to generate the simulation. More in-depth visual analyses shall be required for facilities proposed in visual resource areas designated in Section 5.10 of the County General Plan/LCP. The Visual Analysis shall identify and include all potential mitigation measures for visual impacts, consistent with the technological requirements of the proposed telecommunication service.
- (12) Detailed maps of proposed wireless communication facility site and vicinity, in full-size and 8.5" x 11" reduction formats. Reduced plans shall include a graphic scale to allow for direct measurement from them. The following maps are required at the time of application submittal:
  - i. Topographic/Area Map – copy a portion of the most recent U.S.G.S. Quadrangle topographical map (with 20-foot contour intervals), at a scale of 1:24,000, indicating the proposed wireless communication facility site, and showing the area within at least two miles from the proposed site.
  - ii. Proximity Map and Aerial Photo – prepare a map and an aerial photo at a scale of approximately 1"= 200' (1:2,400), with contour intervals (for map only) no greater than 20 feet, showing the entire vicinity within a 1,500-foot radius of the wireless communication facility site, and including topography (map only), public and private roads, driveways on the subject parcel, buildings and structures, bodies of water, wetlands, landscape features, and historic sites. Draw a 1,500-foot radius circle on the map and aerial photo with the proposed facility at its center and indicate all structures within 1,500 feet of the proposed tower/antennas. Indicate property lines of the proposed tower/facility site parcel and of all parcels and right-of-ways abutting the tower/facility site parcel.
- (13) Detailed plans and cross sections of proposed wireless communication facility and site, in full-size and 8.5" x 11" reduction formats. Reduced plans shall include a graphic scale to allow for direct measurement from them. Full-size plans shall be on 24" x 36" sheets, on as many as necessary, and at scales which are no smaller than those listed below. Each plan/cross section sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and

signature(s) of the professional(s) who prepared the plan. The following plans and cross sections are required at the time of application submittal:

- (i) Proposed Site Plan – Proposed wireless communication facility site layout, grading and utilities at a scale no smaller than 1"=40' (1:480) with topography drawn at a minimum of 10-foot contour intervals, showing existing utilities, property lines, existing buildings or structures, walls or fence lines, existing trees, areas with natural vegetation, existing water wells, springs, and the boundaries of any wetlands, watercourses and/or floodplains.
  - a. Proposed tower/facility location and any associated components, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances from those boundaries to the base(s) of the tower/mast and to each facility-related structure and/or component. Include dimensions of all proposed improvements.
  - b. Indicate existing and proposed grade elevations where the existing and proposed grade intersects the proposed tower/mast, any guy wires, and all facility-related structures and/or components.
  - c. Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.
  - d. Limits of area where vegetation is to be cleared or altered, and justification for any such clearing or alteration.
  - e. Any direct or indirect alteration proposed to environmentally sensitive habitat areas, including wetlands and riparian corridors. Note that such alteration is only allowed under very specific circumstances and subject to specific requirements governed by the LCPs environmentally sensitive habitat area, wetland, riparian corridor, and other similar resource protection requirements; these requirements are not suspended in any way by this section.
  - f. Detailed drainage plans designed to control and direct all site runoff, including specific measures to control erosion and sedimentation, both during construction and as a permanent measure. The plan shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and other runoff leaving the site.
  - g. Plans indicating locations and descriptions of proposed screening, landscaping, ground cover, irrigation systems, fencing, and any exterior lighting or signs. For any vegetation proposed to be used for screening purposes, the plans shall identify the expected dimensions and other

characteristics of each individual species over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached), and the expected dimensions and other characteristics of any overall vegetation screen over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached). All species to be planted shall be non-invasive species native to Santa Cruz County, and specifically native to the project location. See also Section 13.10.663(b)(9).

- h. Plans of proposed access driveway or roadway and parking area at the facility site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.
- i. Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of a proposed modification of the facility. Note that changes to wetlands and other sensitive habitat areas are only allowed under very specific circumstances and subject to specific requirements governed by the General Plan/LCP environmentally sensitive habitat area, wetland, and other similar resource protection requirements; these requirements are not suspended, in any way by this section.

(ii) Proposed Tower/Facility and Related Structures and/or Components :

- a. Plans, elevations, sections and details at appropriate scales, but no smaller than 1"=10'.
- b. Two cross sections through proposed tower/facility drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of any vegetation clearing or beyond the fall zone of the tower/mast, whichever is greater, and showing any guy wires or supports. Dimension the proposed height of the tower/mast above average grade at tower/mast base. Show all proposed antennas including their location on the tower/facility.
- c. Detail proposed exterior finish of the tower/facility. Provide precise depictions, photo examples, and/or detail drawings for all stealth features (such as "monopine" branches).
- d. Indicate relative height of the tower/facility as compared to the tops of surrounding trees as they presently exist, and to existing and proposed finished grades.
- e. Illustration of the modular structure of the proposed tower/facility indicating the heights of sections which could be removed or added in

the future to adapt to changing communications conditions or demands (including potential future co-location).

- f. A Structural Professional Engineer's written description of the proposed tower/facility structure and its capacity to support additional antennas or other communication facilities at different heights and the ability of the tower to be shortened if future communication facilities no longer require the original height.
  - g. A description of the available space on the tower, providing illustrations and examples of the type and number of co-located wireless communication facilities which could be mounted on the structure.
  - h. Photographs precisely depicting the tower/facility type to be installed.
- (iii) Proposed Communications Equipment Shelter – including (a) floor plans, elevations and cross sections at a scale of no smaller than  $\frac{1}{4}"=1'$  (1:48) of any proposed structural component (b) representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials, and (c) a description of all equipment to be contained therein, including number, make and model of each electromagnetic and radio-frequency apparatus to be installed.
- (iv) Proposed Equipment Plan:
- a. Plans, elevations, sections and details at appropriate scales but no smaller than  $1"=10'$ .
  - b. Number of antennas and repeaters, as well as the exact locations, of antenna(s) and all repeaters (if any) located on a map as well as by degrees, minutes and seconds of Latitude and Longitude (in decimal degree format).
  - c. Mounting locations on tower or structure, including height above existing and proposed finished grades.
  - d. A recent survey of the facility site at a scale no smaller than  $1"=40'$  (1:480) showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit.
  - e. For applications for new wireless communication facilities in any of the prohibited or restricted areas, as set forth in Sections 13.10.661(b) and 13.10.661(c), the applicant must also disclose:
    - 1. Number, type(s), manufacturer(s) and model number(s) for all antennas and other RF-generating equipment.

2. For each antenna, the antenna gain and antenna radiation pattern.
  3. Number of channels per antenna, projected and maximum.
  4. Power input to each antenna.
  5. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.
  6. Output frequency of the transmitter(s).
- f. For modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.
- (14) If co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site. Such information shall include:
- (i) Whether it is feasible to locate proposed sites where facilities currently exist;
  - (ii) Information on the existing structure that is closest to the site of the applicants proposed facility relative to the existing structure's structural capacity, radio frequency interface, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities; and
  - (iii) Written notification of refusal of the existing structure owner to lease space on the structure.
- (15) For any application that involves a major modification to, or replacement of, an applicant's wireless communication facility, the applicant shall submit a brief narrative description and any supporting graphics (such as plans, photos, relevant literature, etc.) detailing any changes in wireless communication facility technologies that would allow the existing facility to be modified to provide for the same or increased level of service with less environmental impact, including less visual resource impact, as technically feasible.
- (c) Alternatives Analysis. For applications for wireless communication facilities proposed to be located in any of the ~~restricted and/or~~ prohibited areas specified in Sections 13.10.661(b) and non-located wireless communication facilities proposed to be located in any of the restricted areas specified in 13.10.661(c), an Alternatives Analysis must be submitted by the applicant, subject to independent RF engineering review, which shall at a minimum:
- (1) Identify and indicate on a map, at a minimum two (2) viable, technically feasible, and potentially environmentally equivalent or superior alternative locations outside



the prohibited and restricted areas which could eliminate or substantially reduce the significant gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility. If there are fewer than two such alternative locations, the applicant must provide evidence establishing that fact. The map shall also identify all locations where an unimpaired signal can be received to eliminate or substantially reduce the significant gap(s). For all non-collocated wireless communication facilities proposed in a restricted/prohibited area, the applicant must also evaluate the potential use of one or more microcell sites (i.e., smaller facilities often mounted upon existing or replacement utility poles), and the use of repeaters, to eliminate or substantially reduce said significant gaps in lieu of the proposed facility. For each alternative location so-identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative resource impacts (e.g., the use of stealth camouflaging techniques).

- (2) Evaluate the potential for co-location with existing wireless communication facilities as a means to eliminate or substantially reduce the significant gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility.
- (3) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed site with those of each of the identified technically feasible alternative locations and facility designs. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e. from least to most environmentally damaging), and shall support such ranking with clear analysis and evidence.
- (4) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).
- (5) Document good faith and diligent attempts to rent, lease, purchase or otherwise obtain the use of at least two (2) of the viable, technically feasible alternative sites which may be environmentally equivalent or superior to the proposed project site. The decision making body may determine that an alternative site is not viable if good faith attempts to rent, lease, purchase or otherwise obtain the site have been unsuccessful.

The Planning Director (or his/her designee) or the decision making body may also require an Alternatives Analysis for proposed wireless communication facility projects that are located in environmentally sensitive areas other than those set forth in Sections 13.10.661(b) and/or 13.10.661(c), such as visual resource areas as identified in General Plan/LCP Section 5.10.

- (d) Onsite Visual Demonstration Structures (Mock-Ups) Onsite visual demonstration structures (i.e., mock-ups) shall be required for all proposed wireless communication facilities, except for co-located and microcell facilities that do not represent a major

modification to visual impact as defined in Section 13.10.660(d). For proposed rooftop or ground-mounted antennas, a temporary mast approximating the dimensions of the proposed facility shall be raised at the proposed antenna/mast location. For proposed new telecommunications towers the applicant will be required to raise a temporary mast at the maximum height and at the location of the proposed tower. At minimum, the onsite demonstration structure shall be in place prior to the first public hearing to consider project approval, on at least two weekend days and two weekdays between the hours of 8 a.m. to 6 p.m., for a minimum of 10 hours each day. A project description, including photo simulations of the proposed facility, shall be posted at the proposed project site for the duration of the mock-up display. The Planning Director or his/her designee may release an applicant from the requirement to conduct on-site visual mock-ups upon a written finding that in the specific case involved said mock-ups are not necessary to process or make a decision on the application and would not serve as effective public notice of the proposed facility.

- (e) Amendment. Each applicant/registrant shall inform the County, within thirty (30) days of any change of the information required pursuant to Sections 13.10.660 through 13.10.668 inclusive.
- (f) Technical Review. The applicant will be notified if an independent technical review of any submitted technical materials is required. The Planning Director or his/her designee shall review and, in his or her discretion, procure additional information and data as may assist him/her in reviewing the following: (1) reports concerning conformance with the FCC RF radiation exposure levels; (2) reports concerning the need for a facility; and/or (3) reports concerning availability or suitability of alternatives to a proposed facility. The Planning Director may employ, on behalf of the County, an independent technical expert or experts to review any technical materials submitted including but not limited to those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The review and procurement of such additional information/data shall be undertaken for all applications that seek approval of a facility in a Prohibited or Restricted Area, unless the Planning Director, his/her designee, or the approving body determines in writing that such review is unnecessary to inform the decision-making process. In addition, the review and procurement of information for applications in other areas may be required if the Planning Director determines that such review is necessary to inform the decision-making process. The applicant shall pay all the costs of said review and may be required to deposit funds in advance to cover the estimated costs of said review. If clearly marked as such by the applicant, any trade secrets or proprietary information disclosed to the County, the applicant, or the expert hired shall remain confidential and shall not be disclosed to any third party.
- (g) Technical Feasibility. For any technical infeasibility claims made, the applicant shall be required to conclusively demonstrate, including submitting adequate evidence to that effect, the reasons for the technical infeasibility.
- (h) Fees. Fees for review of all Commercial Development Permits for wireless communication facilities shall be established by Resolution of the Board of Supervisors.

Exhibit A

Page 25 of 40 pages

**13.10.663 GENERAL DEVELOPMENT/PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES:**

**(a) Site Location**

The following criteria shall govern appropriate locations and designs for wireless communication facilities, including dish antennas and Multi-channel, Multi-point Distribution Services (MMDS)/wireless cable antennas, and may require the applicant to select an alternative site other than the site shown on an initial permit application for a wireless facility:

- (1) **Visual Character of Site.** Site location and development of wireless communications facilities shall preserve the visual character, native vegetation and aesthetic values of the parcel on which such facilities are proposed, the surrounding parcels and road right-of-ways, and the surrounding land uses to the greatest extent that is technically feasible, and shall minimize visual impacts on surrounding land and land uses to the greatest extent feasible. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, and every effort shall be made to avoid, or minimize to the maximum extent feasible, visibility of a wireless communication facility within significant public viewsheds. Utilization of camouflaging and/or stealth techniques shall be encouraged where appropriate. Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.
- (2) **Co-Location.** Co-location is generally encouraged in situations where it is the least visually obtrusive option, such as when increasing the height/bulk of an existing tower would result in less visual impact than constructing a new separate tower in a nearby location.
- (3) **Ridgeline Visual Impacts.** Wireless communication facilities proposed for visually prominent ridgeline, hillside or hilltop locations shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities should be sited so the top of the proposed tower/facility is below any ridgeline when viewed from public roads in the vicinity. If the tower must extend above a ridgeline the applicant must camouflage the tower by utilizing stealth techniques and hiding it among surrounding vegetation.
- (4) **Site Disturbance.** Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
- (5) **Exterior Lighting.** Any exterior lighting, except as required for FAA regulations for airport safety, 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.

- (6) Aviation Safety. No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport, airstrip or helipad within Santa Cruz County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, airstrip or helipad. In addition, 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 Planning Director that the proposed location is the only technically feasible location for the provision of personal wireless services as required by the FCC.
- (7) Coastal Zone Considerations. New wireless communication facilities in any portion of the Coastal Zone shall be consistent with applicable policies of the County Local Coastal Program (LCP) and the California Coastal Act. No portion of a wireless communication facility shall extend onto or impede access to a publicly used beach. Power and telecommunication lines servicing wireless communication facilities in the Coastal Zone shall be required to be placed underground.
- (8) Consistency with Other County Land Use Regulations. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan and all applicable development standards for the zoning district in which the facility is to be located, particularly policies for protection of visual resources (i.e., General Plan/LCP Section 5.10). Public vistas from scenic roads, as designated in General Plan Section 5.10.10, shall be afforded the highest level of protection.
- (9) Visual Impacts to Neighboring Parcels. To minimize visual impacts to surrounding residential uses, the base of any new freestanding telecommunications tower shall be set back from any residentially zoned parcel a distance equal to five times the height of the tower, or a minimum of 300 feet, whichever is greater. This requirement may be waived by the decision making body if the applicant can prove that the tower will not be readily visible from neighboring residential structures, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section 13.10.661(b) and 13.10.661(c).
- (10) Setbacks. All components of new wireless communication facilities must comply with the setback standards for the applicable zoning district. Depending upon specific site constraints and circumstances, this requirement may not apply to antennas proposed to be co-located on existing towers or utility poles (e.g., microcell sites), nor to underground equipment shelters, if it would prohibit use of the proposed facility site.

(b) Design Review Criteria

The following criteria apply to all wireless communication facilities:

- (1) Non-Flammable Materials. All wireless communication facilities shall be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure is may be necessary to minimize visual impact).
- (2) Tower Type. All telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a non-monopole (such as a guyed or lattice tower) is required or environmentally superior. All guy wires must be sheathed for their entire length with a plastic or other suitable covering.
- (3) Support Facilities. The County strongly encourages all support facilities, such as equipment shelters, to be placed in underground vaults, so as to minimize visual impacts. Any support facilities not placed underground shall be located and designed to minimize their visibility and, if appropriate, disguise their purpose to make them less prominent. These structures should be no taller than twelve (12) feet in height, and shall be designed to blend with existing architecture and/or the natural surroundings in the area or shall be screened from sight by mature landscaping.
- (4) Exterior Finish. All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the decision making body. If a facility is conditioned to require paint, it shall initially be painted with a flat (i.e., non-reflective) paint color approved by the decision making body, and thereafter repainted as necessary with a flat paint color, unless it is determined that flat paint color would lead to more adverse impact than would another type of paint color. Components of a wireless communication facility which will be viewed against soils, trees, or grasslands, shall be of a color or colors consistent with these landscapes. All proposed stealth tree poles (e.g., "monopines") must use bark screening that approximates natural bark for the entire height and circumference of the monopole visible to the public, as technically feasible.
- (5) Visual Impact Mitigation. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts, including appropriate camouflaging or utilization of stealth techniques. Use of less visually obtrusive design alternatives, such as "micro-cell" facility-types that can be mounted upon existing utility poles, is encouraged. Telecommunication towers designed to look like trees (e.g., "monopines") may be favored on wooded sites with existing similar looking trees where they can be designed to adequately blend with and/or mimic the existing trees. In other cases, stealth-type structures that mimic structures typically found in the built environment where the facility is located may be appropriate (e.g., small scale water towers, barns, and other typical farm-related structures on or near agricultural areas). Rooftop or other building mounted antennas designed to blend in with the building's existing architecture shall be encouraged. Co-location of a new wireless communication facility onto an

existing telecommunication tower shall generally be favored over construction of a new tower. Owners/operators of wireless communication towers/facilities are required to maintain the appearance of the tower/facility, as approved, throughout its operational life. Public vistas from scenic roads, as designated in General Plan/LCP Section 5.10.10, shall be afforded the highest level of protection.

- (6) Height. The height of a wireless communication tower shall be measured from the existing undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. All towers shall be designed to be the shortest height possible so as to minimize visual impact. Any applications for towers of a height more than the allowed height for structures in the zoning district must include a written justification proving the need for a tower of that height and the absence of viable alternatives that would have less visual impact, and shall, in addition to any other required findings and/or requirements, require a variance approval pursuant to Code Section 13.10.230.
- (7) Lighting. Except for as provided for under Section 13.10.663(a)(5), all wireless communication facilities shall be unlit except when authorized personnel are present at night.
- (8) Roads and Parking. All wireless communication facilities shall be served by the minimum sized roads and parking areas feasible.
- (9) Vegetation Protection and Facility Screening.
  - (i) In addition to stealth structural designs, vegetative screening may be necessary to minimize wireless communication facility visibility within public viewsheds. All new vegetation to be used for screening shall be compatible with existing surrounding vegetation. Vegetation used for screening purposes shall be capable of providing the required screening upon completion of the permitted facility (i.e., an applicant cannot rely on the expected future screening capabilities of the vegetation at maturity to provide the required immediate screening).
  - (ii) Because Santa Cruz County contains many unique and threatened plant species and habitat areas, all telecommunications facilities to be located in areas of extensive natural vegetation shall be installed in such a manner so as to maintain the existing native vegetation. Where necessary, appropriate mature landscaping can be used to screen the facility. However, so as to not pose an invasive or genetic contamination threat to local gene pools, all vegetation proposed and/or required to be planted that is associated with a wireless communication facility shall be non-invasive species native to Santa Cruz County, and specifically native to the project location. Non-native and/or invasive species shall be

prohibited (such as any species listed on the California Exotic Pest Plant Council "Pest Plant List" in the categories entitled 'A', 'B', or 'Red Alert'). Cultivars of native plants that may cause genetic pollution (such as all manzanita, oak, monkey flower, poppy, lupine, paintbrush and ceanothus species) shall be prohibited in these relatively pristine areas. All wireless communication facility approvals in such areas shall be conditioned for the removal of non-native invasive plants (e.g., iceplant) in the area disturbed by the facility and replanting with appropriate non-invasive native species capable of providing similar or better vegetated screening and/or visual enhancement of the facility unless the decision making body determines that such removal and replanting would be more environmentally damaging than leaving the existing non-native and/or invasive species in place (e.g., a eucalyptus grove that provides over wintering habitat for Monarch butterflies may be better left alone). All applications shall provide detailed landscape/vegetation plans specifying the non-invasive native plant species to be used, including identification of sources to be used to supply seeds and/or plants for the project. Any such landscape/vegetation plan shall be prepared by a qualified botanist experienced with the types of plants associated with the facility area. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation. All nursery stock, construction materials and machinery, and personnel shall be free of soil, seeds, insects, or microorganisms that could pose a hazard to the native species or the natural biological processes of the areas surrounding the site (e.g., Argentine ants or microorganisms causing Sudden Oak Death or Pine Pitch Canker Disease). Underground lines shall be routed outside of plant drip lines to avoid damage to tree and large shrub root systems to the maximum extent feasible.

(iii) No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. All owners of the property and all operators of the facility shall be jointly and severally responsible for maintenance (including irrigation) and replacement of all required landscaping for as long as the permitted facility exists on the site.

(10) Fire Prevention/Emergency Response. All wireless communication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented for all wireless communication facilities, when determined necessary by the Fire Chief:

- (i) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
- (ii) Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;



- (iii) Type and location of vegetation, screening materials and other materials within ten (10) feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the Fire Chief Requirements established by the Fire Chief shall be followed;
  - (iv) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first; and
  - (v) For the protection of emergency response personnel, at any wireless communication facility where there is the possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, said facility shall have an on-site emergency power shut-off (e.g., "kill switch") to de-energize all RF-related circuitry/componentry at the base station site, or some other method (acceptable to the local Fire Chief) for de-energizing the facility. For multi-facility (co-location) sites where there is a possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, a single power shut off switch (or other method acceptable to the local Fire Chief) shall be installed that will de-energize all facilities at the site in the event of an emergency.
- (11) Noise and Traffic. All wireless communication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented for all wireless communication facilities:
- (i) Outdoor noise producing construction activities shall only take place on non-holiday weekdays between the hours of 8:00 a.m. and 6:00 p.m. unless allowed at other times by the approving body; and
  - (ii) Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet (100') of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels at the facility to a maximum exterior noise level of 60 Ldn at the property line and a maximum interior noise level of 45 Ldn within nearby residences.
- (12) Facility and Site Sharing (Co-Location). New wireless communication towers should be designed to accommodate multiple carriers, and/or to be readily modified to accommodate multiple carriers, so as to facilitate future co-locations and thus minimize the need to construct additional towers. New telecommunications towers should be designed and constructed to accommodate future additional antennas and/or height extensions, as technically feasible. New wireless communication facility components, including but not limited to parking areas, access roads, and utilities should also be designed so as not to preclude site sharing by multiple users,



as technically feasible, in order to remove potential obstacles to future co-location opportunities. The decision making body may require the facility and site sharing (co-location) measures specified in this section if necessary to comply with the purpose, goals, objectives, policies, standards, and/or requirements of the General Plan/Local Coastal Program, including Sections 13.10.660 through 13.10.668 inclusive and the applicable zoning district standards in any particular case. However, a wireless service provider will not be required to lease more land than is necessary for the proposed use. If room for potential future additional users cannot, for technical reasons, be accommodated on a new wireless communication tower/facility, written justification stating the reasons why shall be submitted by the applicant. Approvals of wireless communication facilities shall include a requirement that the owner/operator agrees to the following co-location parameters:

- (i) To respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
  - (ii) To negotiate in good faith for shared use of the wireless communication facility by third parties; and
  - (iii) To allow shared use of the wireless communication facility if an applicant agrees in writing to pay reasonable charges for co-location.
- (13) Coastal Zone Design Criteria. In addition to the requirements set forth herein, all wireless communication facilities requiring a Coastal Development Permit shall conform with the Coastal Zone design criteria requirements of County Code Section 13.20.130.
- (14) Signage. A notice shall be posted at the main entrance of all buildings or structures where structure-mounted or free-standing wireless communication facilities are located on the same parcel. The notice shall be 12"x 12" and shall inform the public that a wireless communication facility is located on the building, structure or property and shall be consistent with the requirements of Federal law.
- (15) Existing Facilities. Where applications involve existing wireless communication facilities, modifications to the existing facilities to reduce environmental impacts, including visual impacts, shall be pursued as technically feasible. If such modifications would reduce impacts, then such modifications shall be made as feasible, technically and otherwise, provided the reduction in impact is roughly commensurate with the cost to make the modifications.
- (16) Approved Project. Approvals of wireless communication facilities shall require that the facility, including, but not limited to, all stealth design measures and vegetation screening, be maintained in its approved state for as long as it exists on the site. Approved facility plans, detailing the approved facility and all camouflaging elements, and including all maintenance parameters designed to ensure that

camouflaging is maintained over the life of the project, shall be required for all approvals.

- (17) Ongoing Evaluation. Wireless communication service providers are encouraged to evaluate their wireless communication facilities on a regular basis to ensure that they are consistent with the goals, objectives, policies, and requirements of the General Plan/Local Coastal Program, including specifically siting and design standards meant to minimize any negative impacts to visual resources and the character of the built and natural environment. Wireless service providers are encouraged to individually and collectively pursue modifications to their networks and/or individual facilities to reduce environmental impacts, including visual impacts; particularly over time as new technologies may be developed that allow for less visually intrusive wireless communication facilities, and/or a lesser number of them, while still allowing for the same or better level of wireless communication service associated with both any individual wireless service provider's facilities and the overall universe of wireless communication facilities in the County.

**13.10.664 NON-IONIZING ELECTROMAGNETIC RADIATION (NIER) SAFETY AND MONITORING REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES:**

Initial post-construction monitoring of wireless communication facility NIER/radio-frequency (RF) radiation exposures is required for all wireless communication facilities constructed under the auspices of Sections 13.10.660 through 13.10.668 inclusive to prove that all new wireless communication facilities operate in compliance with the FCC RF radiation exposure standards. NIER monitoring is to be conducted utilizing the Monitoring Protocol described in Section 13.10.660(d) above. The County may require that the required NIER/RF radiation monitoring reports described below may be independently reviewed by a qualified telecommunications/RF engineer, at the applicant's expense. The following applies to all wireless communication facilities:

- (a) Public Health and Safety. No wireless communication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal government. Areas in the immediate vicinity of all antennas or other transmitting devices in which the FCC RF radiation exposure standards could potentially be exceeded, especially near rooftop antennas, must be clearly demarcated and/or fenced off, with warning signs in English, Spanish and international symbols clearly visible.
- (b) Non-Ionizing Electromagnetic Radiation (NIER) Measurements.
- (1) Consistent with Section 13.10.662(b)(9) above, all applications for new wireless communication facilities must include written certification by a professional

Exhibit A  
33 of 40 pages

engineer registered in the State of California that the proposed facility will comply with the FCC's RF radiation exposure standard.

- (2) Post-Construction NIER Measurement and Reporting. Monitoring of (NIER/RF radiation to verify compliance with the FCC's NIER standards is required for all new wireless communication facilities and for all wireless communication facilities proposing to undergo a major modification of power output (as defined in Section 13.10.660(d)). This requirement shall be met through submission of a report documenting NIER measurements at the facility site within 90-days after the commencement of normal operations, or within 90-days after any major modification to power output of the facility. The NIER measurements shall be made, at the applicant's expense, by a qualified third-party telecommunications or radio-frequency engineer, during typical peak-use periods, utilizing the Monitoring Protocol described in Section 13.10.660(d). The report shall list and describe each transmitter/antenna present at the facility, indicating the effective radiated power of each (for co-located facilities this would include the antennas of all other carriers at the site). The report shall include field measurements of NIER emissions generated by the facility and also other emission sources, from various directions and particularly from adjacent areas with residential dwellings. The report shall compare the measured results to the FCC NIER standards for such facilities.

The report documenting the measurements and the findings with respect to compliance with the established FCC NIER exposure standard, shall be submitted to the Planning Director within 90-days of commencement of facility operation. Failure to comply with this requirement may result in the initiation of permit revocation proceedings by the County.

- (3) Failed Compliance. Failure to supply the required reports, or to remain in continued compliance with the NIER standard established by the FCC, or other regulatory agency if applicable shall be grounds for review of the use permit or other entitlement and other remedy provisions.

#### 13.10.665 REQUIRED FINDINGS FOR WIRELESS COMMUNICATION FACILITIES

In order to grant any Commercial Development Permit for a wireless communication facility and/or any Coastal Development Permit if the facility is located in the Coastal Zone, the approving body shall make the required development permit findings (Section 18.10.230) and the required coastal development permit findings if in the coastal zone (Section 13.20.110) as well as the following findings:

- (a) That either: (1) the development of the proposed wireless communications facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive habitat resources (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6.), and/or other significant County resources, including agricultural, open space, and community character resources; or (2) there are no other

environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned (including alternative locations and/or designs) with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.

- (b) That the site is adequate for the development of the proposed wireless communications facility and, for sites located in one of the prohibited and/or restricted areas set forth in Sections 13.10.661(b) and 13.10.661(c), that the applicant has demonstrated that there are not environmentally equivalent or superior and technically feasible: (1) alternative sites outside the prohibited and restricted areas; and/or (2) alternative designs for the proposed facility as conditioned.
- (c) 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.
- (d) That the proposed wireless communication facility as conditioned will not create a hazard for aircraft in flight.
- (e) That the proposed wireless communication facility as conditioned is in compliance with all FCC and California PUC standards and requirements.
- (f) For wireless communication facilities in the coastal zone, that the proposed wireless communication facility as conditioned is consistent with the all applicable requirements of the Local Coastal Program.

Any decision to deny a permit for a wireless communication 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.

**13.10.666 SITE RESTORATION UPON TERMINATION/ABANDONMENT OF WIRELESS COMMUNICATION FACILITIES**

- (a) The site shall be restored as nearly as possible to its natural or pre-construction state within six months of termination of use or abandonment of the site.
- (b) Applicant shall enter into a site restoration agreement, consistent with Section 13.10.666(a), subject to the approval of the Planning Director.

**13.10.667 INDEMNIFICATION FOR WIRELESS COMMUNICATION FACILITIES:**

- (a) Each permit issued pursuant to Sections 13.10.660 through 13.10.668 inclusive shall have as a condition of the permit, a requirement that the applicant defend, indemnify and hold harmless the County and its officers, agents, and employees from and against any claim (including attorney fees) against the County, its officers, employees or agents to attack,

Exhibit A

35 of 40 pages

set aside, void or annul the approval of the permit or any subsequent amendment of the permit.

### 13.10.668 TELECOMMUNICATION ACT EXCEPTION PROCEDURE:

- (a) If the application of the requirements or limitations set forth in Sections 13.10.660 through 13.10.668 inclusive, including but not limited to applicable limitations on allowed land uses, would have the effect of violating the Federal Telecommunications Act as amended, the approving body shall grant a Telecommunications Act Exception to allow an exception to the offending requirement or application. The applicant shall have the burden of proving that application of the requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist which would render the approval of a Telecommunications Act Exception unnecessary.

### SECTION III

This ordinance shall become effective on the 31<sup>st</sup> day after the date of final approval in those areas outside the Coastal Zone. This ordinance shall become effective upon certification by the California Coastal Commission in those areas within the Coastal Zone.

### SECTION IV

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted and is necessary for the protection of the public health, safety and general welfare.

### SECTION V

Each application for a wireless communication facility outside the Coastal Zone that is deemed complete prior to April 29, 2003 shall be subject to the standards and requirements of Ordinance number 4631, the Interim Wireless Communication Facilities Ordinance, which, for the purposes of such applications only, is incorporated in its entirety into and made a part of this Section by this reference.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2004, by the Board of Supervisors of the County of Santa Cruz by the following vote:


AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

0282

APPROVED AS TO FORM:

  
Assistant County Counsel

DISTRIBUTION: County Counsel, CAO, Planning Department, Sheriff, General Services

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

**COASTAL COMMISSION'S SUGGESTED MODIFICATION TO PROPOSED ZONING  
ORDINANCE USES CHARTS AMENDMENTS**

(CCC Modification is Shown in *Underlined Italics* – See SECTION XII)

**SECTION I**

Subsection (b) of Section 13.10.312 - Uses Allowed in Agricultural Districts of the County Code is hereby amended to read as follows:

	CA	A	AP
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5	5	5

**SECTION II**

Subsection (b) of Section 13.10.322 - Residential Uses - of the County Code is hereby amended to read as follows:

	RA	RR	R-1	RB	RM
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5	5	5	5	5

**SECTION IV**

Subsection (b) of Section 13.10.332 - Commercial Uses - of the County Code regarding commercial uses is hereby amended to read as follows:

	PA	VA	CT	C-1	C-2	C-4
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5	5	5	5	5	5

**SECTION V**

Subsection (b) of Section 13.10.342 - Uses in Industrial Districts - of the County Code is hereby amended to read as follows:

---

	M-1	M-2	M-3
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5	5	5

---

**SECTION VII**

Subsection (b) of Section 13.10.352 of the Parks, Recreation and Open Space Uses Chart of the County Code is hereby amended to read as follows:

---

	PR
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5

---

**SECTION VIII**

Subsection (b) of Section 13.10.362 - Public and Community Facility Uses of the County Code is hereby amended to read as follows:

---

	PF
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5

---

**SECTION IX**

Subsection (b) of Section 13.10.372 - of the County Code is hereby amended by amending the use of the Timber Production Zone district to read as follows:

**"TP" USES CHART**


---

	TP
Wireless Communication Facilities, subject to Section 13.10.660 through 13.10.668 inclusive	5

---



## SECTION X

This ordinance shall become effective on the 31<sup>st</sup> day after the date of final approval for those areas outside the Coastal Zone. This ordinance shall become effective upon certification by the California Coastal Commission for those areas within the Coastal Zone.

## SECTION XI

The Board of Supervisors hereby finds, determines, and declares that this ordinance is adopted and is necessary for the protection of the public health, safety and general welfare.

## SECTION XII

Each application for a wireless communication facility outside the Coastal Zone that is deemed complete prior to April 29, 2003 shall be subject to the standards and requirements of Ordinance No. 4631, the Interim Wireless Communication Facilities Ordinance, which, for the purposes of such applications only, is incorporated in its entirety into and made a part of this Section by this reference.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2004, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairperson of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM: \_\_\_\_\_  
Assistant County Counsel

DISTRIBUTION: County Counsel, CAO, Planning Department, Sheriff, General Services

000 Exhibit A  
(page 40 of 40 pages)