

Wireless Policy Minimum Requirements*

- **Permits contingent.** No permit shall be granted if it is deemed to violate or may violate the U.S. Constitution, the Constitution of California, and any and all California codes, regulations, and laws. The civil liberties, health, safety, privacy, and security of the citizens of County shall be preserved within the realm of their homes, properties, and communities.
- **All Permits Conditional:**
 - **Meets criteria; no complaints.** Conditional permits issued for each small cell shall be based on continual, independently documented meeting of criteria, up for renewal every 3 months, if no complaints. If any complaint is made, removal is required within 12 hours.
 - **FCC orders in place.** Any installation approved in accordance with the Federal Communications Commission (FCC) 5G Fast Plan is conditional, and will be revoked immediately upon vacation of FCC orders. All equipment must be removed within 24 hours, and restoration to the natural pre-construction state of the site will be completed within 180 days, and is the responsibility of the permittee.
- **Removal of Facilities by County.** In the event the county removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the county for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the county may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the county has no obligation to store such facility. Neither the permittee, owner, nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner or operator after notice, or removed by the city due to exigent circumstances.
- **Non-refundable deposits** on each cell at start of application
- **Incomplete applications denied.** If any portion of a submitted application is incomplete or deemed unacceptable, the application will be denied without prejudice. The shot clock will be terminated and the application disqualified. The applicant may submit a new application (with necessary accompanying fees) to restart the shot clock and application review process. (from Monterey, CA ordinance)
- **Installations will not be permitted for future uses.** The permittee must describe immediate necessity for installation and demonstrate need, providing entire plan, not piecemeal portions.
- **Notice must be provided to all residents within 3,000 feet** of a proposed wireless facility, within 3 days of application, with full details of application, including power and frequencies, strength of signal and levels rf radiation emissions at intervals of 5 feet from location of proposed facility, outside and inside of buildings, up through 4,000 feet, to a 100% degree of certainty.
- **Accommodations for disabled, medical conditions.** Any requests for accommodations on file based on any of the above shall be granted within one week of application, with requestor notified in writing.

Telecommunications Facilities

- **Height of antennas** shall be no lower than 100 feet.
- **Residential.** No small cell sites shall be permitted in residential zones.

- **Sensitive sites.** No small cell sites shall be permitted next to schools, childcare facilities, hospitals, medical offices or clinics. Setbacks of 5,000 feet from the property line, in any direction, of any school or medical facility are required.
- **Shielding.** RF shielding materials or devices must be installed on the rear, sides, and bottom of antenna as an accommodation, or if nearby homeowners or owners of buildings do not desire RF emissions to propagate in the direction of their property line, home or building. RF shielding materials/devices must be demonstrated to attenuate 100% of associated RF emissions when off and on pole, at all times, in all applicable directions. Independent verification of emissions shall be conducted, upon demand, hired by the County. The permittee is responsible for all costs and fees associated with RF mitigation shielding devices and County-based emissions inspections.
- **Colocation.** No colocation on same poles.
- **Spacing.** Distance between any small cell(s) shall be at least 3,000 feet.
- **Setbacks.** Distance from small cell(s) to private property line(s) must be at least 1,500 feet in any direction.
- **Signage.** The permittee shall install a 4 foot sign indicating hazards by each pole, with full contact info of wireless company and amount of bond and insurance coverage, name of insurance company.
- **Fire prevention.** Installations on poles made of inflammable material are preferred. For small-cells to be placed on poles, County-monitored automatic fire extinguishing systems approved by the fire chief shall also be installed by the permittee, which shall pay all initial and ongoing costs.
- **Coverage gap required.** No application granted unless without a significant coverage gap in service gap in coverage exists. Coverage is considered to be “adequate” within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural environment, this would be a signal strength of at least -90 dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station.
- **Quarterly random emissions check.** Verification of Random Check rf radiation RF emissions from small cell sites shall be conducted quarterly 4 x a year by independent contractor selected by County. All costs associated with independent RF emission verification shall be the responsibility of the permittee or wireless provider.
- **Silence required.** All installed equipment must be entirely silent. No noise must be heard at all from small cells/wireless antennas, power and supporting equipment. Includes buzzing perceived by neighbors, and “ringing of ears” or “ear pain” perceived by any person from high frequencies.
- **All specifications part of application.** Require prior to approval, an independent evaluation of the equipment, containing the following: frequency(ies) used, frequency of pulses, strength of signal, distance traveled by signal, what it will be used for, safety guarantees, all exact specifications, at cost to the applicant.

Environment/Installation Site

- **No disturbance of plants** including trees and bushes. No trimming or cutting, no disturbance of leaves, trunk, or roots.
- **Endangered species, wildlife.** No location of small cells within 5000 feet of endangered species, hawk, or eagles habitat, or owl nests.

- **Fire break.** Small cell(s) must be located at least 500 feet from all existing trees or plants, due to fire risk.

Insurance and Bonds

- **Insurance required for each small cell / cellular antenna facility.**
 - The permittee shall obtain, pay for and maintain, *for each individual small cell facility*, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies of public liability insurance, with minimum limits of Two Million Dollars (\$2,000,000) for each occurrence and Ten Billion Dollars (\$10,000,000,000) in the aggregate, that fully protects the county from claims and suits for bodily injury and property damage.
 - The insurance must name the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds,
 - be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best's Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced except with thirty (30) days prior written notice to the city, except for cancellation due to nonpayment of premium.
 - The insurance provided by permittee shall be primary to any coverage available to the city, and any insurance or self-insurance maintained by the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers shall be excess of permittee's insurance and shall not contribute with it.
 - The policies of insurance required by this permit shall include provisions for waiver of subrogation. In accepting the benefits of this permit, permittee hereby waives all rights of subrogation against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.
 - The insurance must afford coverage for the permittee's and the wireless provider's use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the county's risk manager.
 - Before issuance of any building permit for the facility, the permittee shall furnish the city risk manager certificates of insurance and endorsements, in the form satisfactory to the city attorney or the risk manager, evidencing the coverage required by the city
- **Bonds.**
 - Permittee shall pay for and provide performance, surety, license, and permit bonds or other form of security approved by the county's attorney's office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permittee's obligations under these conditions of approval and this code. The security instrument

coverage shall include, but not be limited to, removal of the facility. (The amount of the security instrument shall be calculated by the County and shall be specified in the conditions of approval.) Before issuance of any building permit, permittee must submit said security instrument(s).

- Other bonds/insurances shall be required of applicant/permittee, per County (per driverless vehicle, other major “smart” equipment) to cover public safety and hazards.
- Deposit, insurance, and or bond for potential fire hazard for each cell.
- Proof of and bond issued with independent certificate of safety for small cell devices and entire small cells 4G/5G plan, including for use of microwaves and millimeter waves; extensive independent research must be provided to prove long-term exposure is safe before any permits are issued and any small cells are permitted and deployed
- **Residential Loss Deposit.** A deposit equivalent to the value of all residential properties within 3,000 feet, in all directions, of the antenna will accompany each small cell antenna application. Large deposit for all homeowners in vicinity to reimburse in the event of property value decrease or difficulty selling homes. The deposit must be large enough to buy all of the homes up to 3,000 feet in all directions, at fair value.

Semi-Annual Re-Certification and Affidavit

- **Semi-annual certified report.** Twice yearly, the equipment owner shall submit a certified affidavit which shall list, by location, all small cell wireless installations it owns within the County by location, and shall certify: (1) each such installation that remains in use; (2) that such in use installations remain covered by insurance, (3) meets all requirements and (4) each such installation which is no longer in use.
- **Semi-annual fee.** The equipment owner shall pay an annual re-certification fee of \$270 per installation which remains in use.
- **Prior installations of small cells.** Any installed small-cells approved prior to enactment of this ordinance, will be subject to these terms upon recertification of the equipment. The permittee will have 14 days to complete any necessary modifications to be in compliance under these zoning regulations.
- **No longer in use.** Any small cell wireless installation which is no longer in use shall be removed by the permittee within 60 days of receipt of the bi-annual re-certification affidavit, at the permittee’s expense. Check amt days in section
- **Non-removal fine.** Any small cell wireless installation which is not removed within 60 days after being listed as no longer in use in the bi-annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.
- **Timely re-certification report.** Where such semi-annual re-certification has not been timely submitted, or equipment no longer in use has not been removed within the required 60-day period no further applications for small cell wireless installations will be accepted by the County until such time as the annual re-certification has been submitted and all fees and fines paid.
- **Binding.** All conditions of approval shall be binding as to the applicant and all successors in interest to permittee, with exceptions pertinent to public health and safety.

Special Provisions

- **Disability and discrimination laws in force. Medical exemptions.** Laws that are applicable to disabled people and those with medical conditions must be in force, noted

(ADA, California Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, etc.) and also the allowance of medically necessary medical exemptions (per resident's physician), must be agreed ahead of time to follow, irrespective of any other laws or orders, and signed off on by wireless company, in order to receive permit.

- All wireless facilities applications, permits, and approvals shall be accepted/issued if in full compliance with: the ADA; Section 504 of the Rehabilitation Act of 1973, as amended; the Fair Housing Act; CA Gov Code 11135; California Unruh Act, and all applicable state and federal disability and/or discrimination laws.
- **Medical exemptions** shall be issued to allow residents with medical conditions said by a physician or group of physicians to be negatively impacted by rf radiation exposure, such that no small cells or wireless antennas shall be placed within a 4,000 foot radius of resident's home. This may also be expanded to include where the resident works and shops.
- Wireless applications shall be accepted for communications infrastructure only.
- **Swift notification.** All applications for wireless infrastructure must go through application and permitting process, have Planning Board/Commission hearings, and *same day public notification*, so the public will have its due process.
 - **Notification of residents.** All residents will be notified, renters and owners, online (same day of application) and by US Mail (within three days of application).
 - **City webpage with map** showing all existing *and proposed* permitted infrastructure, small cells, and cell towers in the city/county (like Rancho Palos Verdes <https://www.rpvca.gov/916/Wireless-Telecommunications-Facilities>). Proposed cell towers go on map same day of application.
 - **Post by 6 pm online.** Newly received applications shall be posted by staff to the city/county webpage no later than 6 pm of same day of receipt.
 - Applications may be accepted up through noon, daily.
- **Fiberoptic network alternative to higher speeds, no emissions.** Create County committee to "study the viability of a fiber optic network as an alternative to wireless, including 50% public membership, participation, and input.

[Adaptation of city of [Petaluma's wireless ordinance](#), below, as sample language, which falls under the Disclaimer, attached.]

Chapter 14.44 – Telecommunications Facility and Antenna Criteria

14.44.010 Purpose.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the region known as "unincorporated County" (hereafter to be referred to as County) as set forth within the goals, objectives and policies of the County general plan; while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations and encouraging managed development of telecommunications infrastructure to insure County's role in the evolution of technology. It is also the stated intent of this chapter to provide a public forum to

insure a balance between public concerns and private interest in establishing telecommunication and related facilities.

It is furthermore intended that, to all extent permitted by law, the county shall apply these regulations to specifically accomplish the following:

- A. **Protect the visual character of the county** from the potential adverse effects of telecommunication facility development and minor antenna installation;
- B. **Insure against the creation of visual blight** within or along the county's scenic corridors and ridgelines;
- C. Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives.
- D. **Protect the inhabitants of County from the possible adverse health effects** associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
- E. **Preserve the civil liberties, privacy and ensure the security of the citizens of County within the realm of their home and neighborhoods.** No permit shall be granted if it violates the U.S. Constitution, the Constitution of California, and any and all California codes, regulations, and laws.
- F. **Protect the environmental resources** of County;
- G. Insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructures are provided to serve the business community;
- H. Create and preserve telecommunication facilities that will serve as an important and effective part of County's emergency response network;
- I. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of County citizens;
- J. Provide for the charging of reasonable, competitively neutral, nondiscriminatory fees for use of the public right-of-way by telecommunication providers; and,
- K. Provide for the maximization of access and usability of an internet web site for the county of County.

(Ord. 2029 NCS (part), 1996.)

14.44.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:

A. **Antenna** means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is diameter.

5. **Antenna – parabolic** (also known as satellite dish antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

6. **Antenna – portable** means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

7. **Antenna – vertical** means a vertical type antenna without horizontal cross-sections greater than one-half inch in diameter.

B. **Co-location** — See telecommunication facility – co-located.

C. **Commercial use** means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

D. **Direct broadcast satellite service** (DBS) means a system in which signals are transmitted directly from a satellite to a small (not exceeding eighteen inch) home

14.44.320 Telecommunication facilities — Public notice.

In addition to the public notice required within this chapter, the following special noticing shall be provided:

A. Notice of consideration or a public hearing, as appropriate, on a minor or major use permit authorizing the establishment or modification of a telecommunication facility shall be provided to the operators of all telecommunication facilities, registered with the County, pursuant to Section 14.44.040, within one mile of the subject parcel via mailing of the standard legal notice prepared; and

B. Notice of the approval of a minor use permit by the planning director authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna needing site plan review, shall be **mailed to all adjacent property owners within three thousand feet within 3 days of application**. Receipt of said notice shall start a fourteen calendar day appeal period.

C. Any requests for accommodations on file shall be reviewed and granted within one week of application, with requestor notified in writing.

(Ord. 2029 NCS (part), 1996.)

14.44.330 Ambiguity.

In order to achieve consistent and efficient coordination and enforcement in the administration of this chapter, the planning director, or he/she may delegate some person within his/her department to act in his/her stead, shall have the power and duties set forth below:

A. All duties identified for the zoning administrator as set forth in Section 26-200 of the County zoning ordinance, including the authority to interpret this chapter to members of the public, to county departments and other branches of county receiving dish. DBS competes with cable television.

E. **Equipment building, shelter or cabinet** means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.

F. **Inhabited area** means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

G. **Lattice tower** means a self-supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

H. **Maximum credible earthquake** means the maximum earthquake predicted to affect a given location based on the known lengths of the active faults in the vicinity.

I. **Monopole** is a wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

J. **NIER** means non-ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

K. **Public service use or facility** means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation or utilities.

L. **Public way** means and includes all public streets and utility easements, now and hereafter owned by the county, but only to the extent of the county's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities.

M. **Quasi-public use** means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests

of the general public or operated by a recognized civic organization for the benefit of the general public.

N. **Readily visible** means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.

O. **Related equipment** means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

P. **Satellite earth station** means a telecommunication facility consisting of more than a single satellite dish smaller than ten feet in diameter that transmits to and/or receives signals from an orbiting satellite.

Q. **Silhouette** means a representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective.

R. **Structure ridgeline** means the line along the top of a roof or top of a structure, if it has no roof.

S. **Telecommunications facility** means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

1. **Telecommunications facility – exempt** includes, but is not limited to, the following unless located within a recognized historic district:

a. A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located, with an antenna height not exceeding twenty-five feet;

b. A ground- or building-mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five feet;

c. A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed thirty-five feet;

d. A ground- or building-mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel;

e. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the amateur radio service which existed at the time of the adoption of this chapter (September 1996).

f. Mobile services providing public information coverage of news events of a temporary nature.

g. Handheld devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the planning director.

h. County government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.

2. **Telecommunications facilities – major** are all telecommunications facilities not clearly set forth and included in the definition of exempt, minor or mini facilities.

3. **Telecommunications facility – mini** is an attached wireless communication facility consisting of, but not limited to, the following unless located on a structure recognized as a historic landmark:

- a. A single ground- or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located, with an antenna height not exceeding fifty feet;
 - b. A ground- or building-mounted citizens band radio antenna including any mast, if the height (tower, support structure, post and antenna) does not exceed seventy feet;
 - c. A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed seventy feet.
 - d. A ground- or building-mounted receive-only radio or television satellite dish antenna, with diameter exceeding thirty-six inches but less than eight feet in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridge line of the primary structure on said parcel.
 - e. Exempt telecommunication facility located within a recognized historic district.
 - f. County owned and operated antennas used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.
- If a facility does not meet these criteria then it is considered either an exempt, minor or major telecommunication facility.

4. Telecommunications facility – minor means any of the following:

- a. Antennas which meet the definition of mini with the exception of the height limit.
 - b. Telecommunications facilities less than thirty-five feet in height and that adhere to Section 14.44.090.
 - c. A single ground- or building-mounted whip (omni-) antenna without a reflector, less than four inches in diameter, whose total height does not exceed thirty-five feet, including any mast to which it is attached, located on commercial- and/or industrial-zoned property.
 - d. A ground- or building-mounted panel antenna whose height is equal to or less than four feet and whose area is not more than four hundred eighty square inches in the aggregate (e.g., one-foot diameter parabola or two-foot by one-and-one-half-foot panel) as viewed from any one point, located on commercial- or industrial-zoned property. The equipment cabinets shall be designed, placed and screened to be unobtrusive and effectively unnoticeable.
 - e. More than three antennas, satellite dishes (greater than three feet in diameter), panel antennas, or combination thereof, are proposed to be placed on the commercial or industrial parcel, including existing facilities.
 - f. Building-mounted antennas which, in the opinion of the planning director, are unobtrusive or undetectable by way of design and/or placement on the building, regardless of number, when located on commercial- or industrial-zoned property.
 - g. Telecommunications facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the county of County and utilized for public and/or quasi-public uses where it is found by the planning director to be compatible with the existing county uses of the property.
 - h. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.
 - i. Telecommunication facilities located on a structure recognized as a historic landmark.
- If a facility does not meet these criteria then it is considered a major telecommunication facility.

5. Telecommunication facility – co-located means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

6. Telecommunication facility – commercial means a telecommunication facility that is operated primarily for a business purpose or purposes.

7. **Telecommunication facility – multiple user** means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.

8. **Telecommunication facility – noncommercial** means a telecommunication facility that is operated solely for a nonbusiness purpose.

9. **Telecommunications facility – small cell** means a telecommunications facility that is pole mounted to existing public utility infrastructure.

T. **Telecommunications tower** means a mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground- or building-mounted mast greater than ten feet tall and six inches in diameter supporting one or more antennas, dishes, arrays, etc. shall be considered a telecommunications tower.

(Ord. 2662 NCS § 2 (part), 2018; Ord. NCS 2029 (part), 1996.)

14.44.030 General requirements.

The following requirements shall be met for all telecommunications facilities in any zoning district:

A. Any applicable general plan goals, objectives, programs and policies, specific plan, PUD standards, design guidelines, and the permit requirements of any agencies which have jurisdiction over the project;

B. All the requirements established by the other chapters of the County Municipal Code and County zoning ordinance that are not in conflict with the requirements contained in this chapter;

C. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;

D. Any applicable airport land use compatibility criteria/policies and Federal Aviation Administration regulations;

E. Any applicable easements or similar restrictions on the subject property, including adopted PUD standards;

F. Facilities and minor antennas cannot be located in any required yard setback area of the zoning district in which it is located with the exception of possible encroachment of the antenna array into airspace over said setback;

G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;

H. All commercial telecommunication facilities and minor antenna shall comply at all times with all FCC rules, regulations, and standards;

I. All telecommunication facilities shall maintain in place a security program, when determined necessary by and subject to the review and approval of the police chief that will prevent unauthorized access and vandalism; and

J. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

K. All telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the county of County shall register with the county pursuant to Section 14.44.040 of this chapter.

L. All wireless facilities applications, permits, and approvals shall be accepted/issued if in full compliance with: the ADA; Section 504 of the Rehabilitation Act of 1973, as amended; the Fair Housing Act; CA Gov Code 11135; California Unruh Act, and all applicable state and federal disability and/or discrimination laws.

(Ord. 2029 NCS (part), 1996.)

14.44.040 Registration of telecommunications carriers and providers.

A. Registration Required. All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the County, or outside the corporate limits from telecommunications facilities within the county, shall register with the county pursuant to this chapter on forms to be provided by the planning director, which shall include the following:

1. The identity and legal status of the registrant, including any affiliates.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
3. A narrative and map description of registrant's existing or proposed telecommunications facilities within the County.
4. A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the county.
5. Information sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utility Commission to provide telecommunications services or facilities within the county.
6. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the county.
7. Such other information as the planning director may reasonably require.

B. Registration Fee. Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee as set forth by resolution of the county council.

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C. Purpose of Registration. The purpose of registration under this section is to:

1. Provide the county with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the county, or that own or operate telecommunication facilities within the county;
2. Assist the county in enforcement of this chapter;
3. Assist the county in the collection and enforcement of any license fees or charges that may be due the county; and
4. Assist the county in monitoring compliance with local, state and federal laws.

D. Amendment. Each registrant shall inform the county, within sixty days of any change of the information set forth in Section 14.44.040.

(Ord. 2029 NCS (part), 1996.)

14.44.050 Agreement.

No approval granted hereunder shall be effective until the applicant and the county have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy and use public ways of the county will be granted. (Ord. 2029 NCS (part), 1996.)

14.44.060 Nonexclusive grant.

No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the county for delivery of telecommunications services or any other purposes. (Ord. 2029 NCS (part), 1996.)

14.44.070 Rights granted.

No approval granted under this chapter shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited

purposes and term stated in the approval. Further, no approval shall be construed as any warranty of title. (Ord. 2029 NCS (part), 1996.)

14.44.075 Exempt facilities — Basic requirements.

Exempt facilities defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any residential zoning district, except recognized historic districts, where such antennas are permitted under this title, without benefit of a building permit or other entitlement process, so long as all the following conditions are met:

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
 - B. In a residential zone, no more than one support structure for licensed amateur radio operator, satellite dish eight feet or less in diameter, is allowed on the parcel;
 - C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (Ord. 2029 NCS (part), 1996.)

14.44.080 Mini facilities — Basic requirements.

Mini facilities defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any residential, commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a building permit which has received site plan and architectural review and approval by the planning director, so long as all the following conditions are met:

- A. In a commercial or industrial zone, no more than three antennas, satellite dish eight feet or less in diameter; where adequate screening, at the discretion of the planning director, is provided; and the telecommunication facilities are solely for the use of the project site tenants – location subject to the discretionary review and approval of the planning director.
 - B. Replacement of pre-existing telecommunication facilities, installed under a prior approval under this chapter which is being proposed for replacement by equipment of identical or a smaller size, at the discretion of the planning director.
 - C. In a residential zone, where more than one but no more than three antenna or satellite dishes (three feet or less in diameter) are proposed.
 - D. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (Ord. 2029 NCS (part), 1996.)

14.44.090 Minor facilities — Basic requirements.

Minor facilities as defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a minor conditional use permit, so long as all the following conditions are met:

- A. The minor antenna use involved is accessory to the primary use of the property which is not a telecommunications facility.
- B. **The combined effective radiated power radiated by all the antenna present on the parcel is less than 0.0005 milliwatts per meter squared.**
- C. The combined NIER levels produced by all the antennas present on the parcel do not exceed the NIER Bioinitiative 2012 xposure Recommendations established in Section 14.44.290 of this chapter.
- D. The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel, so as to create a negative visual impact.
- E. **The antenna is located outside all yard and street setbacks specified in the zoning district in which the antenna is to be located and no closer than 1500 feet to any property line.**

- F. None of the guy wires employed are anchored within the area in front of the primary structure on the parcel.
- G. No portion of the antenna array extends beyond the property lines or into the area in front of the primary building on the parcel, so as to create a negative visual impact.
- H. At least ten feet of horizontal clearance exists between the antenna and any power lines, unless more clearance is required to meet CPUC standards.
- I. All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming.
- J. The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible.
- K. The installation is in compliance with the manufacturer's structural specifications and the requirements of the Uniform Building Code including Section 507. Exceptions Table SD, Table 23-24 and Section 3602, as applicable.
- L. The height of the facility shall include the height of any structure upon which it is placed, unless otherwise defined within this chapter.
- M. No more than two parabolic reflectors satellite dishes are allowed on the parcel, one of which may be over three feet in diameter, but no larger than eight feet in diameter, with adequate screening, at the discretion of the planning director.
- O. Any ground mounted satellite dish with a diameter greater than four feet that is situated less than five times its actual diameter from adjoining property lines has screening treatments located along the antenna's non-reception window axes and low-level landscape treatments along its reception window axes.
- P. Any roof mounted panel antenna with a face area greater than three and one-half square feet shall be located so as to be effectively unnoticeable.
- Q. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- R. The facility is located more than one hundred seventy-five feet from any residential dwelling unit, unless recognized as an exempt facility as set forth in Section 14.44.020.S.I.
- S. No trees larger than twenty inches in diameter measured at four and one-half feet high on the tree would have to be removed.
- T. Any new building(s), structure(s), control panel(s), etc. shall be effectively screened from view from off-site.
- U. The site has an average cross slope of ten percent or less.
- V. All utility lines to the facility from public or private streets shall be underground.
- W. If located within a recognized historic district, or on a structure recognized as a historic landmark, that adequate screening has been provided.
- X. The general criteria set forth in this chapter are met.
(Ord. 2029 NCS (part), 1996.)

14.44.095 Small cell facilities — Basic requirements.

Small cell facilities as defined in Section 14.44.020 may be installed, erected, maintained and/or operated in any commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a **minor conditional use permit**, so long as all the following conditions are met:

- A. The small cell antenna must connect to an already existing utility pole that can support its weight.
- B. All new wires needed to service the small cell must be installed within the width of the existing utility pole so as to not exceed the diameter and height of the existing utility pole.
- C. **All ground-mounted equipment not installed inside the pole must be undergrounded, flush to the ground, within three feet of the utility pole.**

D. Each small cell must be at least three thousand feet away from the nearest small cell facility.

E. Aside from the transmitter/antenna itself, no additional equipment may be visible.

F. Each small cell must be at least one thousand five hundred feet away from any existing or approved residence or place of business other than industrial.

G. Each small cell must be at least five thousand feet away from any existing or approved school, hospital, medical facility, or designated “sensitive area”.

H. Small cell facilities applications must provide independently certified, bonded, and insured proof of safety testing for devices and proof of safety for planned uses.

I. An encroachment permit must be obtained for any work in the public right-of-way. (Ord. 2662 NCS § 2 (part), 2018)

14.44.100 Minor facilities — Referral.

The planning director may refer a conditional use permit for a minor telecommunications facility that meets all of the above standards if he/she determines, in his/her sole discretion, that the public interest would be furthered by having the planning commission review this matter. In that case and the case of any proposed facility that fails to meet one or more of the standards listed above, a use permit approved by the planning commission shall be required to construct the facility in question. (Ord. 2029 NCS (part), 1996.)

14.44.130 Telecommunications facilities — Minimum application requirements.

The following are the minimum criteria applicable to all telecommunications facilities, except exempt facilities as defined in Section 14.44.020.S. 1. In the event that a project is subject to discretionary and/or environmental review, mitigation measures or other conditions may also be necessary. All telecommunications facilities shall comply with the following:

A. The planning director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photomontages, visual impact analysis, NIER (non-ionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security considerations, lists of other nearby telecommunications facilities known to the county, master plan for all related facilities within the county limits of County and within one-quarter mile therefrom; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the director. The planning director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted; and

B. The planning director is explicitly authorized at his/her discretion to employ on behalf of the county an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the county. Any proprietary information disclosed to the county or the expert hired shall remain confidential and shall not be disclosed to any third party.

(Ord. 2029 NCS (part), 1996.)

14.44.140 Telecommunications facilities — Standard agreements required.

A. A maintenance/facility removal agreement signed by the applicant shall be submitted to the planning director prior to approval of the use permit or other entitlement for use authorizing the establishment or modification of any telecommunications facility which includes a telecommunication tower, one or more new buildings/ equipment enclosures larger in aggregate than three hundred square feet, more than three satellite dishes of any size, or a satellite dish

larger than four feet in diameter. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimate removal of the facility in compliance with the provisions of this chapter and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the county for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the county and/or its agents to enter onto the property and undertake said work so long as:

1. The planning director has first provided the applicant the following written notices:
 - a. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least forty-five calendar days to complete it; and
 - b. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the county's intent to commence the required work within ten working days.
2. The applicant has not filed an appeal pursuant to Section 14.44.350 within fourteen working days of the notice required under Section 14.44.140.1 above. If an appeal is filed, the county shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it taken in favor of the county;

3. All costs incurred by the county to undertake any work required to be performed by the applicant pursuant to the agreement referred to in Section 14.44.140 including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The applicant shall deposit within ten working days of written request therefor such costs as the county reasonably estimates or has actually incurred to complete such work. When estimates are employed, additional moneys shall be deposited as needed within ten working days of demand to cover actual costs. The agreement shall specifically require the applicant to immediately cease operation of the telecommunications facility involved if the applicant fails to pay the moneys demanded within ten working days. It shall further require that operation remain suspended until such costs are paid in full.

B. Standard agreement required by Section 14.44.140.A shall be accompanied by the payment of a fee, as established by resolution of the county council, into a trust fund established to cover expenditures for the removal, screening, enhancement or similar activities relating to the existence of telecommunications facilities within the county.

C. Standard agreement required by Section 14.44.140.A. shall include, but not be limited to, the following stipulations agreed to by the applicant:

1. **Telecommunications facilities lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the county of County.** This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, telecommunication facilities lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, include smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

2. **The telecommunications facility provider shall defend, indemnify, and hold harmless** the county or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the county, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The county shall promptly notify the provider(s) of any such claim, action or proceeding. The county shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the county from participating in a defense of any claim, action, or proceeding if the county bears its own attorney's fees and costs, and the county defends the action in good faith. (Ord. 2029 NCS (part), 1996.)

14.44.150 Telecommunications facilities — Life of permits.

A. A use permit issued pursuant to this chapter or a site plan approval issued pursuant to this chapter authorizing establishment of a telecommunication facility, except exempt facilities as defined in Section 14.44.020.S.1, shall be reviewed twice a year. Costs

associated with the review process shall be borne by the telecommunication facility owner/provider. Grounds for revocation of the conditional use permit, pursuant to Section 26-509 of the County zoning ordinance, shall be limited to a finding that (1) the use involved is no longer allowed in the applicable zoning district, (2) the facility fails to comply with the relevant requirements of this chapter as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the planning director that the facility will be brought into compliance within one hundred twenty days, (3) the permittee has failed to comply with the conditions-of-approval imposed, (4) the facility has not been properly maintained, or (5) the facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates. (6) other citizen or business-owner complaints exist (7) federal or state regulation changes have occurred. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above do in fact exist or that the notice required under Section 14.44.320 was not provided.

B. If a use permit or other entitlement for use is not renewed, it shall automatically become null and void without notice or hearing one month after renewal date or upon cessation of use for more than three months and a day, whichever comes first. Unless a new use permit or entitlement of use is issued, within one hundred twenty days thereafter all improvements installed including their foundations down to three feet below ground surface shall be removed from the property and the site restored to its natural preconstruction state within one hundred eighty days of non-renewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the planning director that these sections of road are necessary to serve some other allowed use of the property that is permitted or is currently present or to provide access to adjoining parcels. All work and costs associated with the aforementioned disposal and repairs will be the responsibility of the permittee.

(Ord. 2029 NCS (part), 1996.)

14.44.160 Telecommunications facilities — Structural requirements.

No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, except exempt facilities as defined in Section 14.44.020.S.1, located at a distance of less than one hundred ten percent of its height from a habitable structure, property line, or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the building official prepared by a structural engineer licensed by the state of California describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the planning director at least every five (self-supporting and guyed towers) ten (monopoles) years of an inspection report prepared by a California-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the building official may require repair or, if a serious safety problem exists, removal of the tower. (Ord. 2029 NCS (part), 1996)

14.44.170 Telecommunications facilities — Basic tower and building design.

All telecommunications facilities, except exempt facilities as defined in Section 14.44.020.S.1, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented:

- A. Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically conditioned by the county to be otherwise.
 - B. Telecommunication towers taller than thirty-five feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the planning director or planning commission, as appropriate, that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
 - C. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the planning director or planning commission, as appropriate, is submitted showing that this is infeasible.
 - D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible.
 - E. Telecommunication support facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.
 - F. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.
 - G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a flat paint. The color selected shall be one that in the opinion of the planning director or planning commission, as appropriate, will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils trees or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.
 - H. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the worst-case elevation perspective.
 - I. The county shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
 - J. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (Ord. 2029 NCS (part), 1996.)

14.44.180 Telecommunication facilities — Critical disaster response facilities.

A. All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end all the following measures shall be implemented:

- 1. Non-flammable exterior wall and roof covering shall be used in the construction of all buildings;
- 2. Openings in all buildings shall be protected against penetration by fire and windblown embers;
- 3. The telecommunication tower when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to withstand the forces expected during the maximum credible earthquake. All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it;

4. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by fire, flooding, and earthquake; and

5. Measures shall be taken to keep the facility operational in the event of disaster.

B. Demonstration of compliance with requirements subsection A.1., 2., 4. and 5. (fire only) shall be evidenced by a certificate signed by the county fire chief on the building plans submitted.

C. Demonstration of compliance with requirements subsection A.3. through 5. (earthquake only) shall be provided via a second certification on said plans signed by a structural engineer or other appropriate professional licensed by the state of California.'

(Ord. 2029 NCS (part), 1996.)

14.44.190 Telecommunication facilities — Location.

All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities, except exempt facilities as defined in Section 14.44.020.S.I:

A. No telecommunication facility shall be installed within the safety zone of County, municipal, or private airports or any helipad unless the airport owner/operator certifies that it will not adversely affect the operation of the airport or helipad;

B. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the planning director or planning commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility;

C. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from main highways and roads, a public trail, public park or other outdoor recreation area, or in property designated with a Floodway (FW), Park or Open Space (OS) on the County general plan, unless it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;

D. No telecommunication facility that is readily visible from off-site shall be installed closer than three miles from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the planning director or planning commission, as appropriate, is submitted showing a clear need for this facility and the infeasibility of co-locating it on one of these former sites;

E. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and manmade environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the planning director or planning commission, as appropriate, is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites; and

F. Telecommunication towers shall be set back at least three thousand feet from all property lines and at least three thousand feet from any public trail, park or outdoor recreation area. Guy wire anchors shall be set back at least twenty five hundred feet from any property line.

(Ord. 2029 NCS (part), 1996.)

14.44.200 Telecommunication facilities — Height determination.

The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, 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. (Ord. 2029 NCS (part), 1996.)

14.44.220 Telecommunications facilities — Lighting.

All telecommunication facilities shall be unlit except for the following:

- A. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. (Ord. 2029 NCS (part), 1996.)

14.44.230 Telecommunications facilities — Roads and parking.

All telecommunication facilities, except exempt facilities as defined in Section 14.44.020.5.I, shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

- A. Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the fire chief and director of engineering. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the fire chief and director of engineering;
- B. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be no larger than three hundred fifty square feet. (Ord. 2029 NCS (part), 1996.)

14.44.240 Telecommunications facilities — Vegetation protection and facility screening.

All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020.S.1:

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to review and approval of the site plan and architectural review process. All trees shall be identified in the landscape plan with indication of species type, diameter at four and one-half feet high
- B. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter. To this end, the following measures shall be implemented:
 1. A tree protection plan shall be submitted with building permit or improvement plan This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction;
 2. Grading, cutting/filling, and the storage/parking of equipment/vehicles shall be prohibited in landscaped areas to be protected and the drip line of any trees required to be preserved. Such areas shall be fenced to the satisfaction of the planning director or site plan and architectural review committee, as appropriate. Trash, debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the planning director; and
 3. All underground lines shall be routed such that no damage is done to tree root systems.
- C. All areas disturbed during project construction other than the access road and parking areas required under Section 14.44.230 shall be replanted with vegetation compatible with the

vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the planning director;

D. Any existing trees or significant vegetation, on the facilities site or along the affected access area that die during the installation project or afterward, during active use, shall be replaced by permittee with native trees and vegetation of a size and species at the same diameter and height; and

E. 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.

(Ord. 2029 NCS (part), 1996.)

14.44.250 Telecommunication facilities — Fire prevention.

A. All telecommunication 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 telecommunication facilities, when determined necessary by the fire chief, except exempt facilities as defined in Section 14.44.020.S.1:

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;

2. Monitored automatic fire extinguishing systems approved by the fire chief shall be installed in all equipment buildings and enclosures;

3. Rapid entry (KNOX) systems shall be installed as required by the fire chief;

4. Type and location of vegetation and other materials within ten 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; and

5. 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.

B. Demonstration of compliance with requirements of subsections A.1. through A.5. shall be evidenced by a certificate signed by the fire chief on the building plans submitted.

(Ord. 2029 NCS (part), 1996.)

14.44.260 Telecommunication facilities — Environmental resource protection.

All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020.S.1:

A. No telecommunications facility or related improvements including but not limited to access roads and power lines shall be sited so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species;

B. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;

C. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;

D. The facility shall comply with all applicable county floodplain, floodway and storm drainage and erosion control regulations;

E. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;

F. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and

G. Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of ten percent or greater shall be avoided. Erosion control measures shall be incorporated for any proposed

facility which involves grading or construction near a waterway or on lands with slopes over ten percent. Natural vegetation and topography shall be retained to the extent feasible.
(Ord. 2029 NCS (part), 1996.)

14.44.270 Telecommunications — Noise and traffic.

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 14.44.020.S.I:

A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the planning commission;

B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 60 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 8:30 am. and 4:30 p.m.; and

C. Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete.

D. Noise from an established facility must be, apart from power outages, imperceptible by residents, including that which may cause “ringing in the ears” from high frequencies or other sources, or disturbs wildlife.

14.44.280 Telecommunications facilities — Visual compatibility.

A. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.

B. The facility is designed to blend with any existing supporting structure and does not substantially alter the character of the structure or local area.

C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner; and

D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the planning director.

Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

(Ord. 2029 NCS (part), 1996.)

Telecommunications facilities — NIER exposure.

A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in the BioInitiative 2012

Recommendations for Exposure or any more restrictive standard subsequently adopted or promulgated by the county, the state of California, or the federal government.

B. Initial compliance with this requirement shall be demonstrated for any facility within four thousand feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed the BioInitiative 2012 Recommendations for Exposure, the applicant shall hire a qualified electrical engineer licensed by the state of California to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER the BioInitiative 2012 Recommendations for Exposure shall be submitted to the planning director. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the county may require, at the applicant's expense, independent verification of the results of the analysis.

C. Every telecommunication facility within four thousand feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER BioInitiative 2012 REcommendations for Exposure changes. If calculated levels in either of these cases exceed eighty percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state of California to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER the BioInitiative 2012 Standard for Exposure shall be submitted to the planning director within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety days of the date said change becomes effective.

D. Failure to supply the required reports or to remain in continued compliance with the NIER the BioInitiative 2012 Standard for Exposure established by this section shall be grounds for revocation of the use permit or other entitlement.

14.44.310 Telecommunication facilities — Exceptions. granted upon written concurrence by the fire chief.

C. Tower setback requirements may be waived under any of the following circumstances:

1. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; and
2. Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

(Ord. 2029 NCS (part), 1996.)government, including preliminary negotiation with and advice to applicants for administrative approval, subject to the policy of the county council. Said duties shall be carried out in consultation with the director of public works and the county manager.

B. Report regularly to the county manager and county council on the conduct of his/her office including number of applications processed and their resolution.

(Ord. 2029 NCS (part), 1996.)

14.44.340 Appeal.

Any person who disagrees with a ruling or interpretation of the planning director regarding this chapter may appeal the matter to the planning commission. Such appeal shall be made in

writing and filed with the county clerk within fourteen calendar days of the ruling or interpretation. The county clerk will then transmit the appeal to the planning director, who will cause the matter to be placed on the agenda of the planning commission. If no appeal is made within that time, the ruling or interpretation shall be final. The appeal shall be addressed to the county clerk and shall set forth in writing the grounds for the appeal and the relief sought by the appellant. The hearing shall be scheduled within two regularly scheduled meetings. The planning director shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten calendar days prior to the meeting. The planning director shall transmit the application and all exhibits therewith to the planning commission for consideration. For the purposes of this section, a ruling is a discretionary action, e.g., a minor conditional use permit or a site plan and architectural review; and, an interpretation refers to the determination of the intent and application of provisions of this chapter. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 14.44.310 of this chapter. (Ord. 2029 NCS (part), 1996.)

14.44.350 Statutory/severability.

If any section, subsection, sentence, clause or phrase or word of this chapter is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The county council of The County hereby declares that it would have passed and adopted this chapter and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional. (Ord. 2029 NCS (part), 1996.)

Notes/Helpful Info

Sample Ordinance sites:

<https://mdsafetech.org/cell-tower-and-city-ordinances/>

<http://mystreetmychoice.com/>

<https://www.lasttreelaws.com/ordinances.html>

<http://scientists4wiredtech.com/>

<http://www.electrosmogprevention.org/international-electrosmog-prevention-news/stop-5g/>

fairfax-cas-protective-wireless-ordinance-defies-fcc-5g-orders-cites-state-laws/

<http://www.electrosmogprevention.org/stop-5g-action-plan/>**stop-5g-ordinances/**

<http://www.electrosmogprevention.org/international-electrosmog-prevention-news/stop-5g/>

model-wireless-ordinance-for-siting-of-5g-small-cells/

https://docs.wixstatic.com/ugd/2cea04_240f264d705843fbb989877720e36908.pdf

[https://ehtrust.org/resources-to-take-action-on-us-5g-streamlining-](https://ehtrust.org/resources-to-take-action-on-us-5g-streamlining-bills/?fbclid=IwAR3eckAh9BdE_eXDM8ooKY2zBxT32rBz43CpCzumLpaUII3fjEweVTGZTgl)

[bills/?fbclid=IwAR3eckAh9BdE_eXDM8ooKY2zBxT32rBz43CpCzumLpaUII3fjEweVTGZTgl](https://ehtrust.org/resources-to-take-action-on-us-5g-streamlining-bills/?fbclid=IwAR3eckAh9BdE_eXDM8ooKY2zBxT32rBz43CpCzumLpaUII3fjEweVTGZTgl)

***DISCLAIMER: There is no “safe” way to implement wireless 5G in its current “fast-track plan”, per FCC, as the safety studies are non-existent and the County may remain vulnerable and liable through “doctrine of fixtures” or other reasons (see Att. Henry Lehmann letter to County of Marin dated 2/21/19). The language within this**

document will not protect the public or the County *as well as not following “the FCC orders” and “the Telecommunications Act of 1996, Section 704”, by putting health and safety first.* This draft document is provided for informational purposes only, and is not intended to substitute for legal advice regarding zoning regulations or code compliance with local, state or federal law. It is provided with no assurances or guarantees regarding the suitability of this language for any municipality, and framer(s) shall not be held responsible for any legal action arising from the use of language or concepts contained herein.