
CHAPTER 84.27 WIRELESS TELECOMMUNICATIONS FACILITIES

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84.27.010 Purpose

- (a) **Purpose.** The purpose of this Chapter is to establish guidelines for the siting of towers, antennas and related equipment.
- (b) **Acknowledgment of Federal limitations on local regulations.** The County recognizes that the Telecommunication Act of 1996 (47 USC Section 332(c)(7)) states that local regulations shall not:
 - (1) Unreasonably discriminate among providers of functionally equivalent services,
 - (2) Prohibit or have the effect of prohibiting the provision of personal wireless services.
 - (3) Regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that the facilities comply with the Commission's regulations of emissions.
- (b) **Goals and intent.** Acknowledging these Federal provisions, the goals of this Chapter are to:
 - (1) Encourage the location of wireless telecommunication facilities, to the greatest extent possible, in areas where the adverse impact on the County is minimal.
 - (2) Encourage the design and configuration of wireless telecommunications facilities in a way that minimizes their adverse aesthetic, health, safety and economic impacts.

- (3) Enhance the ability of the providers of telecommunications services to provide such services to the County quickly, effectively, and efficiently, with minimal impact to the aesthetic, health, safety and economic character of the County.
- (4) Encourage the location of towers and other wireless facilities in non-residential areas.
- (5) Encourage where appropriate the joint use of new and existing tower and antenna sites, including existing utility towers.
- (6) Allow for different height limitations for wireless telecommunication towers in the Valley Region, Mountain Region, and the Desert Region due to the different aesthetic, health, safety, and economic impacts of the towers in the different regions of the County.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.020 Applicability

This Chapter shall apply to any wireless telecommunication project for which land use approval has not been properly issued by the Department before December 6, 2001. This Chapter shall not apply to the installation of remote units required for fixed wireless telephone and high-speed Internet service. The installation of these types of remote units is exempt from review by the Department, the Commission, or the Board.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.030 Structure Height

- (a) **Height limitations.** The height limitations in Table 84-13 (Maximum Heights of Wireless Telecommunications Towers) shall apply to all wireless telecommunications towers. Variances to these standards may be issued if approved in compliance with Chapter 85.17 (Variances).

**Table 84-15
Maximum Heights of Wireless Telecommunications Towers**

Land Use Zoning District	Valley Region	Mountain Region ⁽¹⁾	Desert Region
Rural Living (RL)	45'	55'	120'
Single Residential (RS)	45'	35'	55'
Multiple Residential (RM)	45'	55'	60'
Resource Conservation (RC)	45'	55'	199'
Agriculture (AG)	60'	60'	75'

**Table 84-15
Maximum Heights of Wireless Telecommunications Towers**

Land Use Zoning District	Valley Region	Mountain Region ⁽¹⁾	Desert Region
Floodway (FW)	60'	70'	75'
Neighborhood Commercial (CN)	60'	70'	75'
Rural Commercial (CR)	60'	70'	120'
Special Development (SD)	75'	75'	120'
Office Commercial (CO)	75'	75'	120'
Highway Commercial (CH)	75'	75'	120'
General Commercial (CG)	75'	75'	120'
Service Commercial (CS)	75'	75'	120'
Community Industrial (IC)	90'	90'	120'
Regional Industrial (IR)	180'	180'	180'
Institutional (IN)	180'	180'	180'
Specific Plan (SP)	Per Specific Plan		

Note:

- (1) The maximum height of towers shall be the height indicated in the above table or, where the site is forested, 20 feet above the predominant height of the trees in the prime direction of signal propagation.

(b) Height measurement.

- (1) **Ground-mounted antennas.** For ground-mounted antennas, the height of the antenna structure shall be measured from the lowest ground surface at the base of the tower to the top of the tower or to the top of any extension to the tower.
- (2) **Antennas mounted on structures other than towers.** For antennas mounted on structures other than towers, the height of the antenna shall be measured from the top of the structure on which the antenna is mounted to the top of the antenna or screening, whichever is higher. The combined height of the structure and the antenna shall not exceed the height limitations indicated in Section 84.27.030 (Structure Height), above, unless a variance is processed and approved in compliance with Chapter 85.17 (Variances).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.040 Separation from Residences

- (a) **Separation distance required.** Telecommunication towers and antennas shall not be located closer than 300 feet or a distance equal to 200 percent of the height of the tower, whichever is greater, from an off-site residence.
- (b) **Antennas and facilities exempt from separation distance standard.** This separation standard shall not apply in the following instances:
- (1) When wireless telecommunication facilities are totally enclosed within another structure (i.e., steeple, sign, etc.).
 - (2) When a wireless telecommunication facility is added to an existing structure and appears as if it were part of the architectural design of the structure.
 - (3) When antennas are to be mounted on existing utility towers, utility streetlights, and utility poles or their substantially similar replacements and the:
 - (A) Height of the existing structure is not increased; and
 - (B) Antenna does not protrude above the existing structure.

For the purposes of this Section, “utility towers” do not include water tanks.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.050 Minimizing Impacts

Telecommunications facilities shall be located and designed so as to minimize their visibility. To this end, all of the following measures shall be implemented for new telecommunications facilities and antennas.

- (a) **Co-location/stealth facilities.**
- (1) No new telecommunication facilities or antennas that are visible to the general public shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless they have been designed to minimize or eliminate the visual obtrusiveness of the facility and meet all other requirements of this Chapter. New facilities that cannot meet these requirements may be approved when all of the following are provided:
 - (A) Evidence of infeasibility of co-location on another facility or joint location in an existing antenna farm, or clear evidence that co-location on an existing facility would result in a substantial impact; and
 - (B) Evidence of inability to stealth the facility based on technical or design considerations.

- (2) To avoid excessive heights of towers that are associated with co-location of antenna arrays, co-location is not required in the Mountain Region.
 - (3) Towers that are designed to accommodate the co-location of additional providers in the future shall be initially constructed to the lowest possible height. When additional providers are ready to be installed, the additional height needed to accommodate the extra antenna array(s) shall be constructed at that time.
- (b) **Separation from existing facility.** No telecommunications facility or antenna that is visible to the general public from off of the applicant's property shall be installed closer than 2000 feet from another visible telecommunications facility or antenna without a variance, unless it is a co-location or joint location facility. This provision shall not apply to situations where either the existing or the proposed telecommunications facility or antenna within 2000 feet uses a camouflage or stealth design approved by the County. Antennas proposed to be mounted on existing utility towers, utility streetlights and utility poles, or their substantially similar replacements shall also be exempt from this requirement.
- (c) **Ridgeline sites.** Telecommunication facilities in areas of high visibility within sensitive viewsheds shall be sited below the ridgeline as viewed from a distance and designed to minimize their profile (e.g., screened, depressed, or located behind berms, trees, etc.)
- (d) **Non-reflective colors.** Structures, poles, towers, antenna supports, antennas and other components of each telecommunication site shall be treated with non-reflective colors to provide concealment of the facilities.
- (e) **Camouflaging.** For facilities that are not stealthed, telecommunication facilities and antennas and ground equipment shall blend with the predominant viewing background to the maximum extent practical, except when the treatment does not comply with Federal Aviation Authority (FAA) requirements.
- (f) **Support facilities.**
- (1) Freestanding aboveground telecommunication support facilities (i.e., equipment shelters) shall be no taller than one story in height and shall be constructed to look like a structure or facility typically found in the area.
 - (2) Where there are no structures in the immediate vicinity or for projects where a cabinet is proposed, the support facilities shall be designed and constructed to blend with the predominant viewing background or screened from view by landscaping or other method to the maximum extent practical.
- (g) **Parking.** Parking for service vehicles may be allowed on site. Paving or other surfacing shall be required in compliance with Chapter 83.11 (Parking and Loading Standards). Screening shall be required where appropriate.

- (h) **Lighting.** Tower structure lighting shall be prohibited unless required by the FAA, FCC or the California Building Code (CBC). External structure and area lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
- (i) **Outside storage.** No outdoor storage of equipment, materials or supplies shall be allowed.
- (j) **Area disturbance.** The applicant shall avoid or minimize disturbance to the natural landscape. Applicant shall repair disturbed areas immediately following construction and shall regularly check to ensure that disturbances to the natural landscape do not occur or are promptly repaired.
- (k) **Power and communication lines.** No aboveground power or communication lines shall be extended to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Underground utilities shall be installed in a manner to minimize the disturbance of existing vegetation and wildlife habitats.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.060 Review Procedures

- (a) **Conditional Use Permit/Minor Use Permit required.** All wireless telecommunications facility projects shall be subject to a Conditional Use Permit/Minor Use Permit in compliance with Chapter 85.06 (Conditional Use Permit/Minor Use Permit), with controversial projects requiring a public hearing before the Commission. Projects shall not be considered controversial solely on the basis of radio frequency emissions.
- (b) **Projects exempt from Conditional Use Permit requirement.** The following projects shall be exempt from the Conditional Use Permit/Minor Use Permit requirement and shall be subject to a Site Plan Permit in compliance with Chapter 85.08 (Site Plan Permits) provided they do not require a Variance. The limitations of Subsection 85.08.020(b) shall not apply for projects that include any of the following:
 - (1) Any building or roof mounted antenna that does not extend above the top of the parapet wall by more than 12 feet and painted to match the structure, or that is completely screened from public view.
 - (2) Antennas mounted on or contained within other existing or proposed structures (e.g., appurtenances to existing structure, penthouses, elevator structures, parapets, steeples, signs, water tanks, pump stations, utility towers and poles, utility streetlights, ball field lighting, etc.) so as not to be readily identifiable as a wireless communication facility. This may include the replacement of an existing structure to accommodate a wireless telecommunications facility.
 - (3) The co-location of a new antenna to an existing approved support structure, or the replacement of an existing approved support structure in order to co-locate a new antenna, without an increase in height.

(4) Change of antennas or microwave dishes of similar construction, size, and shape on any existing facility provided that the change of antenna(s) does not result in substantial increased visibility of the structure.

(c) **Screening required.** Utility or accessory equipment described in Subsection B (Projects exempt from Conditional Use Permit requirement), above, shall be screened from view from any residence or State or County maintained road in a manner that achieves compatibility with the surrounding setting.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009); Amended Ordinance 4098 (2010)

84.27.070 Project Notices

(a) **Project requiring Conditional Use Permit approval.** Notice of an application for approval of a wireless telecommunications facility shall be provided to the Municipal Advisory Council (MAC) for the area, and to all property owners within cities and the unincorporated area of the County within the following parameters:

(1) **Urban areas:** 300 feet of the external boundaries of the parcel of the proposed site.

(2) **Rural areas:** 1,000 feet of the external boundaries of the parcel of the proposed site or to the property owners of up to 20 separate surrounding parcels, whichever is more, up to one quarter mile (1,320 ft).

(3) **Notification Timing:** Notification shall be accomplished upon application acceptance.

(b) **Project requiring Land Use Permit approval.** Only the surrounding property owners within 300 feet of the external boundaries of the parcel of the proposed site shall be notified of the application for a Land Use Permit. This notification shall be accomplished upon application acceptance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.080 Review Factors

(a) **Factors for consideration of review authority.** The review authority shall consider the following aesthetic, health, safety, and economic factors in determining whether to issue a Conditional Use Permit for a wireless telecommunications facility:

(1) Height of the proposed tower or antenna structure.

(2) Proximity of the tower to residential structures and residential district boundaries.

(3) Nature of uses on adjacent and nearby properties.

- (4) Surrounding tree coverage and foliage or other existing structures.
- (5) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- (6) Proposed ingress and egress.
- (7) Availability of suitable existing towers and other structures.
- (8) Identification of signal coverage area.
- (9) Comments from other agencies and parties in compliance with Section 85.27.110 (Interjurisdictional Review).
- (10) Compliance with State and Federal rules (e.g., radio-frequency emission safety rules etc.).

(b) Findings required for Conditional Use Permit approvals. In addition to the consideration of the factors listed in Subsection (a), above, before approving an application for a Conditional Use Permit, the review authority shall find and justify that all of the findings required in Section 85.06.040 (Findings Required) are true.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.090 Abandoned Sites

- (a) Abandonment.** A wireless telecommunication facility that is not operated for a continuous period of 12 months shall be considered abandoned.
- (b) Removal of structures after abandonment.** The owners of an abandoned facility shall remove all structures within 90 days of receipt of notice from the County notifying the owner of the abandonment. The owner shall return the site to its approximate natural condition. If an abandoned facility is not removed within the 90 day time period, the County may remove all such structures at the owner's expense.
- (c) Posting and continuous maintenance of bond required for all users.** A bond to ensure the removal of the abandoned facility and the rehabilitation of the site shall be required with the original project approval. If there are two or more users of a single tower, then the provision concerning abandonment shall not become effective until all users cease using the tower. However, the bond or a cash equivalent shall remain in force at all times and failure to maintain a bond or cash equivalent shall result in an immediate closure of the site with liability for rehabilitation placed upon the original permit holder and all subsequent users and permit holders.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.100 Elevation of Approvals

Notwithstanding the provisions of Subsection 84.27.060 (b) (Projects exempt from Conditional Use Permit requirement) above, any project that may be controversial and/or involves important policy questions may be referred to the Commission for public hearing and action. The Commission may refer these types of projects to the Board for public hearing and action.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

84.27.110 Interjurisdictional Review

- (a) **Review of project that impacts sphere of influence or city within County.** When a proposed telecommunications facility is located within the sphere of influence or located within one mile of a boundary of any city within the County, the review authority shall refer the project to the affected city for review and comment. The review authority shall consider the requirements of the adopted telecommunications policies of that city and its comments, if any, on the proposed project.
- (b) **Review of project that impacts State or Federal land.** When a proposed telecommunications facility has the potential to impact Federal or State lands, the review authority shall refer the project to the appropriate agency for review and comment, notwithstanding the fulfillment of Section 84.27.070 (Project Notices).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

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