County of Santa Cruz

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
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NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

NOTICE OF PUBLIC REVIEW AND COMMENT PERIOD

Pursuant to the California Environmental Quality Act, the following project has been reviewed by the County Environmental Coordinator to determine if it has a potential to create significant impacts to the environment and, if so, how such impacts could be solved. A Negative Declaration is prepared in cases where the project is determined not to have any significant environmental impacts. Either a Mitigated Negative Declaration or Environmental Impact Report (EIR) is prepared for projects that may result in a significant impact to the environment.

Public review periods are provided for these Environmental Determinations according to the requirements of the County Environmental Review Guidelines. The environmental document is available for review at the County Planning Department located at 701 Ocean Street, in Santa Cruz. You may also view the environmental document on the web at www.sccoplanning.com under the Planning Department menu. If you have questions or comments about this Notice of Intent, please contact Matt Johnston of the Environmental Review staff at (831) 454-3201

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Romero at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123) to make arrangements.

PROJECT: Wireless Communication and Broadband Facilities Ordinance Revisions

APP #: N/A

APN(S): Countywide

PROJECT DESCRIPTION: The project is a proposed ordinance that would revise the County of Santa Cruz Wireless Communication and Broadband Facilities Ordinance (County Code Sec. 13.10.660-668) to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication and broadband facilities within the County unincorporated area.

PROJECT LOCATION: Countywide

EXISTING ZONE DISTRICT: N/A
APPLICANT: County of Santa Cruz
OWNER: N/A
PROJECT PLANNER: Frank Barron, (831) 454-2530
EMAIL: Frank.Barron@santacruzcounty.us
ACTION: Negative Declaration
REVIEW PERIOD: October 10, 2014 through November 10, 2014
This project will be considered at a public hearing by the Planning Commission on November 19, 2014 at 9:00 a.m. at the Santa Cruz County Board of Supervisors Chambers, 701 Ocean Street, Room 525, Santa Cruz, CA 95060.

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NEGATIVE DECLARATION

Project: Wireless Communications Facilities Ordinance Revisions **APN(S): Countywide**

Project Description: The project is a proposed ordinance that would revise the County of Santa Cruz Wireless Communication and Broadband Facilities Ordinance (County Code Sec. 13.10.660-668) to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication and broadband facilities within the County unincorporated area.

Project Location: Countywide

Owner: N/A

Applicant: County of Santa Cruz

Staff Planner: Frank Barron, (831) 454-2530 email: frank.barron@santacruzcounty.us

This project will be considered at a public hearing by the Planning Commission on November 19, 2014. The meeting will be held in the Board of Supervisors Chambers, 701 Ocean Street, Room 525, Santa Cruz, CA 95060. The meeting will begin at 9:00 a.m.

California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Clerk of the Board located at 701 Ocean Street, 5th Floor, Santa Cruz, California.

Review Period Ends: November 10, 2014

Date: _____

_____
TODD SEXAUER, Environmental Coordinator
(831) 454-3511

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
INITIAL STUDY/ENVIRONMENTAL CHECKLIST

Date: October 6, 2014 **Application Number:** N/A

Staff Planner: Frank Barron **Project:** Proposed WCF and Broadband Ord. Revisions

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz **APN(s)**: N/A

OWNER: N/A **SUPERVISORAL DISTRICT**: Countywide

PROJECT LOCATION: Countywide

SUMMARY PROJECT DESCRIPTION: Proposed revisions to the County's Wireless Communications Facility and Broadband (WCF) Ordinance (County Code Sec. 13.10.660-668), to implement changes as directed by the Board of Supervisors, as well as to update the regulations to maintain consistency with recent state and federal regulations.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: *All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.*

☐	Geology/Soils	☐	Noise
☐	Hydrology/Water Supply/Water Quality	☐	Air Quality
☐	Biological Resources	☐	Greenhouse Gas Emissions
☐	Agriculture and Forestry Resources	☐	Public Services
☐	Mineral Resources	☐	Recreation
☒	Visual Resources & Aesthetics	☐	Utilities & Service Systems
☐	Cultural Resources	☐	Land Use and Planning
☐	Hazards & Hazardous Materials	☐	Population and Housing
☐	Transportation/Traffic	☐	Mandatory Findings of Significance

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

☐	General Plan Amendment	☐	Coastal Development Permit
☐	Land Division	☐	Grading Permit
☐	Rezoning	☐	Riparian Exception
☐	Development Permit	☐	LAFCO Annexation
☐	Sewer Connection Permit	☒	Other: Zoning Code Amendment

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (e.g., permits, financing approval, or participation agreement):

Permit Type/Action	Agency
Approve ordinance change as a certified LCP Amendment	California Coastal Commission

DETERMINATION:

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

TODD SEXAUER, Environmental Coordinator _____ Date

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size (acres): N/A
Existing Land Use: N/A
Vegetation: N/A
Slope in area affected by project: ☐ 0 - 30% ☐ 31 – 100% ☒ N/A
Nearby Watercourse: N/A
Distance To: N/A

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Water Supply Watershed:	N/A	Fault Zone:	N/A
Groundwater Recharge:	N/A	Scenic Corridor:	N/A
Timber or Mineral:	N/A	Historic:	N/A
Agricultural Resource:	N/A	Archaeology:	N/A
Biologically Sensitive Habitat:	N/A	Noise Constraint:	N/A
Fire Hazard:	N/A	Electric Power Lines:	N/A
Floodplain:	N/A	Solar Access:	N/A
Erosion:	N/A	Solar Orientation:	N/A
Landslide:	N/A	Hazardous Materials:	N/A
Liquefaction:	N/A	Other:	N/A

SERVICES

Fire Protection:	N/A	Drainage District:	N/A
School District:	N/A	Project Access:	N/A
Sewage Disposal:	N/A	Water Supply:	N/A

PLANNING POLICIES

Zone District:	N/A	Special Designation:	N/A
General Plan:	N/A		
Urban Services Line:	☒ Inside	☒ Outside	
Coastal Zone:	☒ Inside	☒ Outside	

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

The proposed ordinance amendments would apply to wireless communication facilities (WCFs) in the unincorporated area of Santa Cruz County. Santa Cruz County is uniquely situated along the northern end of Monterey Bay approximately 55 miles south of the City of San Francisco along the Central Coast. The Pacific Ocean and Monterey Bay to the west and south, the mountains inland, and the prime agricultural lands along both the northern and southern coast of the county create limitations on the style and amount of building that can take place. Simultaneously, these natural features create an environment that attracts both

visitors and new residents every year. The natural landscape provides the basic features that set Santa Cruz apart from the surrounding counties and require specific accommodations to ensure building is done in a safe, responsible and environmentally respectful manner.

The California Coastal Zone affects nearly one third of the land in the urbanized area of the unincorporated County with special restrictions, regulations, and processing procedures required for development within that area. Steep hillsides require extensive review and engineering to ensure that slopes remain stable, buildings are safe, and water quality is not impacted by increased erosion. The farmland in Santa Cruz County is among the best in the world, and the agriculture industry is a primary economic generator for the County. Preserving this industry in the face of population growth requires that soils best suited to commercial agriculture remain active in crop production rather than converting to other land uses.

PROJECT BACKGROUND:

The general purpose of the County Wireless Communications Facility (WCF) Ordinance (Santa Cruz County Code Sec. 13.10.660 through 13.10.668 inclusive), passed into law in 2003 (with amendments in 2004 and 2008), is to establish regulations, standards and circumstances for the siting, design, construction, modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also the purpose of the WCF Ordinance to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from the adverse visual impacts of wireless communication facilities, while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California, and all relevant subsequent federal and state statutes and regulations, in addition to the policies of Santa Cruz County.

It is also the purpose of the WCF Ordinance to locate and design wireless communication towers/facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, open space visual resource impacts, impacts to the rural, community and aesthetic character of the built and natural environment, and the general safety, welfare and quality of life of the community. It is also the purpose of the WCF Ordinance to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.

Recent legislation and judicial decisions have provided additional clarification of state and federal requirements for the permitting of telecommunications facilities. The California "Kehoe Act" 2007 (SB1627, regarding co-location); the FCC Declaratory Ruling of November 18, 2009 (regarding permit processing time requirements); the "Omnipoint Communications Enterprises v. Newtown Township" decision (regarding assessment of coverage gaps); and the Presidential Proclamation of December 8, 2009 (regarding the protection of cellular facilities,

which were deemed "critical infrastructure," during emergencies and natural disasters) are only a few of the legislative and judicial actions that have taken place since the 1996 Act.

The proposed County WCF Ordinance revisions are primarily intended to update the existing WCF regulations in order to maintain consistency with new state and federal regulations. However, the revisions are also intended to protect the community aesthetic and scenic character, implement the direction provided by the Board of Supervisors on November 5, 2013 to streamline the application process and remove outdated or repetitive Code sections, and to provide clarity. These revisions have been proposed to remain current with changes in technology and to remain current with changes in state and federal regulations.

DETAILED PROJECT DESCRIPTION:

The project is a proposed ordinance that would revise the County's Wireless Communications Facility (WCF) regulations (County Code Sec. 13.10.660-668) to maintain consistency with recent state and federal regulations. The proposed revisions would modify the existing regulations and permit requirements for the installation of wireless communication facilities (WCFs) within the County unincorporated area. Changes to the existing WCF Ordinance include:

Microcell WCFs in the Public Right-of-Way: Utility pole-mounted "microcells" (including Distributed Antenna Systems or "DAS" nodes) currently require a discretionary Level 5 (Zoning Administrator public hearing) approval and a Building Permit, as well as an encroachment permit from Department of Public Works (DPW) if located in County right-of-way. Under the proposed amendments (County Code Sec. 13.10.660(E)(12), microcell WCFs, located on existing or replacement utility poles in public rights-of-way that are not along a General Plan designated Scenic Road (as listed in GP/LCP Sec. 5.10.10), that do not involve ground disturbance, and that comply with applicable height limits, would no longer require a discretionary zoning permit (nor a separate encroachment permit from DPW if in County right-of-way and a master agreement with a utility or provider is in effect). These WCFs would still require a Building Permit however. Since there would no longer be any discretionary review for such WCFs, they would be allowed in all zoning districts and not "prohibited" in R-1 residential zones as is currently the case (subject to certain exceptions currently).

One-to-one Replacement of Antennas and/or Equipment: As included in Sec. 13.10.660(E)(11), one-to-one replacement of antennas and/or equipment of the same or lesser dimensions at an existing wireless communications facility that does not result in a substantial change to the appearance of the facility would remain subject to a building permit and submittal of a written RF radiation emissions calculation study/report.

Co-locations and Facility Modifications: To comply with new federal legislation (Sec. 6409(a) of the Middle Class Taxpayer Relief and Job Creation Act of 2012) and the 2009 FCC Declaratory Ruling, certain relatively minor additions to existing WCFs, including most co-locations (i.e., adding the antennas and equipment of one or more new carriers to an existing WCF site; (County Code Sections. 13.10.661(G) and 13.10.661(A)(1)), that do not result in a "substantial change in the physical dimensions" (see definitions section), could be permitted under a more streamlined regulatory approach, i.e., shifting from needing a discretionary Level 5 Site Development Permit with a noticed public hearing before the Zoning Administrator, to an administratively approved Level 3 "Minor Variation" to the existing permit or Minor Site Development Permit, which would be revised by staff and subject to conditions of approval to ensure regulatory compliance and soften visual impacts, if necessary. Under the proposed ordinance, the definition of "substantial change in the physical dimensions" would allow horizontal extensions of up to 10-feet from the existing tower, and up to 10% height increases (but not to exceed the height limit for WCFs in the zoning district), to not be considered "substantial". Also, the current limit of 9 antennas and/or 3 equipment cabinets on any co-location site would be removed for flexibility. Discretionary review would be required for any applications proposing a substantial change in the physical dimensions of a WCF. Also, in-kind 1 for 1 antenna/equipment "swap-outs" would no longer be subject to a discretionary permit requirement, however a Building Permit and RF calculation report would still be required.

Reducing Level of Review for Certain Roof and Structure Mounted WCFs: Under the proposed amendments contained in County Code Sec. 13.10.661(A)(2&3), new roof and structure mounted WCFs that include 3 or fewer antennas that are hidden or camouflaged such that they are entirely hidden from public view would be subject to a Level 3 review (i.e., Minor Site Development Permit - hearing) instead of the currently required Level 5 review (Site Development Permit – with Zoning Administrator public hearing).

Allowing WCFs in the Commercial Ag Zoning District: Under Section 13.10.661(B&C) of the proposed ordinance, properties within the "Commercial Agricultural" (CA) zoning district would be removed from the list "prohibited area" zoning districts, making it one of the allowed districts outside the Coastal Zone, and one of the "restricted" zone districts inside the Coastal Zone, but WCFs would be allowed only if they do not result in the loss/conversion of any "prime farmland" or "farmland of statewide significance".

Elimination of Need For Alternatives Analyses in Restricted Areas: Under the proposed amendments in County Code Sec. 13.10.661(C)(3), an Alternatives Analysis would no longer be required to allow new WCFs in the "restricted" zoning districts (i.e., generally lower density/rural residential zones). Under the current regulations a new cell tower can be approved in a "restricted" area only if the applicant can show in an Alternatives Analysis that there are not any less visually intrusive alternative locations in an allowed zoning district, or alternative WCF designs (such as microcells or co-locations), that could provide the needed

coverage (co-locations and microcells are currently allowed in "restricted" areas without an Alternatives Analysis).

FCC "Shot Clock": The proposed amendments to County Code Sec. 13.10.661(J) would require adherence to the FCC "shot clock" time limits for discretionary permit processing times of 150 days for new WCF sites and 90 days for co-locations.

WCF Height Limits: Under Section 13.10.663(B)(6) of the proposed ordinance, WCF height limits by zoning district would be clarified, with maximum height limits for free-standing WCF installations ranging from 78-feet in most zoning districts, to 85- to 90-feet on most commercial, industrial and agricultural-zoned parcels (see Table 1), with a provision to allow approval of height variances for WCFs in excess of those limits if findings can be made and it can be found that the circumstances of the property accommodate a taller installation and it is necessary for the needed coverage, and that a single taller WCF would be visually preferable to building an additional separate WCF nearby to achieve the coverage objective.

Table 1: WCF Height Limits

Zone District	Roof/Building-mounted WCFs	Free-standing WCF Towers
TP, PR (Allowed areas), RA, RR, SU* ("Restricted" Areas), R-1, RM ("Prohibited" Areas)	53 feet " "	78 feet " "
RB ("Prohibited" Area)	42 feet (ocean side) 50 feet (cliff side)	67 feet (ocean side) 75 feet (cliff side)
A, AP (Allowed areas), CA (Allowed area)	65 feet "	90 feet "
PA, VA, C-1, C-2, CC, C-4, M-1, M-2, PF (Allowed areas)	60 feet	85 feet
M-3 (Allowed area)	65 feet	90 feet
Note: * with a residential General Plan land use designation		

Radio-Frequency (RF) Emission Studies: Although federal law prohibits denial of a WCF application on the basis of the health effects of RF radiation, the proposed regulations contained in Sec. 13.10.662(B)(6) would require additional information in the application stage regarding RF radiation calculation reports that is not currently required, which would help to ensure that no WCF would exceed the FCC limits on RF radiation emissions.

Streamlined Submittal Requirements: Section 13.10.661(H) of the proposed ordinance incorporates streamlined application submittal requirements that include the following: 1) Notification for DAS and microcell applications would be limited to the proposed service area rather than 1,000 feet from the outer boundary of the subject parcel, due to the limited areal visual impact of those types of facilities; and 2) The neighboring parcel notification distance for macrocell wireless communications facility applications would remain at 1,000

feet from the outer boundary of the subject parcel due to the potential for adverse visual impacts.

In addition, various other current WCF application submittal requirements that do not need to be codified are proposed for deletion in Section 13.10.661 of the County Code.

Provisions Related to Non-Wireless Broadband Infrastructure: Under Sec. 13.10.669 of the County Code, small cabinets or boxes used to house non-wireless broadband telecommunications infrastructure generally would be allowed to be installed in public rights-of-way, or within private parcel front setback areas, without land use permits from the Planning Department (only Encroachment Permits from the Department of Public Works could be needed). For limited situations where these non-wireless facilities would need to be located on private or public parcels, a provision is proposed to be added to the WCF regulations to allow up to three non-wireless broadband equipment boxes (20 cu. ft. maximum size each) within the front yard setback of private parcels, without the need for land use permit approval.

Substantial Change in the Physical Dimensions: The definition has been included to define substantial changes in a co-location WCF facility or facility modification that results in: 1) More than a 10% increase in height (not to exceed the allowed height for WCF towers in the zone district in accordance with SCCC 13.10.663(B)(6)); 2) More than 4 equipment cabinets or 1 new shelter on the site; 3) New antenna(s) that extend(s) more than 10' horizontally from the tower; 4) Excavation/grading needed outside current tower lease area; 5) Any increase in the footprint of the existing WCF if located on Commercial Agricultural (CA) zoned land or if in a designated Sensitive Habitat Area or Archaeological Sensitive Area.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

III. ENVIRONMENTAL REVIEW CHECKLIST

A. GEOLOGY AND SOILS

Would the project:

1.	*Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*				
	A. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*	☐	☐	☒	☐
	B. *Strong seismic ground shaking?*	☐	☐	☒	☐
	C. *Seismic-related ground failure, including liquefaction?*	☐	☐	☒	☐
	D. *Landslides?*	☐	☐	☒	☐

Discussion (A through D): All of Santa Cruz County is subject to some hazard from earthquakes. Cell towers and other WCFs that would be approved under the proposed amended WCF ordinance would be designed in accordance with the Uniform Building Code, which would reduce the hazards of seismic shaking, liquefaction and landslides to a less than significant level.

2.	*Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*	☐	☐	☒	☐

Discussion: Individual WCFs approved under the proposed amended WCF Ordinance would be subject to site-specific requirements for soils reports and geologic reviews as appropriate and necessary, and would be conditioned to address any stability concerns.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

Impacts would be considered less than significant.

3.	*Develop land with a slope exceeding 30%?*	☐	☐	☒	☐

Discussion: It is not likely that any significant number of WCFs would be proposed or approved on slopes that exceed 30%, either under the current or proposed versions of the WCF regulations, due to both difficulty of access and maintenance, and likely limited market for such facilities. Most facilities would remain subject to a discretionary permit requirement, and would be subject to CEQA review. At this time it is not foreseeable to project the possible locations of facilities that could be proposed on slopes greater than 30%. Impacts would be considered less than significant.

4.	*Result in substantial soil erosion or the loss of topsoil?*	☐	☐	☒	☐

Discussion: Some potential for erosion exists during the construction phase of some WCF projects that would be approved under the revised WCF Ordinance, however, this potential is minimal because standard erosion controls would be a required condition of any such WCF project. Prior to approval of a grading or building permit, applicable WCF projects must have an approved Erosion Control Plan, which would specify detailed erosion and sedimentation control measures. The plan would include provisions for disturbed areas to be planted with ground cover and to be maintained to minimize surface erosion. Impacts would be considered less than significant.

5.	*Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?*	☐	☐	☒	☐

Discussion: Some potential for construction of WCFs on expansive soils exists for WCF projects that would be approved under the revised WCF Ordinance, however, the potential risk is minimal because soils reports and appropriate geotechnical designs would be required to comply with the Building Code and/or conditions of approval would be added to ensure that there are no substantial risks to life or property. Impacts would be considered less than significant.

6.	*Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

are not available?

Discussion: No septic systems would be expected to be proposed as part of any WCF project that would be approved under the revised WCF Ordinance. No impact would occur.

7.	*Result in coastal cliff erosion?*	☐	☐	☒	☐

Discussion: If a future WCF is proposed in the vicinity of a coastal cliff or bluff under the revised WCF Ordinance, it would be conditioned to comply with adopted and applicable County Code provisions to not contribute to coastal cliff erosion, and/or to incorporate mitigation measures to reduce potential impacts to a less than significant level. As a result, impacts would be less than significant.

B. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

Would the project:

1.	*Place development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*	☐	☐	☒	☐

Discussion: If a WCF is proposed in a flood hazard area under the revised WCF Ordinance, it would be conditioned to comply with adopted and applicable County Code provisions to avoid or reduce impacts, and/or to mitigate any hydrological impacts to a less than significant level. Impacts would be considered less than significant.

2.	*Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*	☐	☐	☒	☐

Discussion: If a WCF is proposed in a flood hazard area under the revised WCF Ordinance, it would be conditioned to comply with adopted and applicable County Code provisions to avoid or reduce impacts, and/or to mitigate any hydrological impacts to a less than significant level.

3.	*Be inundated by a seiche, tsunami, or mudflow?*	☐	☐	☒	☐

Discussion: If a WCF is proposed in a seiche, tsunami, or mudflow hazard area under the revised WCF Ordinance, it would be conditioned to comply with adopted and applicable County Code provisions to avoid or reduce impacts, and/or to mitigate any related impacts to a less than significant level.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4. *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*	☐	☐	☐	☒

Discussion: Only rarely would any WCF approved under the proposed revised WCF Ordinance result in any use of water. This would be in the rare situation where native or drought-tolerant landscaping is required to be installed for screening purposes, for which irrigation may be temporarily required to get the plants started. No impact is expected to occur.

5. *Substantially degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).*	☐	☐	☒	☐

Discussion: A WCF installation approved under the proposed WCF Ordinance would not be expected to involve discharge of runoff either directly or indirectly into a public or private water supply. There would be no commercial or industrial activities that would generate a substantial amount of contaminants. The driveways and access roads associated with WCFs, if paved, could incrementally contribute urban pollutants to the environment; however, the contribution would be minimal given the small size and low volume of use of such driveways and access roads. Potential siltation from WCF construction would be addressed through implementation of erosion control measures that would be required to be incorporated into the project to comply with the County Code and Building Code. Impacts would be considered less than significant.

6. *Degrade septic system functioning?*	☐	☐	☐	☒

Discussion: No septic systems would be proposed as part of any WCF project that would be approved under the revised WCF Ordinance. There is no reasonably foreseeable indication that existing septic systems would be affected by any WCF project. No impact would occur.

7. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding, on- or off-site?

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not alter the existing drainage pattern of sites, including through the alteration of the course of a stream or river, and do not substantially increase the rate or amount of surface runoff in a manner which would result in flooding. No impact would occur.

8. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff?* ☐ ☐ ☒ ☐

Discussion: WCFs approved under the existing or proposed WCF Ordinance are generally relatively minor projects that do not alter the existing drainage pattern of sites or volume or timing of runoff, and thus would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff. However, any proposed WCF would need to meet applicable drainage standards of the County Code and Building Code. Impacts would be considered less than significant.

9. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* ☐ ☐ ☒ ☐

Discussion: If a WCF is proposed in a flood hazard area under the revised WCF Ordinance , it would be conditioned to comply with adopted and applicable County Code provisions to avoid or minimize the impact, and/or to mitigate any hydrological impacts to a less than significant level, or possibly denied. Impacts would be considered less than significant.

10. *Otherwise substantially degrade water quality?* ☐ ☐ ☒ ☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not alter the existing drainage pattern of sites or volume or timing of runoff, and thus would not be projected to create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff. Any proposed WCF

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

would need to meet applicable drainage standards of the County Code and Building Code. Impacts would be considered less than significant.

C. BIOLOGICAL RESOURCES

Would the project:

1.	*Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?*	☐	☐	☒	☐

Discussion: Based on the County's past experience with permitting WCFs, WCFs approved under both the existing or the proposed revised WCF Ordinance are, and are expected to be, generally relatively minor projects that do not involve substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service. If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required. Impacts would be considered less than significant.

2.	*Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally do not have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

by the California Department of Fish and Game or U.S. Fish and Wildlife Service. If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, , this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required. Impacts would be considered less than significant.

3.	*Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally do not have a substantial adverse effect on the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites.

If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required.

Impacts would be considered less than significant.

4.	*Produce nighttime lighting that would substantially illuminate wildlife habitats?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not include nighttime lighting, and the regulations do not allow such nighttime lighting. No impact would occur.

5.	*Have a substantial adverse effect on federally protected wetlands as defined*	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally do not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. If a WCF facility is proposed within jurisdictional wetlands, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required. Impacts would be considered less than significant.

6.	*Conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally do not conflict with any local policies or ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance). If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required. Impacts would be considered less than significant.

7.	*Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan,*	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

or other approved local, regional, or state habitat conservation plan?

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans. If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. In addition, if a microcell WCF site proposed in the public right-of-way that would result in ground disturbance, a Level 3 discretionary review would be required. Impacts would be considered less than significant.

D. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

1.	*Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that, due to their small footprint, would not convert significant amounts of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The proposed revisions include a provision to allow WCFs on land zoned Commercial Agricultural (CA), where WCFs are currently prohibited unless approved after Alternatives Analysis. If a WCF facility is proposed within Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, this would result in a substantial change. As a result,

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. Impacts would be considered less than significant.

2.	*Conflict with existing zoning for agricultural use, or a Williamson Act contract?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not conflict with existing zoning for agricultural use, and generally would not be an allowed use on a parcel under a Williamson Act contract. The proposed revisions include a provision to allow WCFs on land zoned Commercial Agricultural (CA) where WCFs are currently prohibited. If a WCF facility is proposed within Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. Impacts would be considered less than significant.

3.	*Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or proposed WCF Ordinance are generally relatively minor projects that generally would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). WCFs are currently, and would continue to be, allowed on TP-zoned parcels, but to due to their small footprints, no impacts to timber production have occurred or are anticipated.

4.	*Result in the loss of forest land or conversion of forest land to non-forest use?*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

Discussion: WCFs approved under the existing or proposed WCF Ordinance are generally relatively minor projects that generally would not result in the loss of forest land or conversion of forest land to non-forest use. WCFs are currently, and would continue to be, allowed on TP-zoned parcels, but to due to their small footprints, no impacts to timber production or other forest uses have occurred or are anticipated.

5.	*Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. The proposed revisions include a provision to allow WCFs on land zoned Commercial Agricultural (CA), where WCFs are currently prohibited. If a WCF facility is proposed within Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts, or possibly deny the project. Impacts would be considered less than significant.

WCFs are currently, and would continue to be, allowed on TP-zoned parcels, but to due to their small footprints, no impacts to timber production or other forest uses have occurred or are anticipated. Impacts would be considered less than significant.

E. MINERAL RESOURCES

Would the project:

1.	*Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally would not be expected to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur.

2.	*Result in the loss of availability of a*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally would not be expected to result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impact would occur.

F. VISUAL RESOURCES AND AESTHETICS

Would the project:

1.	*Have an adverse effect on a scenic vista?*	☐	☐	☒	☐

Discussion: Both the existing and proposed WCF Ordinance, as well as the existing General Plan/LCP, contain provisions to ensure that WCFs are compatible with the visual character of the County, and both address the issue of aesthetics. In particular, the following visual impact criteria are regulated: design and development standards (size, height, color, materials, blending methods, lighting, and signage); monitoring and maintenance requirements; and location requirements. In particular, the existing and proposed WCF Ordinances require that all WCFs subject to the WCF Ordinance utilize camouflaging or screening to reduce visual impacts of facilities to the maximum extent possible. The timing, extent and location of future WCFs are speculative. Individual applications for WCFs would be reviewed and assessed for visual impacts as they are submitted for review. At that time, the specific details of the facility being proposed and the physical changes would be assessed for aesthetic impacts and compliance with the other provisions of the WCF Ordinance. WCFs that would become exempt from land use permit requirements under the proposed amendments are small in nature and/or would be microcells located on existing utility poles in the public right-of-way, where utility lines, poles, and road infrastructure already characterize the visual or aesthetic quality of the area, and addition of microcells would not significantly degrade the visual qualities of the public right-of-way, nor significantly affect rural or community character. It is reasonably foreseeable that only a limited number of WCF installations would be visible from any given vantage point. Such facilities, under the proposed ordinance which primarily lessens restrictions within the public right-of-way where there are usually already a number of public utility poles and installations, are not, under the provisions of the proposed regulations, expected to significantly impact the visual character, or the rural, community or neighborhood character of an installation site. Impacts would be considered less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. *Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*	☐	☐	☒	☐

Discussion: Both the existing and proposed WCF Ordinance contain provisions to ensure that WCFs are compatible with the visual character of the area, and both address the issue of aesthetics. In particular, the following visual impact criteria are regulated: design and development standards (size, height, color, materials, blending methods, lighting, and signage); monitoring and maintenance requirements; and location requirements. In particular, the existing and proposed WCF Ordinances require that WCFs utilize camouflaging or screening to reduce visual impacts of facilities to the maximum extent possible. The timing, extent and location of future WCFs are speculative. Individual applications for WCFs would be reviewed and assessed for visual impacts as they are submitted for permit application review. At that time, the specific details of the facility being proposed and the physical changes would be assessed for aesthetic impacts and compliance with the other provisions of the WCF Ordinance. WCFs that would become exempt from land use permit requirements under the proposed amendments are small in nature and/or would be microcells located on existing utility poles in the public right-of-way, where utility lines, poles, and road infrastructure already characterize the visual or aesthetic quality of the area, and addition of microcells would not significantly degrade the visual qualities of the public right-of-way, nor significantly affect rural or community character. It is reasonably foreseeable that only a limited number of WCF installations would be visible from any given vantage point. Such facilities, under the proposed ordinance which primarily lessens restrictions within the public right of way where there are usually already a number of public utility poles and installations, are not, under the provisions of the proposed regulations, expected to significantly impact the visual character, or the rural, community or neighborhood character of an installation site. Impacts would be considered less than significant.

3. *Substantially degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline?*	☐	☐	☒	☐

Discussion: Both the existing and proposed WCF Ordinance contain provisions to ensure that WCFs are compatible with the visual character of the County, and both address the issue of aesthetics. In particular, the following visual impact criteria are regulated: design

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

and development standards (size, height, color, materials, blending methods, lighting, and signage); monitoring and maintenance requirements; and location requirements. In particular, the existing and proposed WCF Ordinances require that all facilities utilize camouflaging or screening to reduce visual impacts of facilities to the maximum extent possible. The timing, extent and location of future WCFs are speculative. Individual applications for WCFs would be reviewed and assessed for visual impacts as they are submitted for review. At that time, the specific details of the facility being proposed and the physical changes would be assessed for aesthetic impacts and compliance with the other provisions of the WCF Ordinance. WCFs that would become exempt from land use permit requirements under the proposed amendments are small in nature and/or would be microcells located on existing utility poles in the public right-of-way, where utility lines, poles, and road infrastructure already characterize the visual or aesthetic quality of the area, and addition of microcells would not significantly degrade the visual qualities of the public right-of-way, nor significantly affect rural or community character. It is reasonably foreseeable that only a limited number of WCF installations would be visible from any given vantage point. Such facilities, under the proposed ordinance which primarily lessens restrictions within the public right of way where there are usually already a number of public utility poles and installations, are not, under the provisions of the proposed regulations, expected to significantly impact the visual character, or the rural, community or neighborhood character of an installation site. Impacts would be considered less than significant.

4.	*Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*	☐	☐	☒	☐

Discussion: Both the existing and proposed revised WCF Ordinance contain provisions to ensure that WCFs are compatible with the visual character of the County, and both address the issue of aesthetics. In particular, the following visual impact criteria are regulated: design and development standards (size, height, color, materials, blending methods, lighting, and signage); monitoring and maintenance requirements; and location requirements. In particular, the existing and proposed WCF Ordinances require that WCFs subject to the WCF Ordinance utilize camouflaging or screening to reduce visual impacts of facilities to the maximum extent possible. The timing, extent and location of future WCFs are speculative. Individual applications for WCFs would be reviewed and assessed for visual impacts as they are submitted for review, separate from this IS/ND. At that time, the specific details of the facility being proposed and the physical changes would be assessed for aesthetic impacts and compliance with the other provisions of the WCF Ordinance. Additionally, based on the County's past experience with permitting WCFs, WCFs generally do not involve lighting of the facilities, and are not of a material that creates

substantial glare. Impacts would be considered less than significant.

G. CULTURAL RESOURCES

Would the project:

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1.	*Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Both the existing and proposed WCF Ordinances contain a provision that restricts and discourages WCF development on parcels that have an "historic" ("L") zoning designation. Impacts would be considered less than significant.

2.	*Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. Both the existing and proposed WCF Ordinances contain a provision that restricts and discourages WCF development on parcels that have an "historic" ("L") zoning designation. Pursuant to County Code Section 16.40.040, if at any time in the preparation for or process of excavating or otherwise disturbing the ground, any human remains of any age, or any artifact or other evidence of a Native American cultural site which reasonably appears to exceed 100 years of age are discovered, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in County Code Chapter 16.40.040.

In addition, any increase in the footprint of a co-location site or facility modification that would result in an impact to an Archaeological Sensitive Area would be considered a substantial change that would require Level 3 discretionary review for modifications to microcell WCFs in the right-of-way, or a Level 5 review for co-locations rather than a Level 3 review.

Impacts would be considered less than significant.

3.	*Disturb any human remains, including those interred outside of formal*	☐	☐	☒	☐

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

cemeteries?

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance would be required to comply with Section 16.40.040 of the County Code. Pursuant to Section 16.40.040 of the Santa Cruz County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the sheriff-coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archeological report shall be prepared and representatives of the local Native California Indian group shall be contacted. Disturbance shall not resume until the significance of the archeological resource is determined and appropriate mitigation measures to preserve the resource on the site are established.

In addition, any increase in the footprint of a co-location site or facility modification that would result in an impact to an Archaeological Sensitive Area would be considered a substantial change that would require Level 3 discretionary review for modifications to microcell WCFs in the right-of-way, or a Level 5 review for co-locations rather than a Level 3 review.

As a result, impacts would be less than significant.

4.	*Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to directly or indirectly destroy any unique paleontological resource or site or unique geologic feature. No impact would occur.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

1.	*Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials. No impact would occur.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No impact would occur.

3. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally would not be expected to emit hazardous emissions or hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of existing or proposed schools. The radio-frequency (RF) emissions that are generated by WCF antennas are required by federal law to be below the public exposure standard set by the FCC. All WCFs approved by the existing or proposed revised WCF Ordinance must demonstrate compliance with the FCC standard by submission of an RF emissions calculation report prepared by an RF engineer as part of the application, and through reporting of measurement taken of the actual RF emissions, generated at peak usage levels, within 90 days of facility start-up. Impacts would be considered less than significant.

4. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*	☐	☐	☒	☐

Discussion: Any WCFs proposed in the future under either the current or proposed ordinance that may be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, would be subject to CEQA and would be conditioned or mitigated to not create a significant hazard to the public or the environment, or be denied. Impacts would be considered less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
5. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally are not expected to result in a safety hazard for people residing or working in the project area. In the rare potential instance where a WCF could be located in the vicinity of Watsonville Airport or other airstrips, the existing and proposed WCF Ordinances require adherence to FAA guidelines, which would resolve any possible safety hazard. No impact would occur.

6. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that generally are not expected to result in a safety hazard for people residing or working in the project area. In the rare potential instance where a WCF could be located in the vicinity of a private airstrip, the existing and proposed WCF Ordinances require adherence to FAA guidelines, which would resolve any possible safety hazard. No impact would occur.

7. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally would not be expected to impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. Such WCFs could actually assist with, rather than interfere with, emergency response. No impact would occur.

8. *Expose people to electro-magnetic fields associated with electrical transmission lines?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

generally relatively minor projects that generally do not expose people to electro-magnetic fields associated with electrical transmission lines. All WCFs must also comply with the FCC's radio-frequency (RF) radiation exposure standards for the RF radiation emitted from the WCF antennas. No impact would occur.

9.	*Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that generally would not be expected to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No impact would occur.

I. TRANSPORTATION/TRAFFIC

Would the project:

1.	*Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate traffic and would not be expected to conflict with any applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. WCFs that would become exempt from land use permit requirements under the proposed amendments are either small in nature and/or microcells located on existing utility poles in the public right-of-way, and therefore would not have a significant effect on the performance of the circulation system.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

No impact would occur.

2.	*Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic and would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. No impact would occur.

3.	*Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic and would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). WCFs that would become exempt from land use permit requirements under the proposed amendments are either small in nature and/or microcells located on existing utility poles in the public right-of-way, and therefore would not have a significant effect on the performance of the circulation system. No impact would occur.

4.	*Result in inadequate emergency access?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate traffic and would not result in inadequate emergency access. No impact would occur.

5.	*Cause an increase in parking demand which cannot be accommodated by existing parking facilities?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate traffic and would not cause an increase in parking demand which cannot be accommodated by existing parking facilities. No impact would occur.

6.	*Conflict with adopted policies, plans, or programs regarding public transit,*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. WCFs that would become exempt from land use permit requirements under the proposed amendments are either small in nature and/or microcells located on existing utility poles in the public right-of-way, and therefore would not have an adverse effect on the performance of the circulation system. No impact would occur.

7.	*Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic and would not exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways. No impact would occur.

J. NOISE

Would the project result in:

1.	*A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, but do not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the WCF. Nevertheless, the existing WCF Ordinance contains regulations on noise produced by WCF generators sufficient to avoid this effect (see Sec. 13.10.663(B)(11)). No impact would occur.

2.	*Exposure of persons to or generation of excessive groundborne vibration or*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

groundborne noise levels?

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, but do not result in exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Nevertheless, the existing WCF Ordinance contains regulations on noise produced by WCF generators sufficient to avoid this effect (see Sec. 13.10.663(B)(11)). No impact would occur.

3.	*Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, but do not result in exposure of persons to, or generation of, noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies. Nevertheless, the existing WCF Ordinance contains regulations on noise produced by WCF generators sufficient to avoid this effect (see Sec. 13.10.663(B)(11)). No impact would occur.

4.	*A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, but do not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the WCF. Nevertheless, the existing WCF Ordinance contains regulations on noise produced by WCF construction activities or generators sufficient to avoid this effect (see Sec. 13.10.663(B)(11)). Impacts would be considered less than significant.

5.	*For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

the project expose people residing or working in the project area to excessive noise levels?

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, and if located near an airport would not be expected to expose people residing or working in the project area to excessive noise levels. No impact would occur.

6. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* ☐ ☐ ☐ ☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that do not generate noise, except in limited circumstances at WCFs with an emergency generator that must be tested from time to time for limited periods, and if located near an airstrip would not be expected to expose people residing or working in the project area to excessive noise levels. No impact would occur.

K. AIR QUALITY

The significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has been relied upon to make the following determinations. Would the project:

1. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* ☐ ☐ ☒ ☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic or air emissions and thus would not violate any air quality standard or contribute to an existing or projected air quality violation. WCF project construction may result in a short-term, localized decrease in air quality due to generation of dust. However, standard dust control best management practices, such as periodic watering, would be implemented during construction to reduce impacts to a less than significant level.

2. *Conflict with or obstruct implementation of the applicable air quality plan?* ☐ ☐ ☒ ☐

Discussion: The project would not conflict with or obstruct implementation of the regional air quality plan. See K-1 above. Impacts would be considered less than significant.

3. *Result in a cumulatively considerable* ☐ ☐ ☒ ☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic or air emissions and thus would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). Impacts would be considered less than significant.

4.	*Expose sensitive receptors to substantial pollutant concentrations?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic or air emissions and thus would not expose sensitive receptors to substantial pollutant concentrations. WCF project construction may result in a short-term, localized decrease in air quality due to generation of dust. However, standard dust control best management practices, such as periodic watering, would be implemented during construction to reduce impacts to a less than significant level.

5.	*Create objectionable odors affecting a substantial number of people?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic or air emissions and thus would not create objectionable odors affecting a substantial number of people. Impacts would be considered less than significant.

L. GREENHOUSE GAS EMISSIONS

Would the project:

1.	*Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that do not generate traffic or air emissions and thus

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

would not be responsible for any incremental increase in green house gas emissions by usage of fossil fuels, except for during the site grading and construction. Santa Cruz County has recently adopted a Climate Action Strategy (CAS) intended to establish specific emission reduction goals and necessary actions to reduce greenhouse gas levels to pre-1990 levels as required under AB 32 legislation. The strategy intends to reduce greenhouse gas emissions and energy consumption by implementing measures such as reducing vehicle miles traveled through the County and regional long range planning efforts and increasing energy efficiency in new and existing buildings and facilities. All project construction equipment would be required to comply with the Regional Air Quality Control Board emissions requirements for construction equipment. As a result, impacts associated with the temporary increase in greenhouse gas emissions are expected to be less than significant.

2.	*Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*	☐	☐	☐	☒

Discussion: See the discussion under L-1 above. No impacts are anticipated.

M. PUBLIC SERVICES

Would the project:

1.	*Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*				
	a. *Fire protection?*	☐	☐	☐	☒
	b. *Police protection?*	☐	☐	☐	☒
	c. *Schools?*	☐	☐	☐	☒
	d. *Parks or other recreational activities?*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e. Other public facilities; including the maintenance of roads?	☐	☐	☐	☒

Discussion (a through e): WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would represent no more than an incremental, minimal contribution to the need for services. WCFs approved under the existing or the proposed revised WCF Ordinance would meet all of the standards and requirements identified by the local fire agency or California Department of Forestry, as applicable. No impacts would occur.

N. RECREATION

Would the project:

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. No impact would occur.

O. UTILITIES AND SERVICE SYSTEMS

Would the project:

1. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

generally relatively minor projects that would generally not be expected to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In cases where such drainage facilities are required, County Department of Public Works Drainage staff would review the drainage information and make a determination regarding the need for downstream storm facility improvements needed to adequately handle any increase in drainage associated with the WCF project. Impacts would be considered less than significant.

2.	*Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that would not require or impact water or sewer/septic services. No impact would occur.

3.	*Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not require or impact sewer services. No impact would occur.

4.	*Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that would not require or impact water supplies, except in rare cases where temporary irrigation is needed to establish drought tolerant/native screening vegetation. No impact would occur.

5.	*Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*	☐	☐	☐	☒

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not require or impact sewer services. No impact would occur.

6.	*Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not require or impact solid waste disposal services or capacity. No impact would occur.

7.	*Comply with federal, state, and local statutes and regulations related to solid waste?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that would not require or impact solid waste disposal services or capacity. No impact would occur.

P. LAND USE AND PLANNING

Would the project:

1.	*Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not conflict with any regulations or policies adopted for the purpose of avoiding or mitigating an environmental effect. For example, WCFs are allowed on Commercial Agricultural (CA) zoned land by both the General Plan/LCP (as a use that is accessory/incidental to the agricultural use) and in the Zoning Code Uses Chart for CA-zoned land. The revision to the WCF ordinance would, in some cases, reduce the level of regulation of agricultural lands from that contained in the current WCF Ordinance. However, the expected level of impact to such agricultural lands remains less than significant, and effects on other environmental resources are also less than significant, as discussed in the sections above. Most of the proposed changes to the WCF Ordinance are in response to changes in Federal law relating to WCFs (e.g., Sec. 6409 of the

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

Middle Class Taxpayer Relief and Job Creation Act of 2012). Impacts would be considered less than significant.

2.	*Conflict with any applicable habitat conservation plan or natural community conservation plan?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not be expected to conflict with any applicable habitat conservation plan or natural community conservation plan. If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions, and/or to mitigate any impacts, or possibly be denied. Impacts would be considered less than significant.

3.	*Physically divide an established community?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that would not include any element that would physically divide an established community. No impact would occur.

Q. POPULATION AND HOUSING

Would the project:

1.	*Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not induce substantial population growth in an area, either directly or indirectly. No impact would occur.

2.	*Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. No impact

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

would occur.

3.	*Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*	☐	☐	☐	☒

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects that would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. No impact would occur.

R. MANDATORY FINDINGS OF SIGNIFICANCE

1.	*Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. If a WCF facility is proposed within a sensitive habitat or in a location that could affect sensitive species or communities, this would result in a substantial change. As a result, existing regulations would require that the project be conditioned to comply with adopted and applicable County Code provisions in an attempt to avoid or minimize adverse impacts to the resource, and/or to mitigate any impacts to a less than significant level, or possibly be denied. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

2.	*Does the project have impacts that are individually limited, but cumulatively*	☐	☐	☒	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Discussion: WCFs approved under the existing or the proposed revised WCF Ordinance are generally relatively minor projects that have impacts that are individually limited, and also cumulatively limited with regard to visual impacts or impacts on rural, community or neighborhood character. It is reasonably foreseeable that only a limited number of WCF installations would be visible from any given vantage point. Such facilities, under the proposed ordinance which primarily lessens restrictions within the public right of way where there are usually already a number of public utility poles and installations, are not, under the provisions of the proposed regulations, expected to significantly impact the visual character, or the rural, community or neighborhood character of an installation site.

These regulations include a requirement for stealthing, or otherwise making as inconspicuous as possible, all WCFs subject to the proposed regulations.

3. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*	☐	☐	☒	☐

Discussion: WCFs approved under the existing or the proposed WCF Ordinance are generally relatively minor projects. In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings was considered in the response to specific questions in Section III, including in the areas of: Aesthetics, Air Quality, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, and Transportation and Traffic. As a result of this evaluation, it was determined that there would be no potentially significant effects to human beings from WCFs approved under the revised WCF Ordinance. As a result of this evaluation, there is no substantial evidence that there could be adverse effects to human beings associated with the proposed WCF Ordinance revisions. Therefore, the proposed WCF Ordinance revisions have been determined not to meet this Mandatory Finding of Significance.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact

IV. REFERENCES USED IN THE COMPLETION OF THIS ENVIRONMENTAL REVIEW INITIAL STUDY

County of Santa Cruz 1994.

1994 General Plan and Local Coastal Program for the County of Santa Cruz, California. Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.

V. ATTACHMENTS

1. Proposed Ordinance amending existing Wireless Communications Facility regulations of the Santa Cruz County Code Sections 13.10.660-668.
2. Photographic examples of various types of WCFs

Proposed WCF Ord. Revisions (ver. 16)

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF SANTA CRUZ AMENDING ZONING REGULATIONS REGARDING WIRELESS COMMUNICATION AND BROADBAND FACILITIES

SECTION I

The Santa Cruz County Code (SCCC) Sections 13.10.660 through 13.10.668 inclusive is hereby amended to read as follows:

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

(A) PURPOSE:

The purpose of SCCC 13.10.660 through 13.10.668 inclusive is to establish regulations~~,~~ and standards ~~and circumstances~~ for the siting, design, construction, ~~major~~ modification, and operation of wireless communication facilities in the unincorporated area of Santa Cruz County. It is also ~~the~~ a purpose ~~of SCCC 13.10.660 through 13.10.668 inclusive~~ to assure, by the regulation of siting of wireless communications facilities, that the integrity and nature of residential, rural, commercial, and industrial areas are protected from ~~the~~ adverse visual impacts ~~indiscriminate proliferation~~ of wireless communication facilities, while complying with the Federal Telecommunication Act of 1996, General Order 159A of the Public Utilities Commission of the State of California, and all relevant subsequent federal and state statutes and regulations and applicable ~~the~~ policies of Santa Cruz County. It is also ~~the~~ a purpose ~~of SCCC 13.10.660 through 13.10.668 inclusive~~ to regulate location ~~locate~~ and design of wireless communication towers/facilities so as to minimize negative impacts, such as, but not limited to, visual impacts, ~~agricultural and open space land resource impacts,~~ impacts to the community and aesthetic character of the built and natural environment, attractive nuisance, ~~noise and falling objects,~~ and the general safety, welfare and quality of life of the community. ~~It is also the purpose of SCCC 13.10.660 through 13.10.668 inclusive to provide clear guidance to wireless communication service providers regarding the siting of and design of wireless communication facilities.~~

The "Purpose" section was streamlined and revised to say that the WCF Ordinance complies with all relevant state and federal regulations, not just CPUC General Order 159A and the Federal Telecom Act.

(B) FINDINGS:

(1) ~~The proliferation~~ Addition of antennas, towers, satellite dishes, and other wireless communication facility structures could create significant, adverse visual impacts,

creating ~~therefore, there is~~ a need to regulate the siting, design, and construction of wireless communication facilities to ensure that the appearance and integrity of the community is not adversely impacted ~~marred~~ by unsightly commercial facilities, particularly in residential, historically significant, scenic coastal areas, and other environmentally sensitive areas.

(2) General Order 159A of the Public Utilities Commission (PUC) of the State of California acknowledges that local citizens and local governments are often in a better position than the PUC to ~~measure~~ evaluate local impacts and to identify possible alternative sites. Accordingly, the PUC will generally defer to local governments to regulate the location and design of cell sites, wireless communication facilities and Mobile Telephone Switching Offices (MTSOs) to include~~ing~~ (a) the issuance of land use approvals; (b) to act~~ing~~ as Lead Agency for purposes of satisfying the California Environmental Quality Act (CEQA) and, (c) ~~the~~ to satisfy~~action of~~ noticing procedures for both land use and CEQA procedures.

(3) While the licensing of wireless communication facilities is under the control of the Federal Communications Commission (FCC) and Public Utilities Commission (PUC) of the State of California, local governments must address public health, safety, welfare, ~~zoning~~ land use, and environmental concerns where not preempted by federal statute or regulations.

(4) In order to protect the public health, safety and the environment, it is in the public interest for local governments to establish rules and regulations addressing ~~certain land use aspects relating to~~ the construction, design, siting, ~~major~~ modification, and operation of wireless communication facilities and their compatibility with surrounding land uses.

(5) Commercial wireless communication facilities are commercial uses and as such have greater potential to be ~~are generally~~ incompatible with the character of residential zones in the County and, therefore, should be discouraged and/or not be located on residentially zoned parcels unless it can be proven that there are not alternative nonresidential sites from which ~~can be provided the~~ coverage ~~needed~~ can be provided to eliminate or substantially reduce significant gaps in the applicant carrier's coverage network.

(C) APPLICABILITY:

Activities and development regulated by this ordinance include the siting, design, construction, ~~major~~ modification, and operation of all wireless communication facilities, including Federal Communications Commission (FCC) regulated dish antennas, antennas used for Multi-channel, Multi-point Distribution Services (MMDS) ~~or "Wireless Cable"~~ and personal wireless service facilities (e.g., cellular phone services, PCS - personal communication services, wireless paging services, wireless internet services, etc.). ~~The~~ rRegulations provided in this ordinance are intended to be consistent with state and federal law, particularly the Federal Telecommunications Act of 1996, as well as Section 6409(a) of the Middle Class Taxpayers Relief and Job Creation Act of 2012, in that they are not intended to: (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of prohibiting personal wireless services within Santa Cruz County; or (3) have the effect of prohibiting the siting of wireless

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

(D) DEFINITIONS:

Definitions were added below for several new terms, and modified for several existing terms, to update and clarify the WCF Ordinance.

"Antennas" means any system of wires, poles, rods, reflecting discs, dishes, flat panels, or similar devices, including "whip antennas", attached to a telecommunications tower, mast or other structure, which in combination with the radio-frequency radiation generating equipment associated with a base station are used for the transmission or reception of electromagnetic waves.

"Available Space" means the space on a tower or structure to which antennas of a telecommunications provider are both structurally and electromagnetically able to be attached.

"Base Station" means the primary sending and receiving site in a wireless telecommunications network, including all radio-frequency generating equipment connected to antennas. More than one base station and/or more than one variety of telecommunications providers can be located on a single tower or structure.

"Broadband" means the wide bandwidth characteristics of a transmission medium and its ability to transport multiple signals and traffic types simultaneously. The medium can be coaxial, optical fiber, or twisted pair cables, or wireless RF transmission. According to the Institute of Electrical and Electronics Engineers (802.16-2004 standard), broadband means "having instantaneous bandwidths greater than 1 MHz and supporting data rates greater than about 1.5 megabits/second."

A definition for "broadband" was added to clarify the meaning of the term, and because under the proposed revisions the term is being used for the first time in the WCF Ordinance. Originally the word "broadband" had a technical meaning, but has become a marketing term for any kind of relatively high-speed computer network or Internet access technology.

"Cell Tower" means a type of wireless communication facility, such as a ~~mast, pole,~~ monopole, guyed tower, lattice tower, free-standing tower, or other tall structure designed and primarily used to support antennas, but not including utility poles. Also known as a "telecommunications tower".

"Cellular Service" means a wireless telecommunications service that permits customers to use mobile telephones and other communication devices to connect, via low-power radio transmitter sites, either to the public-switched telephone network or to other fixed or mobile communication devices.

"CEQA" means the California Environmental Quality Act.

"Channel" means the segment of the electro-magnetic ~~radiation~~ spectrum from an antenna which carries one signal. An antenna may operate ~~radiate~~ on many channels simultaneously.

"Co-location" or "Co-located Facility" means when more than one wireless service provider~~s~~ share a single wireless communication structure ~~facility~~. A co-located facility can be comprised of a single tower, mast/pole or structure that supports two or more antennas, dishes, or similar wireless communication devices, that are separately owned or used by more than one public or private entity. Co-location can consist of additions or extensions made to existing towers so as to provide enough space for more than one user, or it can involve the construction of a new replacement tower with more antenna space that supplants an older tower with less capacity. ~~Placing new wireless communication facilities/antennas upon existing or new P.G.&E. or other utility towers or poles (e.g., "micro cell" sites) is also considered co-location.~~

> To avoid confusion and ensure that microcells are not subject to new federal requirements that greatly deregulate the allowed sizes of and reduce local government purview over "co-located facilities", microcells will no longer be considered a type of co-location.

"Co-Siting" or "Co-Sited Facilities" means grouping of two or more separate cell towers or other wireless communication facilities (i.e., of different cellular service providers) on a single site or parcel (e.g., such as on the same roof-top). Co-siting is not considered co-location.

> This definition for "co-siting" is added to differentiate between co-located WCFs in which multiple carriers exist on a single tower or mast and co-sited WCFs in which there are multiple towers/masts on a single parcel.

"Communication Equipment Shelter" means a structure located at a base station designed principally to enclose equipment used in connection with telecommunication transmissions.

"dBm" means the unit of measure of the power level of an electromagnetic signal expressed in decibels referenced to one ~~1~~ milliwatt.

"Dish Antenna" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals.

"Distributed Antenna System" or "DAS" means a network of spatially separated wireless communications facility antenna nodes, often mounted upon existing utility poles (i.e., microcells), generally connected to each other and to a common source (e.g., a

"telecommunications hub" equipment shelter) via a transport medium (e.g., fiber optic cable), that provides wireless service within a limited geographic area or structure.

DAS definition added since this is a type of WCF network that is becoming more common.

"Equipment Building, Shelter or Cabinet" means a cabinet or building used to house equipment used by wireless communication providers at a facility.

"FAA" means the Federal Aviation Administration

"Facility Site" means a property, or any part thereof, which is owned or leased by one or more wireless service providers and upon which one or more wireless communication facility~~(s)~~ and required landscaping are located.

"FCC" means the Federal Communications Commission, the federal government agency responsible for regulating telecommunications in the United States.

"GHz" means Gigahertz or 1,000,000,000 hertz.

"Ground-Mounted Wireless Communication Facility" ("GM-WCF") means any antenna with its base placed directly on the ground, or that is attached to a mast or pipe, with an overall height generally ~~of~~ not exceeding sixteen (16) feet from the ground to the top of the antenna.

Hertz. One hertz is a unit of measurement of an electric or magnetic field which reverses its polarity at a frequency of once per second (i.e., one cycle or wavelength per second).

"Increase in Power Output" means any of the following resulting in an increase in the wireless communication facility's power output and/or increase in the intensity or change in the directionality of radio-frequency (RF) radiation propagation patterns: increase or intensification, or proposed increase or intensification, in power output or in size or number of antennas; change in antenna type or model; repositioning of antenna(s); change in number of channels per antenna above the maximum number previously approved by the County of Santa Cruz, including changes to any/all RF-generating equipment/componentry that are attached to antennas (e.g., conversion of wireless communication to wireless internet that requires continuous transmitting at full power).

This is same definition as for the term "Major Modification to Power Output", which staff is proposing not be used anymore because the term "Increase in Power Output" is more accurate.

"Least Visually Obtrusive" with regard to wireless communication facilities, shall refer to a technically feasible facility site and/or design alternatives ~~that~~ renders the facility the most visually inconspicuous relative to other technically feasible sites and/or designs. It does not mean that the facility must be completely hidden, but it may require screening or

other camouflaging so that the facility is not immediately recognizable as a wireless communication facility from adjacent properties and roads used by the public.

"Macrocell Site" means a wireless communication facility or other type of radio transceiver (i.e., transmits and receives signals) facility that is comprised of an unmanned equipment shelter (above or below ground) approximately 300 square feet per licensed provider, and omni-directional, whip, panel and/or microwave dish antennas mounted on a support structure (e.g., monopole, lattice tower) or building. A macrocell site typically includes 60 radio transmitters, and is considered a type of cell .

~~"Major Modification to Power Output" means any of the following resulting in an increase in the wireless communication facility's power output and/or increase in the intensity or change in the directionality of NIER propagation patterns: increase or intensification, or proposed increase or intensification, in power output or in size or number of antennas; change in antenna type or model; repositioning of antenna(s); change in number of channels per antenna above the maximum number previously approved by the County of Santa Cruz, including changes to any/all RF generating equipment/componentry that are attached to antennas (e.g., conversion of wireless communication to wireless internet that requires continuous transmitting at full power).~~

See "Increase in Power Output" above.

~~"Major Modification to Visual Impact" means any increase or intensification, or proposed increase or intensification, in dimensions of an existing and/or permitted wireless communications facility (including, but not limited to, its telecommunications tower or other structure designed to support telecommunications transmission, receiving and/or relaying antennas and/or equipment) resulting in an increase of the visual impact of said wireless communications facility.~~

See "Substantial Change in the Physical Dimensions" below, to conform to the language in new federal restrictions on what local governments can regulate on existing WCFs.

"Mast" means a single pole-structure erected on the ground, or on a building, to support one or more wireless communication antennas. A mast is generally smaller in diameter and height (i.e., generally less than 20 feet tall) than a "monopole".

"MHz" means Megahertz or 1,000,000 hertz.

"Microcell ~~Site~~" means a small radio transceiver facility comprised of an unmanned equipment cabinet with a total volume of approximately one hundred (100) cubic feet or less that is either under or above ground, and one omni-directional or whip antenna with a ~~maximum~~ length of up to approximately five feet, or up to three small (approximately 1'x 2' or 1'x 4') directional panel antennas, mounted on a single pole, an existing conventional utility pole, or some other similar support structure. Microcells are not considered to be cell towers.

"Minor Antenna" or "Minor Wireless Communication Facility" - means any of the following, and are not considered to be cell towers:

(1) A ground- or building-mounted receive-only radio or television antenna that is: (a) six (6) inches or less in diameter or width; and (b) ten (10) feet or less in height as measured from existing grade for ground-mounted antennas (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for non-commercial antennas in the zoning district (as per SCCC 13.10.510(D)(2));

(2) A ground- or building-mounted citizens band radio antenna that is: (a) six (6) inches or less in diameter or width; and (b) ten (10) feet or less in height as measured from existing grade for ground-mounted antennas (including mast or pipe) or, for building mounted antennas, not exceeding the height limit for non-commercial antennas in the zoning district (as per SCCC 13.10.510(D)(2));

(3) A ground- or building-mounted satellite receiving dish that: (a) is not more than one (1) meter in diameter for a residential zoned parcel, or is not more than two (2) meters in diameter for a commercial or industrial zoned parcel; and (b) does not exceed the height limit for non-commercial antennas in the zoning district (as per SCCC 13.10.510(D)(2)); or

(4) A ground-, building-, or tower-mounted antenna operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur Radio Service, the height of which (including tower or mast) does not exceed the height limit for non-commercial antennas in the zoning district (as per SCCC 13.10.510(D)(2)).

"MMDS" means Multi-channel, Multi-point Distribution Services, ~~(also known as "wireless cable")~~ formerly known as "Broadband Radio Service" (BRS) or "Wireless Cable", and is a wireless telecommunications technology used for general-purpose broadband networking or, more commonly, as an alternative method of cable television programming reception.

"Monitoring" means the measurement, by the use of instruments in the field, of radio-frequency/non-ionizing radiation exposure at a site as a whole, or from individual wireless communication facilities/towers/antennas/repeaters.

"Monitoring Protocol" means an industry accepted radio-frequency (RF) radiation measurement protocol used to determine compliance with FCC RF radiation exposure standards, in accordance with the National Council on Radiation Protection and Measurements Reports 86 and 119 and consistent with the RF radiation modeling specifications of OET Bulletin 65 (or any superceding reports/standards), which is to be used to measure the emissions and determine radio-frequency radiation exposure levels from existing and new telecommunications facilities. RF radiation exposure measurements are to be taken at various locations, including those from which public RF exposure levels are expected to be the highest.

"Monopole" means a single pole-structure erected on the ground to support one or more wireless communication antennas. A monopole is generally significantly larger in diameter and height than a "mast", and is considered a "cell tower" only if greater than 20-feet in height from the ground.

"MTSOs" means Mobile Telephone Switching Offices.

"Non-Ionizing Electromagnetic Radiation (NIER)" means radiation from the portion of the electromagnetic spectrum with frequencies of approximately 1,000,000 GHz and below, including all frequencies below the ultraviolet range, such as visible light, infrared radiation, microwave radiation, and radio frequency radiation.

~~"Non Major Modification" or "Maintenance Activity" means a modification that is not a major modification to power output and is not a major modification to visual impact, or a maintenance activity that does not result in a major modification to power output or a major modification to visual impact.~~

> See "Substantial Change in the Physical Dimensions"see below to conform to the language in new federal restrictions on what local governments can regulate on existing WCFs.

"PCS" or "Personal Communications Services" means digital wireless communications technology such as portable phones, pagers, faxes and computers. Also known as Personal Communications Network (PCN).

"Personal Wireless Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communication services, specialized mobile radio services, and paging services.

"Personal Wireless Services Facility" means a facility for the provision of personal wireless services (e.g., cell tower/site, microcell site, base station, etc.). Also known as wireless communication facilities (WCFs).

"Picocell" means a small cellular base station typically covering a small area, such as for a particular building. In cellular networks, picocells are typically used to extend coverage to indoor building areas where outdoor signals at the site do not sufficiently reach, or to add network capacity in areas with very dense phone usage, such as train stations. Picocells provide coverage and capacity in areas difficult or expensive to reach using the more traditional macrocell approach.

"PUC" or "CPUC" means the California Public Utilities Commission.

"Radio-Frequency (RF) Radiation" means a type of non-ionizing electromagnetic radiation from the portion of the electromagnetic spectrum with frequencies below the infrared range (approximately between 3 KHz and ~~1~~300 GHz ~~and below~~), including

microwaves, television VHF and UHF signals, radio signals, and low to ~~ultra~~ very low frequencies.

"Repeater" means a small receiver/relay transmitter of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from a base or primary station.

"Roof-Mounted Wireless Communication Facility" ("RM-WCF"), means a wireless communication facility, such as a macrocell or microcell, mounted upon a roof-top.

"Significant Gap" means a gap in the service provider's (applicant carrier's) own personal wireless services network within the County of Santa Cruz, as defined in Federal case law interpretations of the Federal Telecommunications Act of 1996, including Sprint Spectrum v. Willoth (1999) 176 F.3d 630 and Cellular Telephone Company v. Zoning Board of Adjustment of the Borough of Ho-Ho-Kus (1999) 197 F.3d 64.

"Stealth Technology/Techniques" means camouflaging methods applied to wireless communication towers, antennas and/or other facilities, which render them visually inconspicuous.

"Structurally Able" means the determination that a tower or structure is capable of carrying the load imposed by the new antennas under all reasonably predictable conditions as determined by professional structure engineering analysis.

"Structure-Mounted Wireless Communication Facility" ("SM-WCF") means any immobile antenna (including panels and directional antennas) attached to a structure~~,~~ such as on a building façade or a water tower~~, or mounted upon a roof~~.

"Substantial change in the physical dimensions" of a WCF means an increase due to co-location or facility modification that results in:

(a) More than a 10% increase in height (not to exceed the allowed height for WCF towers in the zone district in accordance with SCCC 13.10.663(B)(6))
(b) More than 4 equipment cabinets or 1 new shelter on the site
(c) New antenna(s) that extend(s) more than 10' horizontally from the tower
(d) Excavation/grading needed outside current tower lease area.
(e) Any increase in the footprint of the existing WCF if located on Commercial Agricultural (CA) zoned land or if in a designated Sensitive Habitat Area or Archeological Sensitive Area, or designated scenic area or corridor.

FCC Interpretative Guidance on key parts of the Spectrum Act (Section 6409(a)), established nonbinding criteria for determining substantial change in physical dimensions, to clarify state and local jurisdictional obligations under Section 6409(a) and to provide consistency with the Act. The substantial change criteria establishes a measureable threshold level for significance that can generally be quantified (i.e., more than 10%, more than 4 equipment cabinets, more than 10' horizontal) and can be applied to WCFs whether located on public or private property as well as DAS and Microcells that may be developed on utility poles in public right of way areas. The substantial change in physical dimensions would require that all projects, regardless of environmental significance implement at least a minimum level of mitigation for visual screening, and compliance with RF emissions standards at either the building permit stage or for another permit stage. Once a determination of substantial change has been made, a project should be evaluated using CEQA guidance to determine if project level environmental analysis and mitigation is required. Example: A public right-of-way project that involved grading, excavation or extension of the footprint outside of the existing footprint in a cultural, agricultural, sensitive habitat or scenic corridor road would exceed the criteria established in Sections (d) and/or (e) and would require additional review. Example: A project that involved the installation of new antennas that extended 12 feet horizontal with 6 equipment cabinets on a macro-cell site would or 1 new shelter on a public site would exceed the criteria established in Sections (b) and (c) and would require additional review.

"Technically Feasible" means capable of being accomplished based on existing technology compatible with an applicant's existing network.

"Telecommunication Tower (tower)" means a type of wireless communication facility, such as a ~~mast, pole,~~ monopole, guyed tower, lattice tower, free-standing tower, or other tall structure designed and primarily used to support antennas, but not including utility poles. Also known as a "cell tower".

"Viable." Primarily in reference to the Alternatives Analysis, an alternative site for which there is a property owner/manager interested in renting, leasing, selling, or otherwise making available, space for one or more wireless communication facilities upon said site on reasonable terms commensurate with the market in Santa Cruz County.

"Visual Impact" means an adverse effect on the visual and/or aesthetic environment. This may derive from blocking of a view, or introduction of elements that are incompatible with the scale, texture, form or color of the existing natural or human-made landscape, including the existing rural or community character of the neighborhood.

"Wi-Fi (or Wireless Fidelity) Hotspots" means small scale, low powered, short-range and visually inconspicuous wireless internet transmitter/receivers (i.e., routers).

"Wireless Communication (or "telecommunications") Facility", or "WCF", means a personal wireless services facility, including all associated base station and other equipment, that supports the transmission and/or receipt of electromagnetic/radio signals, with antennas and related equipment mounted upon a single tower, pole, mast, building, roof-top, or similar structures, and with base station and other related equipment often located in nearby ground mounted cabinets/shelters. Wireless communication facilities include cellular radio-telephone service facilities; personal communications service facilities (including wireless internet); specialized mobile radio service facilities and commercial paging service facilities. These types of facilities can include, but are not limited to, the following: antennas, repeaters, microwave dishes, horns, and other types of

equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development.

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

(E) EXEMPTIONS:

The types of wireless communications facilities, devices and activities listed below are exempt from the provisions of SCCC 13.10.660 through 13.10.668 inclusive, except that SCCC 13.10.663(A)(1) through 13.10.663(A)(8) shall continue to apply if the facility, device and/or activity requires a Coastal Development Permit pursuant to Chapter 13.20. This exemption is not intended to limit or expand the scope of other Federal, state and local policies and regulations, including but not limited to the General Plan/Local Coastal Program, which apply to these facilities, devices and/or activities.

(1) A ground- or building-mounted citizens band or two-way radio antenna including any mast that is operated on a non-commercial basis.

(2) A ground-, building- or tower-mounted antenna operated on a non-commercial basis by a federally licensed amateur radio operator as part of the Amateur or Business Radio Service.

(3) A ground- or building-mounted receive-only radio or television antenna, or satellite communication dish antenna, which does not exceed the height requirements of the zoning district (as per SCCC 13.10.510(D)(2)), and which, for a ~~television~~ dish antenna, does not exceed ~~three (3) feet~~ one meter (39.37 inches) in diameter if on a public facility or located on residential property within the exclusive use or control of the antenna user.

(4) A television dish antenna, or satellite communication dish antenna, that is no more than ~~six (6) feet~~ two meters (78.74 inches) in diameter and is located on a public facility or in any area where commercial or industrial uses are allowed by the land use designation.

(5) Temporary mobile wireless services (e.g., cell-on-wheels or "COWs"), including mobile wireless communication facilities and services providing public information coverage of news events, of less than two-weeks duration. Any mobile wireless service facility intended to operate in any given location for more than two weeks is subject to the provisions of SCCC 13.10.660 through 13.10.668 inclusive.

(6) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

(7) Wireless communication facilities and/or components of such facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies

(e.g., County 911 Emergency Services, police, sheriff, and/or fire departments, first responder medical services, hospitals, etc.). Unless otherwise prohibited by law or exempted by action of the Board of Supervisors, public safety agencies shall be required to provide a map of facility locations for inclusion in the County's Wireless Communication Facilities GIS map. If a wireless communication facility approved for an authorized public safety agency is not or ceases to be operated by an authorized public safety agency, and if a non-public safety agency operator proposes to use the approved facility, then the change in operator shall require that the new operator submit an application for the wireless communication facility to be evaluated as if it were a new facility subject to SCCC 13.10.660 through 13.10.668 inclusive and the General Plan/Local Coastal Program. The facility shall not be operated by the new operator until a final decision has been rendered on the application.

(8) Any "minor" antenna or facility, or "picocell" intended to serve only the subject parcel on which it is installed, described under Section 13.10.660(D~~d~~)~~(24)~~ ("picocells" intending to serve customers outside or beyond the subject parcel are considered commercial uses and are subject to WCF permit requirements as given in SCCC 13.10.660 through 13.10.668 inclusive).

(9) Any ~~"non major" modification or~~ maintenance activity~~ies, as defined by Section 13.10.660(D),~~ carried out as part of the routine operation of existing permitted wireless communication facilities that does not result in a change in the appearance of the said facility.

(10) Small scale, low powered, short-range and visually inconspicuous, indoor wireless internet transmitter/receivers (e.g., "Wi-Fi H~~h~~otspots"). [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

(11) One-to-one replacement of antennas and/or equipment of the same or lesser dimensions at an existing wireless communications facility that does not result in an increase in existing visual impacts of said facility. Such in-kind "swap-outs" remain subject to a building permit and submittal of a written radio-frequency (RF) radiation emissions calculation study/report that calculates the highest potential cumulative RF exposure levels that could be experienced by the public in the vicinity of the facility, and compares that to the FCC RF radiation public exposure limit (i.e., as a percentage of the FCC limit) to document FCC compliance of the proposed WCF.

> Modifications to an existing WCF that do not increase its visual impact should be subject to Building Permit requirements only (as applicable), and verification that the modified WCF will still be in compliance with the FCC's RF radiation limits.

(12) Distributed Antenna System (DAS) nodes/equipment, or other microcells, installed upon existing or replacement utility poles located within public rights-of-way, that are not along a General Plan designated Scenic Road (as listed in GP/LCP Sec. 5.10.10), that do not involve any ground disturbance, and that do not exceed the height limits for roof/building mounted WCFs as given in SCCC 13.10.663(B)(6). Such DAS nodes or other microcells

remain subject to applicable requirements for a Building Permit and submission of a written radio-frequency (RF) radiation emissions calculation study/report that calculates the highest potential cumulative RF exposure levels that could be experienced by the public in the vicinity of the DAS node/microcell facility, and compares that to the FCC RF radiation public exposure limit (i.e., as a percentage of the FCC limit), and the Post-Construction RF Radiation Measurement and Reporting requirement as per SCCC 13.10.664 (B)(2), to document FCC compliance of the proposed WCF.

> Pursuant to Board of Supervisors direction given on Nov. 5, 2013, DAS nodes and other microcells installed upon existing utility poles located in public rights-of-way are proposed to be exempt from the need to obtain a discretionary permit. To comply with General Plan/LCP policies and CEQA, this exemption would only apply if the DAS nodes or other microcells are not located along a General Plan designated Scenic Road (as listed in GP/LCP Sec. 5.10.10), , etc., as listed in the ordinance language. This means that DAS nodes and other microcells would be allowed in the "prohibited" R-1 residential zone districts, which is currently the case only when the applicant can show there are no alternative locations in allowed zone districts that would provide the needed coverage. DPW staff has also proposed that DAS nodes or other microcells also be exempt from the need for obtaining an encroachment permit from DPW. Staff proposes that applicable requirements for a Building Permit remain, and that an RF emissions calculation report be submitted to ensure compliance with FCC limits.

(13) Landlines or other hardwired (i.e., not wireless) broadband infrastructure located within public rights-of-way.

13.10.661 GENERAL REQUIREMENTS FOR WIRELESS COMMUNICATIONS FACILITIES:

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

> Under the staff proposal, most new WCFs will still be subject to a Level 5 Conditional Site Development Permit requirement (Zoning Administrator Public Hearing); new microcells in public rights-of-way would be exempt except as noted in 13.10.660(12). Most co-locations, co-sitings, or WCFs less than 20-feet in height or screened by a building parapet would be subject to a Level 3 Minor Site Development Permit (Administrative Approval).

(A) Required Permits. All new wireless communication facilities, and co-locations or other modifications to existing facilities, shall require a building permit and shall be subject to a

Level V Conditional Site ~~Commercial~~ Development Permit, and ~~also~~ a Level V Coastal Development Permit if located in the Coastal Zone, with the following exceptions:

(1) Co-located wireless communication facilities, and modifications to existing facilities, that do not result in a "substantial change in the physical dimensions" of the existing facility (as defined in SCCC 13.10.660(D)), require a building permit and are subject to a Level III Minor Site Development Permit.

> The language regarding "substantial change in the physical dimensions" of the WCF is included to make the WCF Ord. consistent with Sec. 6409 of the federal "Middle Class Tax Relief and Job Creation Act of 2012", which states that all proposals for modifications to existing WCFs that qualify as "eligible facilities" (i.e., collocation, removal or replacement of new transmission equipment on existing cell towers and/or base stations), that do not constitute a "substantial change in the physical dimensions" of the subject WCF must be approved (potentially subject to conditions of approval to soften their visual impact).

(2) Roof-Mounted Wireless Communication Facilities ("RM-WCFs") (as defined in SCCC 13.10.660(D)), consisting of 3 or fewer antennas that are completely hidden from public view by the use of parapets or other architectural features, require a building permit and are subject to a Level III Minor Site Development Permit.

(3) Structure-Mounted Wireless Communication Facilities ("SM-WCFs") (as defined in SCCC 13.10.660(D)), consisting of 3 or fewer antennas that are completely hidden from public view by the use of architectural features, require a building permit and are subject to a Level III Minor Site Development Permit.

> Staff proposes that Roof Mounted-WCFs and Structure Mounted-WCFs now be subject to Level 3 permits (instead of the currently required Level 5) if they are stealthed/screened and not visible to the public.

~~Additionally, a building permit will be required for construction of new wireless communication facilities.~~

(B) Prohibited Areas:

(1) Prohibited Zoning Districts. Wireless communication facilities not exempted pursuant to SCCC 13.10.660(E) are prohibited in the following zoning districts, unless a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668:

(a) Single-Family Residential (R-1),
(b) Multi-Family Residential (RM),
(c) Single-Family Ocean Beach Residential (RB),
~~(d) Commercial Agriculture (CA),~~ and
(d~~e~~) The Combining Zone overlay for Mobile Home Parks (MH)

In the proposed revision of the WCF Ordinance staff proposes that the Commercial Agricultural (CA) zone district no longer be considered one of the "prohibited areas", that instead WCFs would be allowed on CA-zoned parcels both inside and outside the Coastal Zone. Currently WCFs are allowed on CA-zoned parcels if an Alternatives Analysis is completed, per Sec. 13.10.662(C), and a Telecom Act Exception is granted, per Sec. 13.10.668, demonstrating that there are no other environmentally equivalent or superior sites outside the CA zone district, and only under the condition that no "Prime Farmland" or "Farmland of Statewide Significance" is converted or lost. The Board of Supervisors originally included CA as a "prohibited" zone district because of concerns that cells towers could and would be built on the inland side of Hwy. 1 on the north coast, however this change proposed by staff generally will maintain that safeguard since the CA-zoned land along the north coast is within the Coastal Zone, would still be a "restricted" area where only the much less visually obtrusive co-locations (onto existing WCFs) and utility pole-mounted microcells would be allowed by-right, provided there was no ground disturbance such as trenching.

(2) Prohibited Coastal Areas. Wireless communication facilities are prohibited in areas that are located between the sea and the seaward side of the right-of-way of the first through public road parallel to the sea, unless a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668.

(3) Prohibited School Grounds. Wireless communication facilities are prohibited on all parcels containing all or part of any public and private ~~K-12~~ school serving grades kindergarten through 12th grade ~~sites~~, unless a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668.

WCFs are commercial uses that are considered incompatible with non-commercial K-12 educational uses.

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(4) Exceptions to Prohibited Areas Prohibition. If a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668 that allows for siting a wireless communications facility within any of the above-listed prohibited areas, then such facility shall comply with the remainder of SCCC 13.10.660 through 13.10.668 inclusive, and shall be co-located or a utility pole-mounted microcell. Applicants proposing new wireless communication facilities in any of the above-listed prohibited areas must submit as part of their application an Alternatives Analysis, as described in SCCC 13.10.662(C) below. Non-collocated or non-microcell wireless communication facilities may be sited in the prohibited areas listed above only in situations where the applicant can prove that:

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

(b) There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites and/or facility types and/or

designs) outside the prohibited areas identified in subsection (B) of this section that could eliminate or substantially reduce said significant gap(s).

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

(C) Restricted Areas:

(1) Restricted Zoning Districts. Non-collocated or non-microcell wireless communication facilities are intended to be restricted in rural residential and historic areas to avoid adverse visual impacts and adverse impacts on rural and community character, and are therefore discouraged in the following zoning districts, considered for approval only through ~~subject to~~ a Level V Site Development Permit, and findings for approval that the proposed WCF is compatible with the character of the area and does not create adverse visual impacts: ~~the exceptions described in subsection (C)(3) of this section and/or unless a Telecommunications Act Exception is approved pursuant to SCCC 13.10.668~~:

(a) Residential Agricultural (RA),
(b) Rural Residential (RR),
(c) Special Use (SU) with a Residential General Plan designation, and
(d) The Combining Zone overlays for:
  (i) Historic Landmarks (L), and
  (ii) Salamander Protection areas (SP).
(e) Commercial Agricultural (CA) within the Coastal Zone (only allowed if WCF does not result in loss/conversion of any "Prime Farmland" or "Farmland of Statewide Significance" as mapped by the Calif. Dept. of Conservation, as depicted on the County GIS mapping application).

Staff proposes that WCFs be allowed on CA-zoned parcels outside the Coastal Zone, so long as no "Prime Farmland" or Farmland of Statewide Significance" is converted or lost, and that CA-zoned parcels inside the Coastal Zone be designated within the "restricted area" meaning that co-locations and microcells would be allowed as long as no "Prime Farmland" or Farmland of Statewide Significance" is converted or lost. New cell towers and other macrocell WCFs on CA-zoned land inside the Coastal Zone would be discouraged, and only allowed under the condition that no "Prime Farmland" or Farmland of Statewide Significance" is converted or lost.

(2) Restricted Coastal Right-of-Way Area. Wireless communications facilities are also discouraged in the right-of-way of the first through public road parallel to the sea, and require approval of a Level V Site Development Permit ~~subject to the exceptions~~

~~described in subsection (C)(3) of this section~~. If a wireless communications facility is allowed within said right-of-way ~~pursuant to subsection (C)(3) of this section~~, then the wireless communications facility shall, in addition to complying with the remainder of SCCC 13.10.660 through 13.10.668 inclusive, comply with all of the following:

(a) The facility shall be of the microcell site type (as defined in SCCC 13.10.660(D)), and:

(i) shall be mounted upon an existing or replacement utility pole (where "replacement" means that there exists a utility pole in that location and it is immediately replaced with a pole that has approximately the same or a reduced visual impact, and has the approximate same or lesser dimensions as the existing utility pole)~~,~~ ; and

(ii) shall have antennas approximately ~~no larger than 1~~ 2'x 2' ~~that are flush mounted~~ and of a color that blends with that of the supporting utility pole or background, and

(iii) shall have up to 3 ~~an~~ equipment cabinets that are ~~is~~ no more than approximately ~~24~~ 30" high, ~~18~~ 24" wide, and ~~10~~ 12" deep if mounted upon the utility pole or on the ground, or are ~~is~~ located in an underground vault, and

(iv) shall be fully camouflaged through stealth techniques, as feasible and necessary, to render the facility as visually inconspicuous as possible.

The word "approximately" has been added for clarity and to allow flexibility if a carrier's antennas and/or equipment differ slightly from the allowable dimensions. Also, the requirement that the antennas be "flush mounted" to the utility pole has been deleted as this is no longer allowed by State PUC regulations.

(b) The facility shall be located on the inland side of the right-of-way unless a location on the seaward side of the right-of-way would result in less visual impact, or there are no existing poles on the landward side and there are existing poles on the seaward side; and

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

~~(3) Exceptions to Restricted Area Prohibition. Wireless communication facilities (WCFs) that are co-located upon existing wireless communication facilities/towers or other utility towers/poles (e.g., P.G.& E. poles), and which do not significantly increase the visual impact of the existing facility/tower/pole, are allowed in the restricted zoning~~

~~districts listed in subsection (C)(1) of this section. Proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. Applicants proposing new non-collocated wireless communication facilities in the Restricted Areas must submit as part of their application an alternatives analysis, as described in SCCC 13.10.662(C). In addition to complying with the remainder of SCCC 13.10.660 through 13.10.668 inclusive, non-collocated wireless communication facilities may be sited in the restricted zoning districts listed above only in situations where the applicant can prove that:~~

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

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

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

In the section above and throughout the revise ordinance, staff proposes replacing the term "non-ionizing electromagnetic radiation" with the term "radio-frequency radiation" because it is more specific and commonly used

(E) Compliance with FAA Regulations. Wireless communication facilities shall comply with all applicable criteria from the Federal Aviation Administration (FAA) and shall comply with adopted airport safety regulations for Watsonville Municipal Airport (County Code Section 13.12).

(F) Site Selection – Visual Impacts. Wireless communication facilities shall be sited in the least visually obtrusive location that is technically feasible, unless such site selection leads to other resource impacts that make such a site the more environmentally damaging location overall.

(G) Co-Location. Co-location of new wireless communication facilities into/onto existing wireless communication facilities and/or existing telecommunication towers is generally encouraged if it does not create significant visual impacts. ~~Proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures.~~ Co-location may require that height extensions be made to existing towers to accommodate additional users, or may involve constructing new multi-user capacity towers that replace existing single-user capacity towers. Where the visual impact of an existing tower/facility must be increased to allow for co-location, the potential increased visual impact shall be weighed against the potential visual impact of constructing a new separate tower/facility nearby. Where one or more wireless communication towers/facilities already exist on the proposed site ~~location~~, co-location shall be required if it will not significantly increase the visual impact of the existing towers/facilities~~, or result in more than nine total individual antenna panels and/or three above ground equipment enclosures/shelters located on the same parcel, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created~~. This may require that the existing tower(s) on the site be dismantled and its antennas be mounted upon the new tower, particularly if the new tower would be less visually obtrusive than the existing tower(s). ~~If a co-location agreement cannot be obtained, or if co-location is determined to be technically infeasible, documentation of the effort and the reasons why co-location was not possible shall be submitted.~~

By deleting the language struck-through, there will be greater flexibility in applying the new federal requirements contained in Sec. 6409 of the "Middle Class Taxpayers Relief and Job Creation Act of 2012" that regulate co-locations. Discretionary review is still required for any proposals which include a substantial change in the physical dimensions of a WCF.

(H) Public Notification. Public ~~hearing~~ notice for Level IV, V and VI wireless communication facility applications shall be provided pursuant to SCCC Chapter 18.10.~~223.~~ with two exceptions. Due to the potential adverse visual impacts of macrocell wireless communication facilities the neighboring parcel notification distance for those wireless communication facility applications is increased from the normal 300-feet to 1,000 feet from the outer boundary of the subject parcel. Notification for DAS and microcell applications shall be limited to the proposed service area, because of the limited areal visual impact of those types of facilities. To further increase public notification, onsite visual mock-ups as described below in SCCC 13.10.662(D) are also required for all proposed new wireless communication facilities, except for co-located and microcell facilities ~~that do not represent a major modification to visual impact as defined in SCCC 13.10.660(D)~~.

The Board of Supervisors previously approved a 1,000 foot public noticing radius requirement for WCF applications. . The 1,000 foot radius requirement was based on the Supervisors intent to provide reasonable notification to residents in less populated rural areas and makes sense in terms of macrocell sites (monopoles, monopines, etc.) where there may be visual issues. However, recent technology changes support use of a DAS or microcell network that consists of 10-15 microcells over a larger 2-5 mile area to ensure that less populated areas can be adequately served and typically do not have the potential to have visual impacts outside of the service areae. Therefore, for DAS or microcell networks it makes most sense to have the notification area be co-extant with the service area, rather than requiring notification to those within a specified number of feet. .

(I) Increase in ~~Major Modification to~~ Power Output. Any proposed ~~major~~ modification that would increase the power output of a wireless communication facility, as defined in SCCC 13.10.660(D), shall require ~~the submission~~, at the time of application submittal for a Site Development Permit and/or Building Permit, a written RF radiation emissions calculation study/report that calculates the highest potential cumulative RF exposure levels that could be experienced by the public, and compares that to the FCC RF radiation public exposure limit (i.e., as a percentage of the FCC limit) to document compliance with the FCC standard. ~~of an affidavit by a professional engineer registered in the State of California that the proposed facility improvements will not result in RF exposure levels to the public in excess of FCC's NIER exposure standard~~. In addition, within 90-days of commencement of operation of the modified facility, the applicant shall conduct RF exposure level monitoring at the site, utilizing the Monitoring Protocol, and shall submit a report to the Planning Department documenting the results of said monitoring.

Staff is proposing that the certification that a WCF will comply with the FCC RF emission limits be expanded to specify the percentage of the FCC limit the WCF at full power output will generate, and specify where the highest RF levels will be experienced. Most RF reports submitted already provide this.

(J) ~~Major Modification to Visual Impact. Any proposed major modification that would increase the visual impact of a wireless communication facility, as defined in SCCC 13.10.660(D), shall be subject to all requirements of SCCC 13.10.660 through 13.10.668 inclusive.~~ FCC "Shot Clock". The Federal Communications Commission (FCC) has established a nationwide standard for a "reasonable period of time" for land use regulatory agencies to process wireless communication facility applications for zoning approval (i.e., not including building permit processing time). The FCC established two time periods: 90 days for jurisdictions to act upon a co-location request, including upgrades/modifications to existing facilities, and 150 days for jurisdictions to act upon a new facility siting application. The time runs from the date a "complete application" is filed. Therefore, for all proposed new wireless communication facilities, and co-locations/modifications to existing facilities that would constitute a "substantial change in the physical dimensions" of the existing facility as defined in SCCC 13.10.660(D), (i.e., applications that require Level V Site Development and/or Coastal Development Permits), the County shall strive to process the application within 150 days of the date the application is deemed complete by staff, not including time required for fulfillment of signage requirements or any delays

caused by project appeals. For co-locations/modifications of existing facilities that will not constitute a "substantial change in the physical dimensions" of the existing facility (i.e., Level III Minor Variations to the permit for the existing facility and/or Minor Site Development Permits), the County shall strive to approve such applications, potentially with conditions, within 90-days of the date application is deemed complete by staff, not including time required for fulfillment of any signage requirements or any delays caused by project appeals. These "shot clock" time limits apply only to the zoning approval process, not the building permit issuance process.

Staff proposes that the term and regulations regarding "Major Modification to Visual Impact" be substituted with "Substantial Change to the Physical Dimensions" to provide consistency with new federal requirements contained in the Spectrum Act, also referred to as Sec. 6409(a) of the "Middle Class Taxpayer Relief and Job Creation Act of 2012", as proposed to now be addressed in 13.10.661(A)(1) and in the definitions section 13.10.660(D). In this part of the WCF Ordinance staff proposes that the new federal requirements regarding the FCC's "shot clock" be added, setting time limits for the processing of WCF applications. FCC Interpretative Guidance on key parts of the Spectrum Act (Section 6409(a)), established time limits for processing co-location application requests and new facility or substantially modified facility requests. The proposed section will provide consistency with the federal law.

(K) Transfer of Ownership. In the event that the original permittee sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the County for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project shall be provided by the succeeding carrier to the Planning Department within 30-days of transfer of interest of the facility. [Ord. 5020 §§ 1, 2, 2008; Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.662 APPLICATION REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES

All new wireless communication facilities, and modifications to existing facilities that result in a "substantial change in the physical dimensions" of an existing facility (as defined in SCCC 13.10.660(D)) that are not otherwise exempt pursuant to SCCC 13.10.660(E), must be authorized by a Level V Site ~~Commercial~~ Development Permit, and also by a Level V Coastal Development Permit if located in the coastal zone~~;~~. Modifications to existing wireless communications facilities that do not result in a "substantial change in the physical dimensions" of the existing facility (as defined in SCCC 13.10.660(D)), and Roof-Mounted or Structure- Mounted WCFs with 3 or fewer antennas that are completely hidden from public

view, are subject to a Level III Minor Site Development Permit or Minor Variation to the existing Development Permit for the site. ~~and~~ All new, co-located, and/or modified wireless communication facility applications are subject to building permits and the following development permit application requirements:

New WCFs located outside the public right-of-way will generally still be subject to Level 5 review (Zoning Administrator Public Hearing).New microcells in public rights-of-way would no longer require a discretionary permit or an encroachment permit when developed on an existing utility pole. Most co-locations and Roof/Structure-Mounted WCFs (with 3 or fewer antennas and hidden from view) would be subject to Level 3 review (Administrative Approval). The language regarding "substantial change in the physical dimensions" of the facility is included to make the WCF Ord. consistent with Sec. 6409 of the federal "Middle Class Tax Relief and Job Creation Act of 2012" (Spectrum Act), which states that all proposals for modifications to existing WCFs that qualify as "eligible facilities" (i.e., collocation, removal or replacement of new transmission equipment on existing cell towers and/or base stations), that do not constitute a "substantial change in the physical dimensions" of the subject existing WCF must be approved (potentially subject to conditions of approval to soften their visual impact). The proposed Code provision provides consistency with the Act.

(A) Pre-Application Meeting. All applicants for proposed new wireless communication facilities are encouraged to apply for a pre-application consultation ~~the Development Review Group process, pursuant to County Code Chapter 18.10,~~ in order to allow Planning Department staff to provide feedback to the applicant regarding facility siting and design prior to formal application submittal.

(B) Submittal Information – All Applications. For all wireless communication facilities, in addition to the submittal requirements ~~for Level V projects as~~ specified in SCCC Chapter ~~Section~~ 18.10~~.210(B)~~, the information listed below must accompany each application (for the purpose of permit processing, the Planning Director or his/her designee may release an applicant from having to provide one or more of the pieces of information on this list if ~~upon a written finding that~~ in the specific case involved said information is not necessary to process or make a decision on the application being submitted):

(1) The identity and legal status of the applicant, including any affiliates.

(2) The name, address, and telephone number of the officer, agent or employee responsible for the accuracy of the application information.

(3) The name, address, and telephone number of the owner, and agent representing the owner, if applicable, of the property upon which the proposed wireless communication facility is to be built and title reports identifying legal access.

(4) The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates (NAD 83) in decimal degree format, of the proposed facility location on the site.

~~(5) A description of the applicant service provider's existing wireless communication facilities network, and the provider's currently proposed facilities and anticipated future facilities for all proposed sites for which an application has been submitted, and for all proposed sites for which site access rights or agreements have been secured by the provider. This must include a map, and a table (in hardcopy and digital formats) listing facility situs/addresses, site names/identification, facility types, and precise latitude/longitude coordinates (NAD 83) in decimal degree format, for all of the applicant carrier's existing and proposed facilities, within both the unincorporated and incorporated areas of Santa Cruz County, for inclusion on the County's Wireless Communication Facility GIS Map. In lieu of submitting this information with multiple applications, if this information has been previously submitted by the applicant, the applicant alternatively may certify in writing that none of the submitted information has changed. Information regarding proposed network expansions will be kept confidential by the County if identified in writing as trade secrets by the applicant.~~

Staff proposes that this requirement be deleted since it has not proven to be useful, and is often inaccurate. The consultants who work for the carriers generally do not have access to this proprietary information, and some applicants are simply tower companies that lease space to carriers and do not have a way of knowing their plans for future expansion.

(5~~6~~) A description of the wireless communication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within both the unincorporated and incorporated areas of Santa Cruz County.

~~(7) Information sufficient to determine that the applicant has applied for and/or received any certificate of authority required by the California Public Utilities Commission (if applicable) to provide wireless communications services or facilities within the unincorporated areas of the County of Santa Cruz.~~

~~(8) Information sufficient to determine that the applicant has applied for and/or received any building permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Santa Cruz.~~

Staff proposes eliminating these two requirements because it has proven difficult and time consuming to obtain this information, and it is not really necessary because all the carriers applying for WCF permits in the County are regional or national cell phone companies and it can be presumed are fully permitted by the FCC and CPUC.

(6~~9~~) Compliance with the Federal Communications Commission's (FCC's) radio-frequency (RF) ~~non-ionizing electromagnetic~~ radiation ~~(NIER)~~ emissions standards or other applicable standards shall be demonstrated for any new, co-located or modified wireless communication facility through submission of a written RF radiation emissions calculation study/report that calculates the highest potential cumulative RF exposure levels that could be experienced by the public in the vicinity of the facility, and compares that to the FCC RF radiation public exposure limit (i.e., as a percentage of the FCC limit), ~~opinion~~ prepared ~~submitted,~~ by an independent third-party professional engineer registered in the State of California~~, at the time of application~~.

Staff proposes revising this section to specify that the RF calculation report, due at the application submittal stage, include more detailed information regarding potential RF emissions. Applicants typically provide this level of detail.

(7~~10~~) A plan for safety/security considerations, consistent with SCCC 13.10.664. A detailed description of the proposed measures to ensure that the public would be kept at a safe distance from any RF radiation ~~NIER~~ transmission source associated with the proposed wireless communication facility, consistent with the RF radiation ~~NIER~~ standards of the FCC, or any potential future superceding standards, must be submitted as part of the application. The submitted plans must also show that the outer perimeter of the facility site (or RF radiation ~~NIER~~ hazard zone in the case of rooftop antennas) will be posted with bilingual RF radiation ~~NIER~~ hazard warning signage that also indicates the facility operator and an emergency contact. The emergency contact shall be someone available on a 24-hour a day basis who is authorized by the applicant to act on behalf of the applicant regarding an emergency situation. For the protection of emergency response personnel, each wireless communication facility shall have an on-site emergency shut-off switch to de-energize all RF-related circuitry/componentry at the base station site (including a single shut off switch for all facilities at a co-location site), or some other type of emergency shut-off by emergency personnel acceptable to the local Fire Chief, unless the applicant can prove that the FCC public exposure limits cannot be exceeded in the vicinity of the proposed facility, even if firefighters or other personnel work in close proximity to the antenna(s) or other RF radiation emitting devices/components.

(8~~11~~) A detailed Visual Analysis, including computer photo simulations of the proposed wireless communication facility, shall be provided along with a written description from the installer. Photo-simulations shall be submitted of the proposed wireless communication facility from various locations and/or angles from which the public would typically view the site. All photo simulations shall include a site map or aerial photo indicating the location from which the photo was taken~~, and a description of the methodology and equipment used to generate the simulation~~. More in-depth visual analyses may ~~shall~~ be required for facilities proposed in visual resource areas designated in Section 5.10 of the County General Plan/LCP. The Visual Analysis

shall identify and include all potential mitigation measures for visual impacts, consistent with the technological requirements of the proposed telecommunication service.

(9~~12~~) Detailed map~~s~~ and aerial photo of proposed wireless communication facility site and vicinity, in full-size and 8.5" x 11" reduction formats. ~~Reduced plans shall include a graphic scale to allow for direct measurement from them. The following maps are required at the time of application submittal:~~

~~(a) Topographic/Area Map — copy a portion of the most recent U.S.G.S. Quadrangle topographical map (with 20-foot contour intervals), at a scale of 1:24,000, indicating the proposed wireless communication facility site, and showing the area within at least two miles from the proposed site.~~

Staff proposes eliminating the requirement for an area-wide topographic map. This has not proven to be necessary or useful.

(~~b) Proximity Map and Aerial Photo —~~ ~~p~~Prepare a map and ~~an~~ aerial photo at a scale of approximately 1"= 200' (1:2,400), with contour intervals (for map only) no greater than 20 feet, showing the entire vicinity within an approximately 1,500-foot radius of the wireless communication facility site, ~~and~~ including ~~topography (map only),~~ public and private roads, driveways on the subject parcel, buildings and structures, bodies of water, wetlands, landscape features, and historic sites. ~~Draw a 1,500-foot radius circle on the map and aerial photo with the proposed facility at its center and~~ ~~i~~Indicate all structures within approximately 1,500 feet of the proposed tower/antennas. Indicate property lines of the proposed tower/facility site parcel and of all parcels and rights-of-way~~s~~ abutting the tower/facility site parcel.

(10~~3~~) Detailed plans and cross sections of proposed wireless communication facility and site, in full-size and 8.5" x 11" reduction formats. ~~Reduced plans shall include a graphic scale to allow for direct measurement from them.~~ Full-size plans shall be on 24" x 36" sheets, ~~on as many as necessary,~~ and at scales which are no smaller than those listed below. Each plan/cross section sheet shall have a title block indicating the project title, sheet title, sheet number, date, revision dates, scale(s), and signature(s) of the professional(s) who prepared the plan. The following plans and cross sections are required at the time of application submittal:

(a) Proposed Site Plan – Proposed wireless communication facility site layout, grading and utilities at a scale no smaller than approximately 1"=40' (1:480) with topography drawn at a minimum of 10-foot contour intervals, showing existing utilities, property lines, existing buildings or structures, walls or fence lines, existing trees, areas with natural vegetation, ~~existing water wells, springs,~~ and the boundaries of any wetlands, watercourses and/or floodplains.

(i) Proposed tower/facility location and any associated components, including supports and guy wires, if any, and any accessory building(s) (communication equipment shelter or other). Indicate property boundaries and setback distances from those boundaries to the base(s) of the tower/mast and to each facility-related structure and/or component. Include dimensions of all proposed improvements.

(ii) Indicate existing and proposed grade elevations where the existing and proposed grade intersects the proposed tower/mast, any guy wires, and all facility-related structures and/or components.

(iii) Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.

(iv) Limits of area where vegetation is to be cleared or altered, and justification for any such clearing or alteration.

(v) Any direct or indirect alteration proposed to environmentally sensitive habitat areas, including wetlands and riparian corridors. Note that such alteration is only allowed under very specific circumstances and subject to specific requirements governed by the General Plan/Local Coastal Program's (LCP's) environmentally sensitive habitat area, wetland, riparian corridor, and other similar resource protection requirements; these requirements are not suspended in any way by this section.

(vi) Detailed drainage plans designed to control and direct all site runoff, including specific measures to control erosion and sedimentation, both during construction and as a permanent measure. The plan shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and other runoff leaving the site.

(vii) Plans indicating locations and descriptions of proposed screening, landscaping, ground cover, irrigation systems, fencing, and any exterior lighting or signs. For any vegetation proposed to be used for screening purposes, the plans shall identify the expected dimensions and other characteristics of each individual species over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached), and the expected dimensions and other characteristics of any overall vegetation screen over time (including, at a minimum, on a yearly basis until maturity and/or maximum size is reached). All species to be planted shall be non-invasive species native to Santa Cruz County, and specifically native to the project location. See also SCCC ~~Section~~ 13.10.663(B)(9).

(viii)Plans of proposed access driveway or roadway and parking area at the facility site. Include grading, drainage, and traveled width. Include a cross section of the access drive indicating the width, depth of gravel, paving or surface materials.

(ix) Plans showing any changes to be made to an existing facility's landscaping, screening, fencing, lighting, drainage, wetlands, grading, driveways or roadways, parking, or other infrastructure as a result of a proposed modification of the facility. Note that changes to wetlands and other sensitive habitat areas are only allowed under very specific circumstances and subject to specific requirements governed by the General Plan/LCP environmentally sensitive habitat area, wetland, and other similar resource protection requirements; these requirements are not suspended in any way by this section.

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

(i) Plans, elevations, sections and details at appropriate scales, but no smaller than approximately 1"=10'.

(ii) Two cross sections through proposed tower/facility drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of any vegetation clearing or beyond the fall zone of the tower/mast, whichever is greater, and showing any guy wires or supports. Dimension the proposed height of the tower/mast above average grade at tower/mast base. Show all proposed antennas including their location on the tower/facility.

(iii) Detail proposed exterior finish of the tower/facility. Provide precise depictions, photo examples, and/or detailed drawings for all stealth features (such as "monopine" branches and bark).

(iv) Indicate relative height of the tower/facility as compared to the tops of surrounding trees as they presently exist, and to existing and proposed finished grades.

(v) Illustration of the modular structure of the proposed tower/facility indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands (including potential future co-location).

(vi) A Structural Professional Engineer's written description of the proposed tower/facility structure and its capacity to support the proposed, and any additional, antennas or other communication facilities, at different heights, and the ability of the tower to be shortened if future communication facilities no longer require the original height.

(vii) A description of the available space on the tower, providing illustrations and examples of the type and number of co-located wireless communication facilities which could be mounted on the structure.

(viii) Photographs precisely depicting the tower/facility type to be installed.

(c) Proposed Communications Equipment Cabinet(s)/Shelter(s) – including (i) floor plans, elevations and cross sections at a scale of no smaller than approximately ¼"=1' (1:48) of any proposed structural component (ii) representative elevation views, indicating the roof, facades, doors and other exterior appearance and materials, and (iii) a description of all equipment to be contained therein, including number, make and model of each electromagnetic and radio-frequency apparatus to be installed.

(d) Proposed Equipment Plan:

(i) Plans, elevations, sections and details at appropriate scales but no smaller than approximately 1"=10'.

(ii) Number of antennas and repeaters, as well as the exact locations, of antenna(s) and all repeaters (if any), or other equipment, located on a map ~~as well as by degrees, minutes and seconds of Latitude and Longitude (in decimal degree format)~~.

(iii) Mounting locations on tower or structure, including height above existing and proposed finished grades.

(iv) A recent survey of the facility site at a scale no smaller than approximately 1"=40' (1:480) showing horizontal and radial distances of antenna(s) to nearest point on property line, and to the nearest dwelling unit.

(v) For applications for new wireless communication facilities in any of the prohibited or restricted areas, as set forth in SCCC 13.10.661(B) and 13.10.661(C), the applicant must also disclose:

A. Number, type(s), manufacturer(s) and model number(s) for all antennas and other RF-generating equipment.

B. For each antenna, the antenna gain and antenna radiation pattern.

C. Number of channels per antenna, projected and maximum.

D. Power input to each antenna.

E. Power output, in normal use and at maximum output for each antenna and all antennas as an aggregate.

F. Output frequency of the transmitter(s).

(vi) For modification of an existing facility with multiple emitters, the results of an intermodulation study to predict the interaction of the additional equipment with existing equipment.

~~(14) If co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site. Such information shall include:~~

~~(a) Whether it is feasible to locate proposed sites where facilities currently exist;~~

~~(b) Information on the existing structure that is closest to the site of the applicants proposed facility relative to the existing structure's structural capacity, radio frequency interface, or incompatibility of different technologies, which would include mechanical or electrical incompatibilities; and~~

~~(b) Written notification of refusal of the existing structure owner to lease space on the structure.~~

Staff proposes the elimination of this section because it is not necessary for application acceptance. Applicants proposing new macrocells generally show space for future co-locations on their plans.

~~(15) For any application that involves a major modification to, or replacement of, an applicant's wireless communication facility, the applicant shall submit a brief narrative description and any supporting graphics (such as plans, photos, relevant literature, etc.) detailing any changes in wireless communication facility technologies that would allow the existing facility to be modified to provide for the same or increased level of service with less environmental impact, including less visual resource impact, as technically feasible.~~

Staff proposes to eliminate the section above because it has not proven to be needed. Co-location and facility modification applicants generally do propose to upgrade facility appearance when feasible. Also, this information can be required as part of the review to determine if the project qualifies for an exemption from CEQA or if it needs further review.

(C) Alternatives Analysis. For applications for wireless communication facilities proposed to be located in any of the prohibited areas specified in SCCC 13.10.661(B) ~~and non-collocated wireless communication facilities proposed to be located in any of the restricted areas specified in 13.10.661(C)~~, an Alternatives Analysis must be submitted by the applicant, subject to independent RF engineering review, which shall at a minimum:

(1) Identify and indicate on a map, at a minimum two (2) viable, technically feasible, and potentially environmentally equivalent or superior alternative locations outside the prohibited ~~and restricted~~ areas which could eliminate or substantially reduce the ~~significant~~ coverage and/or capacity gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility. If there are fewer than two such alternative locations, the applicant must provide evidence establishing that fact. The map shall also identify all locations where an unimpaired signal can be received to eliminate or substantially reduce the ~~significant~~ coverage and/or capacity gap(s). For all non-collocated wireless communication facilities proposed in a ~~restricted/~~prohibited area, the applicant must also evaluate the potential use of one or more microcell sites (i.e., smaller facilities often mounted upon existing or replacement utility poles), and the use of repeaters, to eliminate or substantially reduce said ~~significant~~ coverage and/or capacity gaps in lieu of the proposed facility. For each alternative location so-identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative resource impacts (e.g., the use of stealth camouflaging techniques).

(2) Evaluate the potential for co-location with existing wireless communication facilities as a means to eliminate or substantially reduce the ~~significant~~ coverage and/or capacity gap(s) in the applicant carrier's network intended to be eliminated or substantially reduced by the proposed facility, with potential to reduce visual impacts or impacts on rural or community character.

Staff proposes that the terminology in the sections above be revised to tighten the ordinance by specifying that the Alternatives Analysis must show how any "coverage and/or capacity gaps" will be eliminated or reduced, not just "significant gaps" which is an undefined and non-specific term

(3) Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed site with those of each of the identified technically feasible alternative locations and facility designs. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e. from least to most impactful to visual resources or rural/ community character ~~environmentally damaging~~), and shall support such ranking with clear analysis and evidence.

(4) Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

(5) Document good faith and diligent attempts to rent, lease, purchase or otherwise obtain the use of at least two (2) of the viable, technically feasible alternative sites which may be environmentally equivalent or superior to the proposed project site and be less visually impactful. The decision making body may determine that an alternative site is not viable if good faith attempts to rent, lease, purchase or otherwise obtain the site have been unsuccessful.

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

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

(E) Amendment. Each applicant/registrant shall inform the County, within thirty (30) days of any change of the information required pursuant to SCCC 13.10.660 through 13.10.668 inclusive.

(F) Technical Review. The applicant will be notified if an independent technical review of any submitted technical materials is required. The Planning Director or his/her designee shall review and, in his or her discretion, procure additional information and data as may assist him/her in reviewing the following: (1) reports concerning conformance with the FCC RF radiation exposure levels; (2) reports concerning the need for a facility; and/or (3) reports concerning availability or suitability of alternatives to a proposed facility. The Planning Director may employ, on behalf of the County, an independent technical expert or experts to review any technical materials submitted including but not limited to those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The review and procurement of such additional information/data shall be undertaken for all applications

that seek approval of a facility in a Prohibited ~~or Restricted~~ Area, unless the Planning Director, his/her designee, or the approving body determines in writing that such review is unnecessary to inform the decision-making process. In addition, the review and procurement of information for applications in other areas may be required if the Planning Director determines that such review is necessary to inform the decision-making process. The applicant shall pay all the costs of said review and may be required to deposit funds in advance to cover the estimated costs of said review. If clearly marked as such by the applicant, any trade secrets or proprietary information disclosed to the County, the applicant, or the expert hired shall remain confidential and shall not be disclosed to any third party.

(G) Technical Feasibility. For any technical infeasibility claims made, the applicant shall be required to conclusively demonstrate, including submitting adequate evidence to that effect, the reasons for the technical infeasibility.

(H) Fees. Fees for review of all Level III, IV and V Site Development and/or ~~Commercial~~Coastal Development Permits, and Level III Minor Variations to existing permits, for wireless communication facilities shall be established by Resolution of the Board of Supervisors. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.663 GENERAL DEVELOPMENT/PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES:

(A) Site Location

The following criteria shall govern appropriate locations and designs for wireless communication facilities not exempt from these provisions pursuant to SCCC 13.10.660(E), ~~including dish antennas and Multi-channel, Multi-point Distribution Services (MMDS)/wireless cable antennas~~, and may require the applicant to select an alternative site other than the site shown on an initial permit application for a wireless facility:

(1) Visual Character of Site. Site location and development of wireless communications facilities shall preserve the visual character, native vegetation and aesthetic values of the parcel on which such facilities are proposed, the surrounding parcels and road right-of-ways, and the surrounding land uses to the greatest extent that is technically feasible, and shall minimize visual impacts on surrounding land and land uses to the greatest extent feasible. Facilities shall be integrated to the maximum extent feasible to the existing characteristics of the site, and every effort shall be made to avoid, or minimize to the maximum extent feasible, visibility of a wireless communication facility within significant public viewsheds. Utilization of camouflaging and/or stealth techniques shall be encouraged where appropriate. Support facilities shall be integrated to the existing characteristics of the site, so as to minimize visual impact.

(2) Co-location. Co-location is generally encouraged in situations where it is the least visually obtrusive option, such as when increasing the height/bulk of an existing tower would result in less visual impact than constructing a new separate tower in a nearby location. ~~However, proposed new wireless communication facilities at co-location/multi-carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures.~~

> Deleting this language allows greater flexibility in conforming with the new federal requirements contained in Sec. 6409 of the "Middle Class Taxpayers Relief and Job Creation Act of 2012" regaerding co-location permitting.

(3) Ridgeline Visual Impacts. Wireless communication facilities proposed for visually prominent ridgeline, hillside or hilltop locations shall be sited and designed to be as visually unobtrusive as possible. Consistent with General Plan/LCP Policy 8.6.6, wireless communication facilities should be sited so the top of the proposed tower/facility is below any ridgeline when viewed from public roads in the vicinity. If the tower must extend above a ridgeline <u>to provide the needed coverage</u> the applicant must camouflage the tower by utilizing stealth techniques and hiding it among surrounding vegetation.

(4) Site Disturbance. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.

(5) Exterior Lighting. Any exterior lighting, except as required for FAA regulations for airport safety, shall be manually operated and used only during night maintenance checks or in emergencies. The lighting shall be constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

(6) Aviation Safety. No wireless communication facility shall be installed within the safety zone or runway protection zone of any airport, airstrip or helipad within Santa Cruz County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, airstrip or helipad. In addition, no wireless communication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Planning Director that the proposed location is the only technically feasible location for the provision of personal wireless services as required by the FCC.

(7) Coastal Zone Considerations. New wireless communication facilities in any portion of the Coastal Zone shall be consistent with applicable policies of the County Local Coastal Program (LCP) and the California Coastal Act. No portion of a wireless communication facility shall extend onto or impede access to a publicly used beach. Power and telecommunication lines servicing wireless communication facilities in the Coastal Zone shall be required to be placed underground, as feasible.

(8) Consistency with Other County Land Use Regulations. All proposed wireless communication facilities shall comply with the policies of the County General Plan/Local Coastal Plan and all applicable development standards for the zoning district in which the facility is to be located, particularly policies for protection of visual resources (i.e., General Plan/LCP Section 5.10). Public vistas from scenic roads, as designated in General Plan Section 5.10.10, shall be afforded the highest level of protection.

(9) Visual Impacts to Neighboring Parcels and Public Schools. To minimize visual impacts to surrounding residential uses and public primary or secondary schools, the base of any new freestanding telecommunications tower or building/roof-mounted wireless communication facility shall be set back from the property line of any residentially zoned parcel, or the property line for any public primary or secondary school, a distance equal to five times the height of the tower if mounted upon a telecommunications tower, or a minimum of 300 feet, whichever is greater. This requirement may be waived by the decision making body if the applicant can prove that the wireless communication facility will be camouflaged or otherwise made inconspicuous such that visual impacts are not created, or if the applicant can prove that a significant area proposed to be served would otherwise not be provided personal wireless services by the subject carrier, including proving that there are no viable, technically feasible, environmentally equivalent or superior alternative sites outside the prohibited and restricted areas designated in Section SCCC 13.10.661(B) and 13.10.661(C).

(10) Setbacks. All components of new wireless communication facilities must comply with the setback standards for the applicable zoning district, unless a Setback Variance is obtained. Depending upon specific site constraints and circumstances, this requirement may not apply to antennas proposed to be co-located on existing towers or utility poles (e.g., microcell sites), nor to underground equipment shelters, if it would prohibit use of the proposed facility site.

(11) Conservation of Important Agricultural Lands. Any wireless communication facility proposed to be located upon Agricultural (A) or Commercial Agricultural (CA) zoned land shall be sited so as to not result in the removal or conversion of any land mapped as "Prime Farmland" or "Farmland of Statewide Significance" by the California Department of Conservation, as depicted on the County GIS mapping application. Wireless communication facility sites located on other soil types in the Agricultural (A) or Commercial Agricultural (CA) zone districts shall be designed to minimize their footprint so as to minimize the loss or conversion of other agricultural land types.

Staff proposes that WCFs be allowed on CA-zoned parcels outside the Coastal Zone, provided no "Prime Farmland" or Farmland of Statewide Significance" is converted or lost, and that CA-zoned parcels inside the Coastal Zone be designated as in the "restricted area" where new WCFs (non-co-locations or non-microcells) be discouraged, and only allowed as long as no "Prime Farmland" or Farmland of Statewide Significance" is converted or lost.

(B) Design Review Criteria.

The following criteria apply to all wireless communication facilities not exempted from these regulations in SCCC 13.10.660(E):

(1) Non-Flammable Materials. All wireless communication facilities shall be constructed of non-flammable material, unless specifically approved and conditioned by the County to be otherwise (e.g., when a wooden structure ~~is~~ may be necessary to minimize visual impact).

(2) Tower Type. All telecommunication towers shall be self-supporting monopoles except where satisfactory evidence is submitted to the appropriate decision-making body that a non-monopole (such as a guyed or lattice tower) is required or environmentally superior. All guy wires must be sheathed for their entire length with a plastic or other suitable covering.

(3) Support Facilities. The County strongly encourages all support facilities, such as equipment shelters, to be placed in underground vaults, so as to minimize visual impacts. Any support facilities not placed underground shall be located and designed to minimize their visibility and, if appropriate, disguise their purpose to make them less prominent. These structures should be no taller than approximately twelve (12) feet in height, and shall be designed to blend with existing architecture and/or the natural surroundings in the area or shall be screened from sight by mature landscaping.

(4) Exterior Finish. All support facilities, poles, towers, antenna supports, antennas, and other components of communication facilities shall be of a color approved by the decision making body. If a facility is conditioned to require paint, it shall initially be painted with a flat (i.e., non-reflective) paint color approved by the decision making body, and thereafter repainted as necessary with a flat paint color, unless it is determined that flat paint color would lead to more adverse impact than would another type of paint color. Components of a wireless communication facility which will be viewed against soils, trees, or grasslands, shall be of a color or colors consistent with these landscapes. All proposed stealth tree poles (e.g., "monopines") must use bark screening that approximates natural bark for the entire height and circumference of the monopole visible to the public, as technically feasible.

(5) Visual Impact Mitigation. Special design of wireless communication facilities may be required to mitigate potentially significant adverse visual impacts, including

appropriate camouflaging or utilization of stealth techniques. Use of less visually obtrusive design alternatives, such as "microcell" facility-types that can be mounted upon existing utility poles, is encouraged. Telecommunication towers designed to look like trees (e.g., "monopines") may be favored on wooded sites with existing similar looking trees where they can be designed to adequately blend with and/or mimic the existing trees. In other cases, stealth-type structures that mimic structures typically found in the built environment where the facility is located may be appropriate (e.g., small scale water towers, barns, and other typical farm-related structures on or near agricultural areas). Rooftop or other building mounted antennas designed to blend in with the building's existing architecture shall be encouraged. Co-location of a new wireless communication facility onto an existing telecommunication tower shall generally be favored over construction of a new tower. Owners/operators of wireless communication towers/facilities are required to maintain the appearance of the tower/facility, as approved, throughout its operational life. Public vistas from scenic roads, as designated in General Plan/LCP Section 5.10.10, shall be afforded the highest level of protection.

(6) Height. The height of a wireless communication tower shall be measured from the existing undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building/roof-mounted masts/towers the height of the mast/tower includes the height of the portion of the building on which it is mounted. ~~In the case of "crank up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.~~ All towers shall be designed to be the shortest height possible so as to minimize visual impact. SCCC 13.10.510(D)(2) - Height Limit Exceptions - allows certain types of non-habitable structures (e.g., chimneys, church steeples, flagpoles, non-commercial radio and television antennas, etc.) to exceed the zoning district height limits for habitable structures by 25 feet, and states that "free-standing antennas" may exceed the zoning district height limit for habitable structures by up to 50 feet. Therefore, the maximum tower/antenna heights for wireless communications facilities (WCFs) allowed in each zoning district shall be as follows, unless a Height Variance is obtained to allow greater heights:

Standard Height **Zone District**	**Roof/Building-Mounted WCFs**	**Free-standing WCF Towers**
TP, PR (Allowed areas) RA, RR, SU* ("Restricted" Areas) R-1, RM ("Prohibited" Areas)	53-feet	78-feet
RB ("Prohibited" Area)	42-feet (ocean side) 50-feet (cliff side)	67-feet (ocean side) 75-feet (cliff side)
A, AP (Allowed areas), CA (Allowed area)	65-feet	90-feet

PA, VA, C-1, C-2, CC, C-4, M-1, M-2, PF (Allowed areas)	60-feet	85-feet
M-3 (Allowed area)	65-feet	90-feet

FOR CLARITY, THERE SHOULD BE A COLUMN SHOWING THE STANDARD MAX HEIGHT

* with a residential General Plan land use designation

Antennas co-located onto existing towers that already exceed the height limits given above shall be allowed without a Variance if the height of the existing tower/facility is not increased, and shall be subject to the visual impact criteria specified in SCCC 13.10.660 through 13.10.668, inclusive.

Any applications for towers of a height more than the allowed heights shown above ~~for structures in the zoning district~~ are subject to a Height Variance requirement and must include information that shows that the proposed height is needed, and the circumstances of the subject property accommodate a taller installation, and the increased height is necessary to close a significant gap in the applicant carrier's coverage area, and that there are no environmentally or visually equivalent or superior alternatives that could provide the needed coverage, in addition to the standard Variance findings of the County Code. ~~a written justification proving the need for a tower of that height and the absence of viable alternatives that would have less visual impact, and shall, in addition to any other required findings and/or requirements, require a variance approval pursuant to Code Section 13.10.230.~~

The height limit specifications above are proposed to be added for clarity and to incorporate the height limits and rationale given in Administrative Practices Guideline WCF-01.

(7) Lighting. Except for as provided for under SCCC ~~Section~~ 13.10.663(A)(5), all wireless communication facilities shall be unlit except when authorized personnel are present at night.

(8) Roads and Parking. All wireless communication facilities shall be served by the minimum sized roads and parking areas feasible.

(9) Vegetation Protection and Facility Screening.

(a) In addition to stealth structural designs, vegetative screening may be necessary to minimize wireless communication facility visibility within public viewsheds. All new vegetation to be used for screening shall be compatible with existing surrounding vegetation. Vegetation used for screening purposes shall be capable of providing the required screening within three years of ~~upon~~ completion of the permitted facility (i.e., an applicant cannot rely on the expected long-term future

screening capabilities of the vegetation at maturity to provide the required ~~immediate~~ short-term screening).

(b) Because Santa Cruz County contains many unique and threatened plant species and habitat areas, all telecommunications facilities to be located in areas of extensive natural vegetation shall be installed in such a manner so as to maintain the existing native vegetation. Where necessary, appropriate mature landscaping can be used to screen the facility. However, so as to not pose an invasive or genetic contamination threat to locally unique native vegetation gene pools, all screening vegetation proposed and/or required to be planted that is associated with a wireless communication facility shall be non-invasive species native to Santa Cruz County, and specifically native to the project location. Non-native and/or invasive species shall be prohibited (such as any species listed on the California Exotic Pest Plant Council "Pest Plant List" in the categories entitled 'A', 'B', or 'Red Alert'). Cultivars of native plants that may cause genetic pollution (such as all manzanita, oak, monkey flower, poppy, lupine, paintbrush and ceanothus species) shall be prohibited in these relatively pristine areas. All wireless communication facility approvals in such areas shall be conditioned for the removal of non-native invasive plants (e.g., iceplant) in the area disturbed by the facility and replanting with appropriate non-invasive native species capable of providing similar or better vegetated screening and/or visual enhancement of the facility unless the decision making body determines that such removal and replanting would be more environmentally damaging than leaving the existing non-native and/or invasive species in place (e.g., a eucalyptus grove that provides over wintering habitat for Monarch butterflies may be better left alone). All applications requiring vegetative screening shall provide detailed landscape/vegetation plans specifying the non-invasive native plant species to be used, including identification of sources to be used to supply seeds and/or plants for the project. Any such landscape/vegetation plan shall be prepared by a qualified botanist experienced with the types of plants associated with the facility area. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation. All nursery stock, construction materials and machinery, and personnel shall be free of soil, seeds, insects, or microorganisms that could pose a hazard to the native species or the natural biological processes of the areas surrounding the site (e.g., Argentine ants or microorganisms causing Sudden Oak Death or Pine Pitch Canker Disease). Underground lines shall be routed outside of plant drip lines to avoid damage to tree and large shrub root systems to the maximum extent feasible.

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

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

(a) At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;

(b) Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;

(c) Type and location of vegetation, screening materials and other materials within ten (10) feet of the facility and all new structures, including telecommunication towers, shall have review for fire safety purposes by the Fire Chief Requirements established by the Fire Chief shall be followed;

(d) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first; and

(e) For the protection of emergency response personnel, at any wireless communication facility where there is the possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, said facility shall have an on-site emergency power shut-off (e.g., "kill switch") to de-energize all RF-related circuitry/componentry at the base station site, or some other method (acceptable to the local Fire Chief) for de-energizing the facility. For multi-facility (co-location) sites where there is a possibility that RF radiation levels in excess of the FCC public exposure limit could be experienced by emergency response personnel working in close proximity to antennas/RF-emitting devices, a single power shut off switch (or other method acceptable to the local Fire Chief) shall be installed that will de-energize all facilities at the site in the event of an emergency.

(11) Noise and Traffic. All wireless communication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end all the following measures shall be implemented for all wireless communication facilities:

(a) Outdoor noise producing construction activities shall only take place on non-holiday weekdays between the hours of 8:00 a.m. and 6:00 p.m., unless allowed at other times by the approving body; and

(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 (100') of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels at the facility to a maximum exterior noise level

of 60 Ldn at the property line and a maximum interior noise level of 45 Ldn within nearby residences.

(12) Facility and Site Sharing (Co-Location). New wireless communication towers should be designed to accommodate multiple carriers, and/or to be readily modified to accommodate multiple carriers, so as to facilitate future co-locations and thus minimize the need to construct additional towers, if it will not create significant visual impacts. ~~Proposed new wireless communication facilities at co-location/multi carrier sites that would result in more than nine (9) total individual antennas, and/or more than three (3) above ground equipment enclosures/shelters, located on the same parcel are considered to result in significant visual impacts and are prohibited, unless the applicant can prove that the proposed additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created. Existing legal co-location/multi-carrier WCF sites that exceed these limits are allowed to retain their current number of antennas and equipment shelters/enclosures. New telecommunications towers should be designed and constructed to accommodate up to no more than nine (9) total individual antennas, unless the applicant can prove that the additional antennas/equipment will be camouflaged or otherwise made inconspicuous such that additional visual impacts are not created.~~ New wireless communication facility components, including but not limited to parking areas, access roads, and utilities should also be designed so as not to preclude site sharing by multiple users, as technically feasible, in order to remove potential obstacles to future co-location opportunities. The decision making body may require ~~the~~ facility and site sharing (co-location) measures ~~specified in this section~~ if necessary to comply with the purpose, goals, objectives, policies, standards, and/or requirements of the General Plan/Local Coastal Program, including SCCC 13.10.660 through 13.10.668 inclusive and the applicable zoning district standards in any particular case. However, a wireless service provider will not be required to lease more land than is necessary for the proposed use. If room for potential future additional users cannot, for technical reasons, be accommodated on a new wireless communication tower/facility, written justification stating the reasons why shall be submitted by the applicant. Approvals of wireless communication facilities shall include a requirement that the owner/operator agrees to the following co-location parameters:

(a) To respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

(b) To negotiate in good faith for shared use of the wireless communication facility by third parties; and

(c) To allow shared use of the wireless communication facility if an applicant agrees in writing to pay reasonable charges for co-location.

The consistency of the language proposed for deletion is problematic with the new federal requirements contained in Sec. 6409 of the "Middle Class Taxpayers Relief and Job Creation Act of 2012" that modified restrictions on co-locations.

(13) Coastal Zone Design Criteria. In addition to the requirements set forth herein, all wireless communication facilities requiring a Coastal Development Permit shall conform with the Coastal Zone design criteria requirements of County Code Section 13.20.130.

(14) Signage. A notice shall be posted at the main entrance of all buildings or structures where structure-mounted or free-standing wireless communication facilities are located on the same parcel. The notice shall be ~~12"x 12"~~ a minimum of 8.5" x 11" and shall inform the public that a wireless communication facility is located on the building, structure or property and shall be consistent with the requirements of Federal law.

(15) Existing Facilities. Where applications involve existing wireless communication facilities, modifications to the existing facilities to reduce environmental impacts, including visual impacts, shall be pursued as technically feasible. If such modifications would reduce impacts, then such modifications shall be made as feasible, technically and otherwise, provided the reduction in impact is roughly commensurate with the cost to make the modifications.

(16) Approved Project. Approvals of wireless communication facilities shall require that the facility, including, but not limited to, all stealth design measures and vegetation screening, be maintained in its approved state for as long as it exists on the site. Approved facility plans, detailing the approved facility and all camouflaging elements, and including all maintenance parameters designed to ensure that camouflaging is maintained over the life of the project, shall be required for all approvals.

(17) Ongoing Evaluation. Wireless communication service providers are encouraged to evaluate their wireless communication facilities on a regular basis to ensure that they are consistent with the goals, objectives, policies, and requirements of the General Plan/Local Coastal Program, including specifically siting and design standards meant to minimize any negative impacts to visual resources and the character of the built and natural environment. Wireless service providers are encouraged to individually and collectively pursue modifications to their networks and/or individual facilities to reduce environmental impacts, including visual impacts; particularly over time as new technologies may be developed that allow for less visually intrusive wireless communication facilities, and/or a lesser number of them, while still allowing for the same or better level of wireless communication service associated with both any individual wireless service provider's facilities and the overall universe of wireless communication facilities in the County. [Ord. 5020 §§ 3—5, 2008; Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.664 RADIO-FREQUENCY ~~NON-IONIZING ELECTROMAGNETIC~~ (RF) RADIATION ~~(NIER)~~ SAFETY AND MONITORING REQUIREMENTS FOR WIRELESS COMMUNICATION FACILITIES:

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

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

(B) Radio-Frequency ~~Non-Ionizing Electromagnetic~~ (RF) Radiation ~~(NIER)~~ Measurements.

(1) Consistent with SCCC ~~Section~~ 13.10.662(B)(9) ~~above~~, all applications for new wireless communication facilities must include written certification by a professional engineer registered in the State of California that the proposed facility will comply with the FCC's RF radiation exposure standard.

(2) Post-Construction RF Radiation ~~NIER~~ Measurement and Reporting. Monitoring of ~~NIER/~~RF radiation to verify compliance with the FCC's ~~NIER~~ RF radiation standards is required for all new wireless communication facilities and for all wireless communication facilities proposing to undergo an increase in ~~major modification of~~ power output (as defined in SCCC ~~Section~~ 13.10.660(D)). This requirement shall be met through submission of a report documenting ~~NIER~~ RF radiation measurements at the facility site ~~within~~ between 60 and 90-days after the commencement of normal operations, or ~~within~~ between 60 and 90-days after any major modification to power output of the facility. The ~~NIER~~ RF radiation measurements shall be made, at the applicant's expense, by a qualified third-party telecommunications or radio-frequency engineer, during typical peak-use periods, utilizing the Monitoring Protocol described in SCCC ~~Section~~ 13.10.660(D). The report shall list and describe each transmitter/antenna

present at the facility, indicating the effective radiated power of each (for co-located facilities this would include the antennas of all other carriers at the site). The report shall include field measurements of ~~NIER~~ RF radiation emissions generated by the facility and also other emission sources, from various directions and particularly from adjacent areas with residential dwellings. The report shall compare the measured results to the FCC ~~NIER~~ RF radiation standards for such facilities.

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

(3) Failed Compliance. Failure to supply the required reports, or to remain in continued compliance with the ~~NIER~~ RF radiation standard established by the FCC, or other regulatory agency if applicable shall be grounds for review of the ~~use~~ permit or other entitlement and other remedy provisions. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

In the sections above and throughout the proposed revised WCF Ordinance, staff proposes to replace the term "non-ionizing electromagnetic radiation (NIER)" with the term "radio-frequency (RF) radiation" because it is more specific and commonly used.

13.10.665 REQUIRED FINDINGS FOR WIRELESS COMMUNICATION FACILITIES

In order to grant any ~~Commercial~~ Site Development Permit, or Minor Variation Permit, for a wireless communication facility and/or any Coastal Development Permit if the facility is located in the Coastal Zone, the approving body shall make the required applicable development permit findings ~~(SCCC Section 18.10.230)~~ and the required coastal development permit findings if in the coastal zone (SCCC ~~Section~~ 13.20~~.110~~) as well as the following findings:

(A) That either: (1) the development of the proposed wireless communications facility as conditioned will not significantly affect any designated visual resources, environmentally sensitive habitat resources (as defined in the Santa Cruz County General Plan/LCP Sections 5.1, 5.10, and 8.6.6.), and/or other significant County resources, including ~~agricultural, open space,~~ rural and community character resources; or (2) there are no other environmentally equivalent and/or superior and technically feasible alternatives to the proposed wireless communications facility as conditioned (including alternative locations and/or designs) with less visual and/or other resource impacts and the proposed facility has been modified by condition and/or project design to minimize and mitigate its visual and other resource impacts.

(B) That the site is adequate for the development of the proposed wireless communications facility and, for sites located in one of the prohibited ~~and/or restricted~~ areas set forth in

SCCC 13.10.661(B) ~~and 13.10.661(C)~~, that the applicant has demonstrated that there are not environmentally equivalent or superior and technically feasible: (1) alternative sites outside the prohibited ~~and restricted areas~~; and/or (2) alternative designs for the proposed facility as conditioned.

(C) That the subject property upon which the wireless communications facility is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

(D) That the proposed wireless communication facility as conditioned will not create a hazard for aircraft in flight.

(E) That the proposed wireless communication facility as conditioned is in compliance with all FCC and California PUC standards and requirements.

(F) For wireless communication facilities in the coastal zone, that the proposed wireless communication facility as conditioned is consistent with the all applicable requirements of the Local Coastal Program.

Any decision to deny a permit for a wireless communication facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision, the evidence that led to the decision and the written record of all evidence. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.666 SITE RESTORATION UPON TERMINATION/ABANDONMENT OF WIRELESS COMMUNICATION FACILITIES

(A) The site shall be restored as nearly as possible to its natural or pre-construction state within six months of termination of use or abandonment of the site.

(B) Applicant shall enter into a site restoration agreement, consistent with SCCC ~~Section~~ 13.10.666(A), subject to the approval of the Planning Director. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.667 INDEMNIFICATION FOR WIRELESS COMMUNICATION FACILITIES~~:~~

Each permit issued pursuant to SCCC 13.10.660 through 13.10.668 inclusive shall have as a condition of the permit, a requirement that the applicant defend, indemnify and hold harmless the County and its officers, agents, and employees from and against any claim (including attorney fees) against the County, its officers, employees or agents to attack, set aside, void or annul the approval of the permit or any subsequent amendment of the permit.

13.10.668 TELECOMMUNICATION ACT EXCEPTION PROCEDURE~~:~~

If the application of the requirements or limitations set forth in SCCC 13.10.660 through 13.10.668 inclusive, including but not limited to applicable limitations on allowed land uses, would have the effect of violating the Federal Telecommunications Act as amended, the approving body shall grant a Telecommunications Act Exception to allow an exception to the offending requirement or application. The applicant shall have the burden of proving that application of the requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist which would render the approval of a Telecommunications Act Exception unnecessary. [Ord. 4769 § 2, 2004; Ord. 4743 § 2, 2003; Ord. 4714 § 2, 2003].

13.10.669 NON-WIRELESS BROADBAND INFRASTRUCTURE

One to three small cabinets/boxes, not exceeding approximately 20 cu. ft. each in size, used to house non-wireless broadband telecommunications infrastructure may be installed within the frontyard setback of parcels, located outside the Coastal Zone, within any zoning district, without a requirement for any discretionary zoning permit.

Small cabinets or boxes used to house non-wireless broadband telecommunications infrastructure generally will be installed in public rights-of-way and do not require Planning Department permits (only Encroachment Permits from the Department of Public Works), but in rare cases may have to be located on private or public parcels.This proposed new provision allows these without the need for discretionary permits outside of the Coastal Zone.

SECTION II

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

SECTION III

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

PASSED AND ADOPTED this ____ day of _____ 20__, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

_____
Chairperson of the Board of Supervisors

Attest: _____

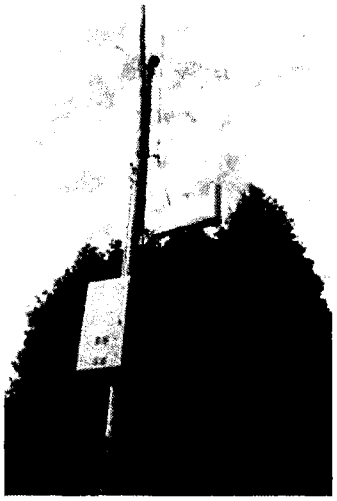
Clerk of the Board

APPROVED AS TO FORM: _____
Assistant County Counsel

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

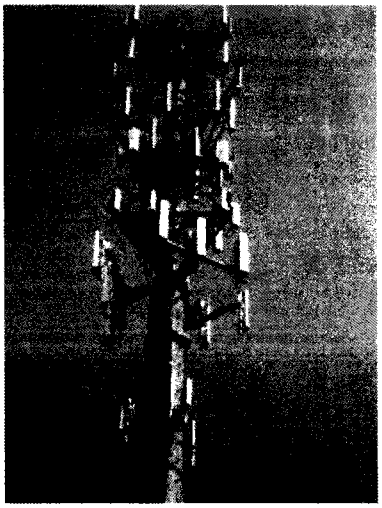
Examples of Wireless Communication Facility Types

ATTACHMENT 2

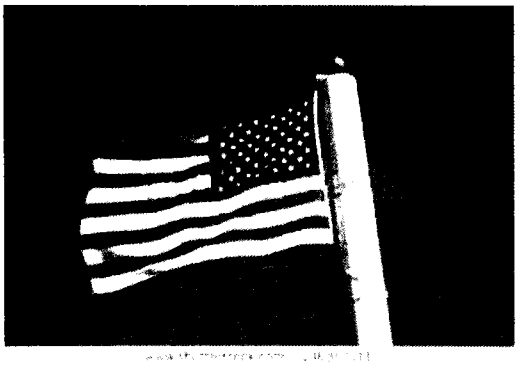


Microcell/Distributed Antenna System Node

Camouflage Cell Tower ("monopine")



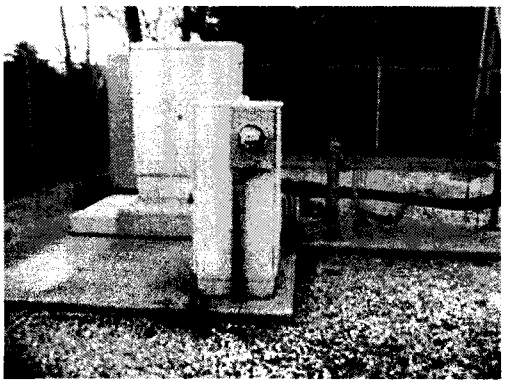
Non-camouflage Cell Tower



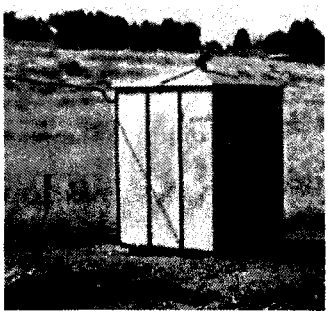
Flagpole Mounted Antennas

Examples of Wireless Communication Facility Types

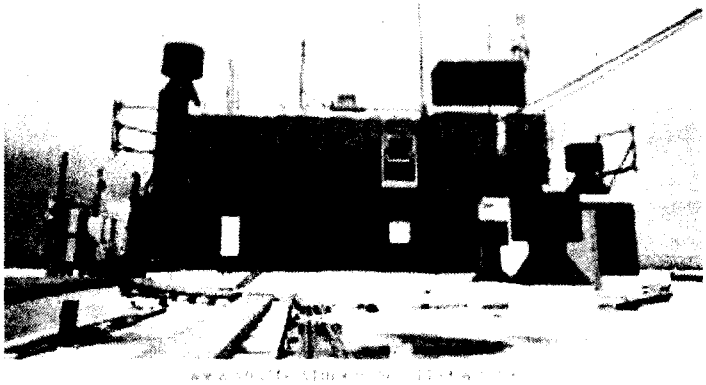
ATTACHMENT 2



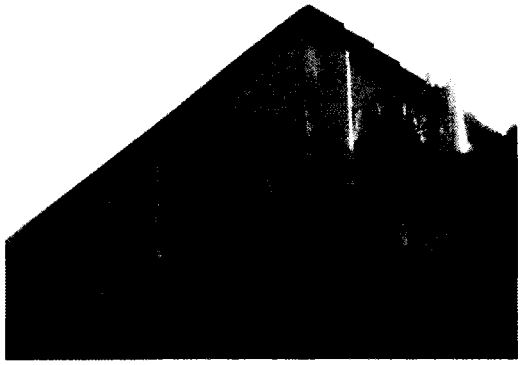
Cellular Base Station Ground Equipment



Communications Equipment Shelter



Roof Mounted Antennas



Wall Mounted Telecommunications Antenna System