

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2 RESOLUTION NO. _____

3
4 RESOLUTION OF INTENTION TO AMEND ARTICLE 71 OF THE LAKE COUNTY
5 ZONING ORDINANCE. REGULATIONS FOR THE PLACEMENT OF
6 COMMUNICATIONS TOWERS AND ANTENNAE

7 WHEREAS, the County of Lake, pursuant to its police power granted by Article XI,
8 section 7 of the California Constitution, may adopt regulations to protect the health, safety, and
9 welfare of the public; and

10 WHEREAS, the County of Lake has already taken significant steps to address public
11 safety issues created by hazardous vegetation and it is the intent of this Board to review the siting
12 of any facilities and/or structures that, because of high winds and location, may create a danger to
13 the public; and

14 WHEREAS, the siting of communications towers, the proximity to residential areas, and
15 the resulting impacts to the aesthetic values of Lake County communities and neighborhoods is a
16 matter of County-wide concern; and

17 WHEREAS, the Federal Communications Commission (FCC) has issued Declaratory
18 Rulings in 2018 which significantly restrict the authority of local governments, including the
19 authority of local governments to impose aesthetic restrictions; and

20 WHEREAS, FCC rulings presently interpret Section 253 and 332 of the
21 Telecommunications Act of 1996 to allow local aesthetic requirements on communications facilities
22 if three criteria are met. The aesthetic requirements are not pre-empted by federal law if they are
23 reasonable, no more burdensome than those applied to other types of infrastructure deployments,
24 and are objective and published in advance; and

25 WHEREAS, the Board of Supervisors now finds it desirable to state its intention to amend
26 Article 71 of the Lake County Zoning Ordinance to clarify County public safety and aesthetic
27 requirements in a manner that complies with the applicable FCC Declaratory Rulings.

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Resolution of Intention to Amend Article 71 of the Zoning Ordinance

1 NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors, County of Lake,
2 State of California, that it finds, determines and hereby declares that:

- 3 1. That the Recitals hereinabove are adopted as true and correct.
- 4 2. That this Board hereby states its firm commitment to the development amendments to
5 Article 71 of the Zoning Ordinance as described hereinabove.
- 6 3. That staff is directed initiate amendments to Article 71 of the Zoning Ordinance to amend
7 setback requirements as follows:
 - 8 a. A wireless communication facility must be located at least the height of the tower times
9 two (X 2) from any residential structure, with the exception of a residential structure that is
10 occupied by the owner of the property upon which the wireless communication facility is
11 located. The setback requirement may be reduced with design certification by an
12 engineer.
 - 13 b. The setback must include enough area to contain the fall zone entirely within the
14 boundaries of the property owned or leased by the wireless communications provider.
 - 15 c. A wireless communication facility must be located at least two times (2X) the fall zone
16 from any public right of way or private road.
 - 17 d. A freestanding wireless communication tower must be located at least the height of the
18 tower times two (X2) from any high-tension power lines.
 - 19 e. In measuring setbacks, an accessory structure constructed to house equipment relating
20 to the wireless communication facility must be included as part of the wireless
21 communication facility. The edge of an accessory structure to a property line shall
22 constitute an appropriate measurement.

23 BE IT FURTHER RESOLVED that said amendments are in furtherance of the public
24 necessity, convenience, general welfare, and good zoning practice, and the Board directs that
25 once staff has prepared draft amendments for consideration, the amendments be brought forward
26 for notice, hearing, Planning Commission recommendation, and action by this Board.

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1 THIS RESOLUTION was passed by the Board of Supervisors of the County of Lake at
2 a regular meeting thereof on the _____ day of _____, 2019, by the following vote:

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4 AYES:

5 NOES:

6 ABSENT OR NOT VOTING:

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9 _____
10 CHAIR, Board of Supervisors

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13 ATTEST: Carol J. Huchingson

14 Clerk to the Board

 APPROVED AS TO FORM:

15 Anita L. Grant

16 County Counsel

17 By: _____

18 By: _____
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