ORDINANCE NO. 348.XXXX
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348 RELATING TO ZONING

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

Section 1. Ordinance No. 348 Article XIXg is amended and restated in its entirety to read as follows:

“ARTICLE XIXg WIRELESS FACILITIES

Section 19.400. PURPOSE AND INTENT. The purpose of this article is to do each of the following:

A. Enhance the ability of telecommunication service providers to effectively and efficiently provide new wireless communication services in the unincorporated area of Riverside County;

B. Encourage the design and placement of wireless facilities in a way that minimizes their impact to the visual character, health, economic vitality and biological resources of Riverside County;

C. Encourage and maximize the use of existing and approved wireless facilities, buildings and other structures while taking into account the use of concealment technology in order to reduce the number of facilities needed to serve businesses and residents in Riverside County;

D. Ensure continuous maintenance of new and existing wireless facilities; and,

E. Ensure the timely removal of any unused or outdated wireless facilities.

Section 19.401. EXCLUSIONS. The following facilities are exempt from the requirements of this article but may be governed by other laws and other portions of this ordinance.

A. Consumer-End Antennas. Consumer-end antennas shall be exempt from the provisions of this article if they meet the following requirements, as applicable:

1. A satellite dish less than one meter (39.37 inches) in diameter and that, if mounted on a mast, is mounted no higher than needed to receive or transmit
an acceptable quality signal and in no event higher than twelve (12) feet above roofline.

2. An antenna designed to receive over-the-air broadcast signals, no higher than needed to receive or transmit an acceptable quality signal and in no event higher than twelve (12) feet above roofline.

3. A broadband radio service antenna one meter or less in diameter or diagonal measurement and that, if mounted on a mast, is mounted no higher than needed to receive or transmit an acceptable quality signal and in no event higher than twelve (12) feet above roofline.

B. AMATEUR RADIO ANTENNAS:

1. That are completely enclosed within a permitted building; or

2. That consist of a single wire not exceeding one-fourth inch in diameter. Such wire antennas may be located in setback areas provided the antenna does not extend above the maximum building height in the district; or

3. That consist of a single ground-mounted vertical pole or whip antenna not exceeding fifty (50) feet in height in residential zone classifications or one hundred and five (105) feet in height in non-residential zone classifications, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.

C. LIKE KIND EQUIPMENT REPLACEMENTS. Like kind equipment replacements or adding or changing equipment in an existing cabinet, vault, or shroud that does not increase pre-existing visual or noise impacts and has the same or less radio frequency (RF) emissions. The existing equipment must have been approved by the County and the equipment must be in compliance with all permit conditions. Qualifying like kind equipment replacements that do not require County approval consist of upgrades or exchanges of equipment that are substantially similar in
appearance and the same or less in size, dimensions, weight, and RF emissions to the
then-existing and approved equipment. This exemption does not apply to generators.

D. CERTAIN TEMPORARY FACILITIES. The following temporary wireless
facilities that will be placed for less than fourteen (14) consecutive days, provided
any necessary building permit or other approval is obtained and the landowner’s
written consent is provided to the County:
1. Facilities installed and operated for large-scale events; and
2. Facilities needed for coverage during the temporary relocation of an existing
   and already-approved facility

E. LEGALLY EXISTING WIRELESS FACILITIES. Any wireless facility already
legally constructed and in operation as of the date of this ordinance’s effective date
shall remain subject to the provisions of the version of the ordinance in effect prior
to this revision, unless and until a revised permit, substantial conformance, or other
modification is approved on such facility, at which time the provisions of the revised
ordinance shall apply in full force going forward as to such facility.

Section 19.402. DEFINITIONS. The following terms shall have the following meanings
for the purposes of this article:

A. Antenna. A device used for the purpose of transmitting or receiving wireless
communication signals or both.

B. Base Station. A structure or equipment at a fixed location that enables FCC-licensed
or authorized wireless communications between user equipment and a
communications network as defined in 47 C.F.R. section 1.6100(b)(1), or any
successor provision.

C. CPUC. California Public Utilities Commission.

D. CEQA. The California Environmental Quality Act, Public Resources Code section
21000 et seq. and State CEQA Guidelines section 15000 et seq.

E. Collocation. The mounting or installation of transmission equipment on a legally
existing base station or tower as defined: (a) for the purposes of any eligible facilities
request, the same as defined by the FCC in 47 C.F.R. section 1.6100(b)(2), as may be amended, which defines that term as ‘[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.’ As an illustration and not a limitation, the FCC’s definition means to add transmission equipment to an existing facility and does not necessarily refer to two or more different facility operators in the same location; and (b) for all other purposes, the same as defined in 47 C.F.R. section 1.6002(g)(1) and (2), as may be amended, which defines the term collocation as (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

F. Concealed Wireless Facilities. Facilities blended into the environment by being placed entirely within an existing or new structure or screened completely so as not to be seen at all. Concealed Wireless Facilities include, but are not limited to, architecturally screened roof-mounted facilities, facade-mounted design feature facilities, clock tower facilities and entry statement signage facilities. These may consist of concealed wireless facilities on a new structure or concealed wireless facilities on an existing structure, and the distinction may affect how the associated permit is processed.

G. Disguised Wireless Facilities. Facilities designed and sited so as to be minimally visually intrusive, which incorporate concealment elements that screen or otherwise alter the appearance of the wireless facility to integrate it into the surrounding environment and support structure or base station. Disguised wireless facilities include, but are not limited to, faux trees including but not limited to monopalms and monopines, facilities integrated into flagpoles, facilities integrated onto water towers or other architecturally designed structures, facilities integrated onto street lights, facilities integrated into electric utility poles, and strand mounted antennas.
H. **Eligible Facilities Request.** Any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.

I. **Equipment Enclosure.** Any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect Supporting Equipment.

J. **FAA.** The Federal Aviation Administration or its lawful successor.

K. **FCC.** The Federal Communications Commission or its lawful successor.


M. **Other Wireless Facilities.** New wireless facilities or modifications to existing wireless facilities that are not otherwise exempt from this article and that do not qualify as small cell facilities, collocations, eligible facilities requests, disguised facilities, or concealed facilities.

N. **Personal Wireless Services.** Services as defined in 47 U.S.C. section 332(c)(7)(C)(i) or any successor provision, current examples of which include but are not limited to commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

O. **Personal Wireless Services Facility.** A wireless facility used for the provision of personal wireless services

P. **Planning Director.** The Planning Director of Riverside County or his or her designee.

Q. **RCIT.** Riverside County Information Technology.

R. **Residential Zone Classifications.** Any of the following zones: A-1 (lots two and one-half (2 and ½) acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O, R-A, R-1, R-1-A, R-2, R-2-A, R-4, R-6, R-T.
S. **Small Cell Facility.** The term as defined in 47 C.F.R. 1.6002(l), or any successor provision.

T. **Support Structure.** A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service, whether on its own or comingled with other types of services, as defined in 47 C.F.R. 1.6002(m) or any successor provision.

U. **Supporting Equipment.** The equipment necessary for processing wireless communication signals and any ancillary equipment including, but not limited to, air conditioners, emergency generators, and other back-up power suppliers.

V. **Temporary Wireless Facility.** A wireless facility intended or used to provide wireless services on a temporary or emergency basis, such as a large scale special event in which more users than usual gather in a single location or following a duly proclaimed local or state emergency as defined in Government Code section 8558 requiring additional service capabilities. Temporary facilities include without limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless facilities: (1) that will be in place for no more than six months (or such other longer time as the County may allow in light of the event or emergency); (2) for which required notice is provided to the FAA; (3) that do not require marking or lighting under FAA regulations; (4) that will not exceed the height limit in the applicable zone; and (5) that will either involve no excavation or involve excavation only as required to safely anchor the facility, where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two feet.

W. **Tower.** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services.
and fixed wireless services such as microwave backhaul, and the associated site. This
definition does not include Utility Poles.

X. **Utility Pole.** A structure designed to support electric, telephone, and similar utility
lines. A Tower is not a utility pole.

Y. **Wireless Facility, Wireless Communication Facility or Facility.** Transmitters,
antenna structures and other types of installations used for the provision of wireless
services at a fixed location, including, without limitation, any associated tower(s),
support structure(s), and base station(s).

Section 19.403. ADMINISTRATION.

A. REVIEWING AUTHORITY. The Planning Director is responsible for
administering this article. As part of such administration, except as otherwise
determined by the Board, the Planning Director may:

1. Interpret all provisions of this article relating to wireless communications, as
   long as such interpretation is not contrary to state or federal law;

2. Develop and implement standards governing the placement and modification
   of wireless facilities consistent with the requirements of this ordinance,
   including regulations governing collocation and resolution of conflicting
   applications for placement of wireless facilities;

3. Develop and implement acceptable design standards for wireless facilities,
   taking into account the applicable built environment(s);

4. Develop forms and procedures for submission of applications for placement
   or modification of wireless facilities, and proposed changes to any support
   structure consistent with this article;

5. Take such other steps as may be required to timely act upon applications for
   placement of wireless facilities, including issuing written decisions, entering
   into agreements to mutually extend the time for action on an application, and
   denying an application if all of the information required for approval to be
granted, taking into account legal deadlines for County action on the
application, has not been submitted.

Section 19.404. PROCESSING REQUIREMENTS.

A. CEQA EXEMPT WIRELESS FACILITIES TYPES.

1. For the following types of facilities: (a) small cell facilities, (b) collocations, (c) temporary wireless facilities, (d) disguised wireless facilities of any type to be located in a non-residential zone classification, and (e) concealed wireless facilities on a legally existing structure, an application shall be submitted to the Planning Director for a plot plan made in accordance with the requirements of this ordinance. Unless the facts relating to a specific application demonstrate otherwise, the project shall be processed as one exempt from CEQA and classified under this ordinance as a plot plan that is not subject to CEQA and that is not transmitted to any governmental agency other than the County Planning Department for review and comment. A public hearing on the application shall not be required. All of the procedural provisions of this ordinance for processing a plot plan shall apply to the application. If the wireless facility is proposed to be located in the Western Riverside County Multiple Species Habitat Conservation Plan area or the Coachella Valley Multiple Species Habitat Conservation Plan area, contains or a has a high potential to contain one or more listed species, contains historic resources onsite, is otherwise within a particularly sensitive environment including a sensitive viewshed, is within an airport influence area, may result in damage to scenic resources, would have a significant impact on the environment due to unusual circumstances, would result in a cumulative impact due to successive projects of the same type in the same place over time, or is otherwise determined by the Planning Director, in his or her discretion, to require an initial study, the plot plan application shall be reclassified as a plot plan subject to the California Environmental Quality
Act. The decision of the Planning Director shall be final unless appealed to the Board of Supervisors in accordance with the requirements of this ordinance.

B. TYPES OF WIRELESS FACILITIES REQUIRING A PLOT PLAN SUBJECT TO CEQA.

1. For the following types of facilities: (a) concealed wireless facilities on a new structure, (b) disguised wireless facilities of any type to be located in a residential zone classification, (c) other wireless facilities, (d) wireless facilities determined by the Planning Director to require an initial study, or (e) wireless facilities that otherwise do not qualify under the previous subsection as CEQA exempt wireless facilities, an application shall be submitted to the Planning Director for a plot plan in accordance with this ordinance. The application shall be classified as a plot plan subject to CEQA and requiring a public hearing as ordinarily processed, with the hearing notice sent to all property owners in accordance with this ordinance. Despite the classification of the types of wireless facilities identified in this subsection as a plot plan subject to CEQA, the Planning Director retains the discretion to determine that a particular wireless facility is nevertheless exempt from CEQA. The decision of the Planning Director shall be final unless appealed to the Board of Supervisors in accordance with the requirements of this ordinance.

C. MODIFICATIONS TO LEGALLY EXISTING WIRELESS FACILITIES.

1. Modifications Qualifying as an Eligible Facilities Request. An application for modification of a legally existing permitted wireless facility qualifying as an eligible facilities request shall be made to the Planning Director and include all information necessary to demonstrate that the proposed modification qualifies as an eligible facilities request. Upon written confirmation from the Planning Director that the proposed modification qualifies as an eligible
facilities request, no additional use permit or revision to an existing permit is required, and the Office of Building and Safety may issue a building permit as appropriate and necessary.

2. **Substantial Conformance Review for Other Types of Modifications to Wireless Facilities.** An application for modification of an existing permitted wireless facility that does not qualify as an eligible facilities request but that meets the qualifications for a substantial conformance shall be made to the Planning Director and processed for substantial conformance review in accordance with the requirements of this ordinance.

3. **Revised or New Permit Review for All Other Modification Requests for Wireless Facilities.** An application for modification of an existing permitted wireless facility that does not qualify as an eligible facility request or a substantial conformance shall be made to the Planning Director and processed as a plot plan for an Other Wireless Facility in accordance with this ordinance.

**D. WIRELESS FACILITY APPLICATION FORM.** All applications for a wireless facility permit shall use the form published by the Planning Director, which may be updated from time to time. In addition to any requirements required by the Planning Director and any requirements for all applications for plot plans, modifications for approved permits, variances, or any other permit or land use approval, the wireless facility application requires submission of the following:

1. A fully executed copy of the lease or other agreement entered into with the owner of the underlying property. The lease or other agreement shall include a provision indicating that the Personal Wireless Services provider, or its successors and assigns, shall remove the wireless facility completely upon its abandonment. The lease or other agreement shall also include a provision notifying the property owner that if the Personal Wireless Services provider does not completely remove a facility upon its abandonment, the County may
remove the facility at the property owner's expense and lien the property for
the cost of such removal. Proprietary information in the lease may be
redacted.

2. Proof of compliance, as proposed for use, with FCC regulations governing
radiofrequency emissions.

3. For a temporary wireless facility, an appropriate plan for removal of the
facility and restoration of property affected by it.

E. SPHERE OF INFLUENCE. When a proposed wireless facility would be located
within the sphere of influence of any city within the County, planning staff shall
transmit the application to the affected city for review and comment if a public
hearing is required by this article. When a proposed wireless facility has the potential
to impact federal or state lands, tribal lands, or special districts, planning staff may
also transmit the application to the appropriate federal agency, state agency, tribe(s),
or special district for review and comment.

F. FINDINGS.

1. GENERAL FINDINGS FOR APPROVAL FOR ALL WIRELESS
FACILITIES REQUIRING A PLOT PLAN. No plot plan for the installation
of wireless facilities shall be approved under, on the basis of the application
and other materials or evidence provided in review therefor, the Planning
Director finds the following:

a. The facility complies with all applicable requirements of this
ordinance, including all requirements for a plot plan; all application
requirements; and all applicable design, location, and development
standards, or has a variance or waiver thereof; and will not to
unreasonably interfere with pedestrian or vehicular traffic; and

b. The facility meets applicable requirements and standards of federal
and state law, including all applicable general orders of the CPUC,
including, but not limited to General Order 95.
2. **FINDINGS FOR APPROVAL OF CONCEALED WIRELESS FACILITIES.** No plot plan shall be approved for a concealed wireless facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made in addition to the general findings for all wireless facilities: that the facility meets all requirements for a concealed wireless facility as set forth in this article.

3. **FINDINGS FOR APPROVAL OF DISGUISED WIRELESS FACILITIES.** No plot plan shall be approved for a disguised wireless facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made in addition to the general findings for all wireless facilities:
   a. The facility meets all requirements for a disguised wireless facility set forth in this ordinance;
   b. The facility is designed and sited so that it is minimally visually intrusive; and
   c. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.

4. **FINDINGS FOR APPROVAL OF SMALL CELL FACILITIES.** No plot plan shall be approved for a small cell facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following finding is made in addition to the general findings for all wireless facilities: that the facility meets all requirements for a small cell facility set forth in this article.

5. **FINDINGS FOR APPROVAL OF COLLOCATION FACILITIES.** No plot plan shall be approved for a disguised wireless facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following finding is made, in addition to the general findings for all
wireless facilities: that the facility meets all requirements for a collocation set forth in this article.

6. FINDINGS FOR APPROVAL OF OTHER WIRELESS FACILITIES. No plot plan shall be approved for a facility that qualifies as an Other Wireless Facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made in addition to the general findings for all wireless facilities:
   a. The facility is not located within a sensitive viewshed; and
   b. Supporting equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area or is screened from view.

7. FINDINGS FOR APPROVAL OF TEMPORARY FACILITIES. No plot plan shall be approved for a temporary wireless facility unless, on the basis of the application and other materials or evidence provided in review thereof, the following findings are made:
   d. The facility qualifies as a temporary facility;
   e. There is an adequate need for the facility (e.g., wireless facility relocation or large-scale event).

G. CONDITIONS OF APPROVAL FOR ANY WIRELESS FACILITY DEEMED APPROVED. The Planning Department shall keep a set of standard Wireless Facilities Conditions of Approval and Advisory Notification Document on file at the Planning Department. All wireless facilities shall comply with either those conditions of approval, as modified by the Planning Director or the Board of Supervisors as necessary for a particular wireless facilities permit or be subject to revocation, or the conditions in this section. Any wireless facility, of any type, that is deemed approved, approved by operation of law, or approved under a court order shall be subject to the standard Wireless Conditions of Approval and Advisory Notification Document and the conditions set forth in this subsection. For any
wireless facility that is deemed approved by operation of law, or approved under a court order, to the extent the standard Wireless Facilities Conditions of Approval and Advisory Notification Document conflict with the requirements of this section, this section shall control.

1. **Entitlement Life for Wireless Facilities Deemed Approved.** A wireless facility that has been deemed approved by operation of law or approved under court order shall be valid for a period of ten (10) years, unless pursuant to another legal provision or these conditions, it expires sooner or is terminated. At the end of ten (10) years from the date of issuance, such wireless facility permit shall automatically expire. Upon expiration, a person holding a wireless facility permit must remove the facility within thirty (30) days following the permit’s expiration. No extension may be approved for a wireless facility that has been deemed approved by operation of law or that has received judicial approval. The approval of any collocation or other modification shall not extend the wireless facility permit duration.

2. **Timing of Installation.** The installation and construction of a wireless facility shall begin within one (1) year after its approval, or it will expire without further action by the County. The installation and construction authorized by a wireless facility permit shall conclude, including any necessary post-installation repairs and/or restoration to the installation site, within thirty (30) days following the day construction commenced. If the wireless facility is to be installed adjacent to residences, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the wireless facility may occur at any time.

3. **Commencement of Operations.** The operation of the approved facility shall commence no later than one (1) month after the completion of installation, or the wireless facility permit will expire without further action by the County.

4. **Undergrounding.** All utilities shall be installed underground.
5. **Inspections; Emergencies.** The County or its designee may enter onto the facility area to inspect the facility upon 48 hours prior notice to the permittee. The permittee shall cooperate with all inspections and may be present for any inspection of its facility by the County. The County reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property. The County shall make an effort to contact the permittee prior to disabling or removing any facility elements, but in any case shall notify permittee within 24 hours of doing so.

6. **Contact.** The permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. The FCC Antenna Structure Registration site number, County wireless facility permit number, primary leaseholder’s and facility manager's contact information shall be kept current and prominently displayed on the facility where it can be easily viewed from ground level.

7. **Insurance.** Permittee shall obtain and maintain throughout the term of the wireless facility permit commercial general liability insurance with a limit of __________ per occurrence for bodily injury and property damage and __________ general aggregate including premises operations, contractual liability, personal injury, and products completed operations. The relevant policy(ies) shall name the County, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide thirty (30) days’ prior notice to the County of to the cancellation or material modification of any applicable insurance policy.

8. **Indemnities.** The permittee and the owner of the property upon which the wireless facility is installed shall defend, indemnify and hold harmless the
County, its agents, officers, officials, and employees (i) from any and all damages, liabilities, injuries, losses, costs, and expenses, and from any and all claims, demands, law suits, writs of mandamus, and other actions or proceedings brought against the County or its agents, officers, officials, or employees to challenge, attack, seek to modify, set aside, void or annul the County’s approval of the wireless facility permit, including any challenge to a decision made by the County concerning the project, including, but no limited to, decisions made in response to California Public Record Act requests, and (ii) from any and all damages, liabilities, injuries, losses, costs, and expenses, and any and all claims, demands, law suits, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the property owner or any of each one’s agents, employees, licensees, contractors, subcontractors, or independent contractors. In the event the County becomes aware of any such actions or claims the County shall promptly notify the permittee and, if applicable, the property owner and shall reasonably cooperate in the defense. The County shall have the right to approve the legal counsel providing the County’s defense, and the property owner and/or permittee (as applicable) shall reimburse County for any costs and expenses directly and necessarily incurred by the County in the course of the defense. Payment for County’s costs related to any litigation on the above shall be made on a deposit basis. Within thirty (30) days of receipt of notice from County that litigation has been initiated against the Project, the permittee shall initially deposit with the Planning Department the total amount of Twenty Thousand Dollars ($20,000). The permittee shall deposit with County such additional amounts as County reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses
incurred by the County, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the litigation. To the extent such costs are not recoverable under the California Public Records Act from the records requestor, permittee agrees that deposits under this section may also be used to cover staff time incurred by the County to compile, review, and redact records in response to a Public Records Act request made by a petitioner in any legal challenge to the Project when the petitioner is using the Public Records Act request as a means of obtaining the administrative record for litigation purposes. Within ten (10) days of written notice from County, permittee shall make such additional deposits.

9. **Performance Bond.** Prior to issuance of a wireless facility permit, the permittee shall file with the County, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to the percentage of the cost of physically removing the facility and all related facilities and equipment on the site, based on the higher of two contractor’s quotes for removal that are provided by the permittee. The permittee shall reimburse the County for staff time associated with the processing and tracking of the bond, based on the hourly rate adopted by the Board of Supervisors. Reimbursement shall be paid when the security is posted and during each administrative review.

10. **Adverse Impacts on Adjacent Properties.** Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, and removal of the facility.
11. **Noninterference.** Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property. No structure, improvement, or property owned by the County shall be moved to accommodate a permitted activity, unless the County determines that such movement will not adversely affect the County or any surrounding businesses or residents, and the Permittee pays all costs and expenses related to the relocation of said structure, improvement, or property. Prior to commencement of any work pursuant to a wireless facility permit, the Permittee shall provide the County with documentation establishing to the County's satisfaction that the Permittee has the legal right to use or interfere with any other structure, improvement, or property within the highway or County utility easement to be affected by Permittee's facilities.

12. **RF Exposure Compliance.** All facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards. After transmitter and antenna system optimization, but prior to unattended operations of the facility, permittee or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit.

13. **Testing.** Testing of any equipment shall take place on weekdays only, and only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is prohibited on holidays that fall on a weekday.
14. Abandonment. If a facility is not operated for a continuous period of two (2) months, the wireless facility shall be deemed abandoned and any and all approvals shall become null and void. No later than ninety (90) days from the date the facility is determined to have ceased operation or the permittee has notified the Planning Director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the Planning Director. The permittee shall provide written verification of the removal of the facilities within thirty (30) days of the date the removal is completed. If the facility is not removed within thirty (30) days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the County may cause the facility to be removed at permittee’s expense or by calling any bond or other financial assurance to pay for removal. If there are two (2) or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof.

15. Records. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the County, any ambiguities or uncertain-ties that would be resolved through an inspection of the missing records will be construed against the permittee.
16. **Attorney’s Fees.** In the event the County determines that it is necessary to take legal action to enforce any of these conditions, or to revoke a wireless facility permit, and such legal action is taken, the Permittee shall be required to pay any and all costs of such legal action, including reasonable attorney’s fees, incurred by the County, even if the matter is amicably resolved or otherwise not prosecuted to a final judgment, unless the County should otherwise agree with permittee to waive said fees or any part thereof.

**H. CONDITIONS OF APPROVAL FOR SPECIFIC TYPES OF WIRELESS FACILITIES.**

1. **CONDITIONS OF APPROVAL FOR ELIGIBLE FACILITIES REQUESTS.** In addition to the conditions provided in the previous subsections, if applicable, all permits for an eligible facility request shall be subject to the following additional conditions:

   a. **Permit subject to conditions of underlying permit.** Any permit or wireless facility permit granted in response to an application qualifying as an eligible facilities request shall be subject to the terms and conditions of the underlying permit.

   b. **No permit term extension.** The County’s grant or grant by operation of law of an eligible facilities request permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. Notwithstanding any permit duration established in another permit condition, the County’s grant or grant by operation of law of a eligible facilities request permit will not extend the permit term for the underlying permit or any other underlying regulatory approval, and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station or ten (10) years, whichever is shorter.
2. CONDITIONS OF APPROVAL FOR TEMPORARY WIRELESS FACILITIES. The conditions of approval for a temporary wireless facility shall specify the maximum time period that the facility may remain in place.

Section 19.405. LOCATION AND DESIGN STANDARDS. All wireless facilities shall be located and designed as follows and in accordance with the design standards published and updated from time to time by the Planning Director, if any.

A. LOCATION AND TYPES OF FACILITIES: All wireless facilities shall be located in accordance with the following standards, depending upon the type of wireless facility sought.

1. CONCEALED WIRELESS FACILITIES. Concealed wireless communication facilities may be located in any zone classification.

2. ELIGIBLE FACILITIES REQUESTS AND COLLOCATED WIRELESS FACILITIES. Eligible facilities requests and collocated wireless facilities may be located in any zone classification.

3. SMALL CELL FACILITIES AND TEMPORARY WIRELESS FACILITIES. Small cell facilities and temporary wireless facilities may be located in any residential or non-residential zone classification. Small cell facilities must use flat rate electric metering, if available, so that no meter is required in any case where a meter otherwise would be ground-mounted or pole-mounted. Where a ground-mounted or pole-mounted meter is used, the smallest form factor metering device available shall be used.

4. DISGUISED WIRELESS FACILITIES. Disguised wireless communication facilities may be located in any residential zone classification or non-residential zone classification.

5. OTHER WIRELESS FACILITIES. Any type of wireless facility may be located in non-residential zone classifications.

B. DESIGN STANDARDS.

1. ALL WIRELESS FACILITIES. No above-ground power or communication
lines shall be extended to the site, unless an applicant demonstrates that undergrounding such lines would result in substantial environmental impacts or a letter is received from the power company indicating it is unable to underground the wires. All underground utilities shall be installed in a manner to minimize disturbance of existing vegetation and wildlife habitats during construction. Removal of underground equipment upon the abandonment of a facility is not recommended unless leaving the equipment underground would pose a threat to health, safety or sensitive resources. All cables and wiring must be within the structure, or if not feasible, within a conduit on the exterior of the structure. The conduit must be a color that matches the support structure and of the smallest size technically feasible.

2. SMALL CELL FACILITIES. Small cell facilities must use flat rate electric metering, if available, so that no meter is required in any case where a meter otherwise would be ground-mounted or pole-mounted. Where a ground-mounted or pole-mounted meter is used, the smallest form factor metering device available shall be used.

3. DISGUISED WIRELESS FACILITIES, FAUX TREES. If a faux tree is proposed for the disguised wireless facility, it shall be of a type of tree compatible with those existing in the immediate areas of the installation. If no trees exist within the immediate areas, a landscape setting shall be used that integrates the faux tree with added species of a similar height and type. Antennas shall be painted, coated, or covered to match their background (e.g., branches or trunk) and shall not extend beyond the monotree branches or fronds. A maximum of nine (9) antenna panels may be installed. There shall be ample branch coverage to hide the antennas from view as effectively as possible. There shall be no exterior wiring, visible foot pegs, portals, cabling, cable shrouds, or other unnatural appearing features on the faux tree.
Additional camouflage of the faux tree may be required depending on the type and design of faux tree proposed.

4. OTHER FACILITIES MOUNTED ON A DISGUISED TOWER.
   a. Facilities mounted to a disguised tower, including, but not limited to, the attached antennas, shall be designed to be the minimum functional height and width required to adequately support the proposed facility and meet FCC requirements. The applicant shall provide documentation satisfactory to the Planning Director establishing compliance with this paragraph. In any event, facilities mounted to a disguised tower shall not exceed the applicable height limit for a wireless facility in the applicable zone classification.
   b. Aside from the antenna and tower themselves, no additional equipment may be visible. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the tower and shall be camouflaged or hidden to the fullest extent feasible without jeopardizing the physical integrity of the tower.
   c. Installations shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.

5. ROOFTOP-MOUNTED FACILITIES. Rooftop-mounted facilities shall be concealed wireless facilities and shall comply with one of the following, in this order of preference:
   a. The wireless facilities may be completely concealed and architecturally integrated into the rooftop-mounted structure with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing
parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials);

b. If meeting the requirements of the prior subsection is not technically feasible, then wireless facilities may be completely concealed on new structures or appurtenances designed to mimic the support structure’s original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys, and water tanks), so that the support structure remains consistent in size and design with the areas within which it is located. A particular change will be assessed using standards that apply for similar discretionary modifications that do not involve wireless facilities, and as reflected in the principles in the following;

c. Where the preferred options in the above two subsections are not feasible, unscreened rooftop wireless facilities and supporting structures may be approved only when they are of low enough height and setback from the roofline so that the equipment is effectively concealed from public view from ground level. Equipment may not be placed on a rooftop where the rooftop is less than 20 feet above ground level.

6. FAÇADE-MOUNTED WIRELESS FACILITIES. Facade-mounted wireless facilities shall be concealed or disguised wireless facilities. Façade-mounted wireless facilities should be integrated architecturally into the structure to which the equipment will be attached. Where integration is not possible, a facade-mounted wireless facility should be behind screen walls as flush to the building facade as practicable and designed to conceal the facility so that it appears to be part of the facade design. Pop-out screen boxes do not meet this standard, unless such design is architecturally consistent with the original support structure. An exposed, facade-mounted facility will not be approved
unless it is shown that, because of the size or design of the facility, or the
design or location of the structure to which it is to be attached, the proposed
facility would have no adverse visual impacts.

Section 19.406. DEVELOPMENT STANDARDS FOR ALL WIRELESS FACILITIES.

All wireless facilities shall comply with the following development standards:

1. **Height limitations.** Wireless facilities to be located in residential zone
classifications shall not exceed fifty (50) feet. Wireless facilities to be located
in non-residential zone classifications shall not exceed one hundred and five
(105) feet. Eligible facilities requests may be up to twenty (20) percent taller,
as measured by the original approved height of the underlying wireless
facility, or as otherwise provided in 47 C.F.R. section 1.6100(b)(3), or any
successor provision, provided there are no safety issues with such increased
height and they meet the requirements of this ordinance relating to setback
from habitable dwellings or setback from residential property lines and the
development standards for the relevant type of wireless facility.

2. **Landscaping.** All wireless facilities shall have landscaping around the
perimeter of the leased area or equivalent and shall match or augment the
natural landscaping in the area, where feasible. Wireless facilities constructed
to look like trees shall have other similar tree species planted adjacent to or
around the facility to enhance the concealing effect. If a water source is not
available and there are no other trees in the area, new trees may not be
required, but indigenous plants may be required and manually watered until
established. If landscaping is deemed necessary in native habitats, only native
plant species shall be used in order to avoid introduction of exotic invasive
species. All landscaping shall be irrigated unless a water source is unavailable
within the parcel on which the facility is located.

3. **Lighting.** Outside lighting, other than temporary lightning for maintenance
purposes, is prohibited unless required by the FAA or the California Building
Code, including the appendix and standards adopted by the California Building Standards Commission. All Wireless Facilities that require a warning light to comply with FAA regulations shall use the minimum amount possible. All security lighting and maintenance lighting shall meet the requirements of Ordinance No. 655. Any lighting system installed shall also be shielded to the greatest extent possible so as to minimize the negative impact of such lighting on adjacent properties and so as not to create a nuisance for surrounding property owners or a wildlife attractant.

4. **Parking.** Within close proximity of the wireless facility, a parking space shall be provided for maintenance vehicles.

5. **Setbacks.** Concealed wireless facilities shall meet the setback requirements of the zone classification in which they are located. Disguised wireless facilities in non-residential zone classifications shall meet the setback requirements of the zone classification in which they are located and shall be setback from habitable dwellings a distance equal to one hundred and twenty-five (125) percent of the facility height. Disguised wireless facilities in or adjacent to residential zone classifications shall meet the setback requirements of the zone classification in which they are located and shall be setback from habitable dwellings a distance equal to two hundred (200) percent of the facility height or shall be setback from residential property lines a distance equal to one hundred (100) percent of the facility height, whichever is greater. Other wireless facilities shall meet the setback requirements of the zone classification in which they are located and shall be setback from habitable dwellings a distance equal to one thousand (1,000) feet. All eligible facilities requests and collocations must meet the same setback from habitable dwellings requirements as the underlying wireless facility.
6. **Support Facilities.** Any appurtenant equipment boxes, cabinets, or freestanding equipment enclosures shall not exceed thirteen (13) feet in height.

**Section 19.407. ABANDONED SITES.**

A. Any wireless communication facility that is not continuously operated for a period of sixty (60) days, or the period set forth in its conditions of approval, whichever is shorter, shall be conclusively deemed abandoned.

B. The Personal Wireless Services provider shall have sixty (60) days after a notice of abandonment is mailed by the County to make the facility operable, replace the facility with an operable facility, or remove the facility.

C. Within ninety (90) days of the date the notice of abandonment is mailed, the County may remove the wireless communication facility at the underlying property owner's expense and shall place a lien on the property for the cost of such removal.

D. The owner of the property shall, within one hundred and twenty (120) days of the County's removal, return the site to its approximate natural condition. If the owner fails to do so, the County can restore and revegetate the site at the property owner's expense.

E. If there are two (2) or more users of a single facility, the facility shall not be deemed abandoned until all users abandon it.

**Section 19.408. EXCEPTIONS TO REQUIREMENTS.**

A. The Board of Supervisors, as applicable, may grant exceptions to the requirements for wireless facilities in this article, if a variance cannot be obtained and it is determined that the applicant has established that denial of an application or strict adherence to the location and design standards would:

1. Prohibit or effectively prohibit the provision of personal wireless services, within the meaning of federal law; or

2. Otherwise violate applicable laws or regulations; or
3. Require a technically infeasible design or installation of a wireless facility.

B. If that determination is made, said requirements may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible design or installation.”

Section 2. ordinance No. 348 Article XVIII Section 18.30 Subsection F is amended to read as follows:

“F. APPEALS – (WIRELESS FACILITY PLOT PLANS) Appeals from a decision of the Planning Director for any wireless facility application shall proceed as follows:

1. A copy of the notice of decision shall be mailed to any person who has made a written request for a copy of the decision and shall be sent by certified mail or the equivalent to the applicant. The decision of the Planning Director is considered final and no action is required unless, within ten days after the notice of decision is mailed to the applicant, the applicant or an interested person files an appeal, accompanied by the fee set forth in Ordinance No. 671, or unless the Board of Supervisors assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed, the Clerk of the Board shall set the matter for public hearing before the Board of Supervisors not less than five nor more than thirty days thereafter and shall give written notice of the hearing in the same manner as notice was given for the original hearing. The decision of the Board of Supervisors shall be final.”

Section 3. Ordinance No. 348 Article XVIII Section 18.20 is amended to read as follows:

“SECTION 18.20. HEIGHT EXCEPTIONS.

A. Public or semipublic buildings in the R-1 and R-2 Zones may be erected to a height not exceeding four stories or 60 feet when the required yards are increased by an additional two feet for each foot by which the height exceeds 35 feet.
B. Structures necessary for the maintenance and operation of a building and flagpoles, chimneys or similar structures that exceed the prescribed height limits where such structures do not provide additional floor space. This exception shall not apply to wireless facilities subject to Article XIXg.”

Section 4. CONFLICTING REGULATIONS. Ordinance No. 348 section 18.1 shall control in the case of any conflict between this ordinance and any other provision in Ordinance No. 348 or between this ordinance and any other applicable ordinance.

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and application of such provision or provisions to other persons or circumstances shall not be affected.

Section 6. This ordinance shall take effective thirty (30) days after its adoption.