

ARTICLE 71

SEC. 21-71 REGULATIONS FOR THE PLACEMENT OF COMMUNICATIONS TOWERS AND ANTENNAE

- 71.1 Purpose:** The purpose of this Section is to establish the regulations, standards and circumstances for the siting, design, construction and maintenance of wireless communication facilities in the unincorporated area of the County of Lake. (Ord. No. 2868, 07/10/2008)
- 71.2 Applicability:** Except as otherwise stated herein, the provisions of this Section are applicable in all zoning districts.
- 71.3 General Regulations:** Wireless telecommunication facilities shall be allowed on lots or parcels within the zoning districts specified in Section 27.11, Table B of the zoning ordinance, subject to a discretionary permit unless otherwise specified by Sections 71.4 or 71.5 of this Article. All wireless telecommunications facilities are subject to the following general regulations of their exempt status:
- (a) Wireless communication facilities shall comply with all applicable goals, objectives and policies of the general plan, area plans, zoning regulations and development standards.
 - (b) Wireless communication facilities shall comply with all FCC rules, regulations, and standards.
 - (c) Wireless communication facilities shall comply with all applicable criteria from the Lake County Airport Land Use Compatibility Plan (ALUP) and the Federal Aviation Administration (FAA).
 - (d) Wireless communication facilities shall be sited in the least visually obtrusive location possible as determined by the Community Development Director. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.
 - (e) Where a wireless communication facility exists on the proposed site location, co-location shall be pursued to the maximum extent feasible. If a co-location agreement cannot be reached, documentation of the effort and the reasons why co-location was not possible shall be submitted and reviewed by the Director of Community Development.
 - (f) Other regulations enacted pursuant to the General Plan and Area Plans, may be applied to the proposed wireless communication facility, depending on the location and type of facility.

- (g) Antennas and antenna towers shall be inspected, following significant storm or seismic events, by a structural engineer licensed in the state of California to assess their structural integrity, and a report of the engineer of the engineer's findings shall be submitted to the Community Development Department. Costs of inspection and reporting shall be borne by the permit holder.

71.4 Uses Permitted: The following types of wireless communications facilities are allowed in any zoning district and are exempt from the provisions of this Chapter:

- (a) Structure-mounted antennas as defined in Section 68.4(a)22 of this Chapter.
- (b) Ground-mounted antennas as defined in Section 68.4(a)23 of this Chapter.
- (c) A ground-or building-mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located.
- (d) A ground-or building-mounted citizens band radio antenna including any mast, provided the height of the antenna, including the tower, support structure, or post, does not exceed zoning district height requirements of the zoning district.
- (e) A ground-building-or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, provided that its maximum height does not exceed the height requirements of the zoning district.
- (f) A ground- or building-mounted receive-only radio or television satellite dish, which does not exceed thirty six (36) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the maximum height specified by the Zoning Ordinance for the principal structure by more than fifteen (15) percent.
- (g) Mobile services providing public information coverage of news events of a temporary nature.
- (h) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Community Development Director.
- (i) Wireless communication facilities to be used for public safety or homeland security purposes, installed and operated by authorized federal, state, or local public agencies.

71.5 Temporary Wireless Communications Facilities

- (a) Temporary wireless communications facilities shall be allowed on lots or parcels within the zoning districts specified in Section 27.2, Table A of the zoning ordinance, subject to approval of a Zoning Permit and the following requirements.

1. The application for a temporary wireless communication facility shall include a graphic and written description of the structure(s) and equipment to be installed, proposed uses, hours and days of operation, a photographic depiction of the site as it exists in its natural state, to be retained by the Community Development Department as a guide to site restoration, and other information as required by the Community Development Department.
2. The application shall include a description of the nature and frequency of activities that will occur at the site in conjunction with the facility, such as monitoring of test equipment, relocation of the facility, or special events that will take place at the site.
3. All temporary wireless communication facility operators shall reasonably cooperate in providing siting for additional collocutors at their sites and in sharing equipment.
4. The facility may remain in place until the intended uses have been completed, or for a maximum period of 90 days.
5. Temporary electric power to the site shall be provided by public utility service lines unless the applicant can demonstrate that this is not feasible, in which case on-site electric power production may be permitted.
6. On-site temporary power generation shall be designed to minimize environmental impacts from noise, emissions, and traffic. Power generation equipment shall not exceed noise limits at the property boundary as required by Section 41.11 of the Zoning Ordinance. Any equipment generating air emissions shall be subject to approval by Lake County Air Quality Management District.
7. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.
8. Removal of decommissioned or abandoned equipment and restoration of the site shall be completed by the permit holder within 30 days after discontinuation of use.
9. If substantive complaints are received from the operation of the temporary wireless communication facility the zoning permit may be revoked pursuant to Article 60 of the Zoning Ordinance.

71.6 Uses permitted subject to first obtaining a Minor Use Permit in each case:

Subject to the requirements of Government Code Section 65850.6:

- (a) Collocation of wireless telecommunications facilities on existing towers or poles, provided that there is no increase in height.

71.7 Uses permitted subject to first obtaining a Major Use Permit in each case:

- (a) New or replacement wireless telecommunication facilities.

71.8 General Development Standards for all Wireless Telecommunication Facilities:

(a) Site Location:

1. Facility towers, antennas, buildings and other structures and equipment visible from adjacent residences or public vantage points, shall be designed, located, constructed, painted, screened, fenced, landscaped or otherwise architecturally treated to minimize their appearance and visually blend with the surroundings.
2. Co-location is required when feasible and when it minimizes adverse effects related to land use compatibility, visual resources, public safety and other environmental factors. Co-location is not required when it creates or increases such effects and/or technical evidence demonstrates to the satisfaction of the Community Development Director that it is not feasible due to physical, spatial, or technological limitations. Fiscal constraints or competitive conflicts are not considered justifiable reason for not co-locating a new facility where opportunity for co-location exists.
3. Wireless communication facilities shall not be sited in a way which will create visual clutter or negatively affect view from communities, highways and major collector roads, from Clear Lake or from highly used public areas, such as but not limited to parks and resorts.
4. New communication facilities shall be discouraged on ridge top sites where they will be silhouetted against the sky from communities, highways and major collector roads or from highly used public areas, such as but not limited to parks and resorts.
5. Wireless communications facilities shall be screened from any public viewing areas to the maximum extent feasible.
6. Disturbance of existing topography and on-site vegetation shall be minimized, unless such disturbance would substantially reduce the visual impacts of the facility.
7. 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.
8. No telecommunication 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 Director of Community Development that

the proposed location is the most feasible location for the provision of services as required by the FCC.

9. No telecommunication facility shall be installed within the safety zone of any airport within Lake County unless the airport owner/operator indicates that it will not adversely affect the operation of the airport, and the proposal is reviewed and approved by the Airport Land Use Commission.
10. No telecommunication facility shall be located in an environmentally sensitive habitat, such as but not limited to, wetlands, vernal pools, or special study areas containing rare and endangered plants and animals.
11. In instances where the wireless telecommunication facility is located near or in a residential area, or located within a Community Growth Boundary or within one (1) mile of said Boundary, photos shall be submitted of the proposed facility from the nearest residential neighbors. In instances where the wireless communication facility would be visible from a State Highway or County Collector or Arterial Road or from Clear Lake a detailed visual analysis of the facility shall be submitted.
12. Anti-climb devices or fencing and safety signage shall be installed to prevent unauthorized access to equipment.
13. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.
14. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot which meets the minimum lot size requirement for the Zoning District.
15. A subdivision pursuant to the State Subdivision Map Act shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
16. The maximum height of any communications tower shall be 150 feet.
17. The foundation and base of any communications tower shall be setback from a property line (not lease line) located in any Residential District at least 100 feet and shall be set back from any other property line (not lease line) at least 50 feet.
18. Existing trees and other vegetation which will provide screening for the proposed facility and associated access roads shall be protected from damage during construction. Additional landscaping or visual screening shall be installed and maintained where it would mitigate visual impacts of a

communication facility. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area, and shall be maintained through-out the life of the project. Communication facility sites, whether leased or purchased, shall be of sufficient size to include vegetative screening if landscaping would provide a useful reduction to visual impacts. No trees that provide visual screening of the communication facility shall be removed except to comply with fire safety regulations or to eliminate safety hazards. Tree trimming shall be limited to the minimum necessary for operation of the facility.

19. The communications equipment building shall comply with the required yards and height requirements of the applicable zoning district for an accessory structure.

(b) Design Review and Frequency Emission Compliance

1. Towers and monopoles shall be constructed of metal or other non-flammable material, unless specifically conditioned by the County to be otherwise.
2. Support facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed of non-flammable, no-reflective materials and shall not exceed a height of twenty (20) feet.
3. All ancillary buildings, poles, towers, antenna supports, antennas, and other components or telecommunication facilities shall be of a color or combination of colors approved by the Appropriate Authority. If the facility is conditioned to require paint, it shall initially be painted with a flat paint color approved by the Appropriate Authority, and thereafter repainted as necessary with a flat paint color. Components of the telecommunication facility which will be viewed against soils, trees, or grasslands shall be of a color matching these landscapes.
4. A visual simulation of the wireless telecommunication facility shall be provided. Visual simulation shall consist of either a physical mock-up of the facility, a balloon simulation with a balloon tethered at the height of the proposed tower and of a diameter matching the maximum width of the proposed antenna, a computer simulation or other reasonable and comparable means.
5. Special design of the wireless telecommunication facilities may be required to mitigate potentially significant adverse visual impacts.
6. All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

7. The site of a communications tower shall be secured by a fence with a maximum height of 8 feet to limit accessibility by the general public.
8. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
9. Communications Towers shall be protected and maintained in accordance with the requirements of the County's Building Code.
10. One off street parking space shall be provided within the fenced area.
11. Written documentation shall be submitted to the Community Development Department annually by permit holders, prepared by Radio Frequency Engineers or other qualified professionals, that verify compliance with FCC regulations if any change in facility conditions justify said documentation. Written affirmation shall be submitted to the Community Development Department annually by permit holders that verifies continuing compliance with FCC regulations.

71.9 Application Submittal Requirements for Wireless Telecommunications Facilities:
Applications for wireless telecommunications facilities shall include the following information:

- (a) The applicant shall provide written documentation that is licensed by the Federal Communications Commission to operate a communications tower, or that it is a tower development company that is representing a Federal Communication Commission licensed client.
- (b) The applicant shall provide written documentation that the proposed wireless telecommunications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (c) Communications towers shall comply with all applicable Federal Aviation Administration and applicable Airport Zoning Regulations.
- (d) Any applicant proposing construction of a new communications tower shall provide written documentation that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure or communications tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply:

1. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed antennae and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed antennae and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- (e) The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- (f) The applicant shall submit certification from a California registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the County's Building Code.
- (g) The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1 million per occurrence and property damage coverage in the minimum amount of \$1 million per occurrence covering the communications tower and communications antennas.
- (h) A description of the facility that includes;
1. The types of services to be provided by the applicant to its customers.
 2. The number, type and dimensions of antennas and other equipment to be installed.
 3. The power rating for all antennas and equipment.
 4. A statement that the system by itself, and in conjunction with other facilities in the vicinity, will conform to radio frequency radiation emission standards adopted by the FCC.
 5. Capacity of the site and facility to accommodate expansion through co-location.

- (i) A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Lake County, showing the approximate area served by each antenna.
- (j) A map showing the location of all other wireless communication facilities within five air miles of the proposed facility.
- (k) Written evidence of ownership or authorization for use of the proposed site. Applicant shall not enter into a lease that precludes possible co-location.
- (l) Written evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.
- (m) Visual analysis of the proposed facility at design capacity, including at a minimum photo montages, photo simulations or other accurate representations of visual appearance from at least three different locations, at least two of which shall be from public locations from where the facility will be most visible. For locations determined by the Community Development Director to be especially visually sensitive, the applicant may be required to provide a demonstration of the proposed height of the facility on the site in the form of a tethered balloon, vehicle-mounted boom, or other object raised to the proposed height.
- (n) A narrative discussing the factors leading to selection of the proposed site and antenna height, including alternative sites considered. For facilities not proposed to be co-located, the applicant shall provide a detailed statement substantiating why co-location is not practical.
- (o) A statement that the applicant and successors agree to negotiate in good faith for co-location of proposed facility by third parties, and require no more than a reasonable charge for co-location.
- (p) The Community Development Director may waive submittal requirements or require additional information based on factors specific to an individual project. The Director may, at the applicant's expense, require independent peer review of any technical claims or data submitted as part of the review process.
- (q) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.

71.10 Regulations Governing Telecommunications Antenna and Equipment Buildings

- (a) Building mounted wireless telecommunications antennas shall not be located on any single-family dwelling or two family dwelling.

- (b) Building mounted communications antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than 20 feet.
- (c) Omni directional or whip communications antennas shall not exceed 20 feet in height and 7 inches in diameter.
- (d) Directional or panel communications antennas shall not exceed 5 feet in height and 3 feet in width, unless the cumulative visual impact of an array can be reduced by using a different size.
- (e) Any applicant proposing communications antennas to be mounted on a building or other structure shall submit documentation from a California registered professional Engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
- (f) Any applicant proposing communications antennas mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to be reviewed for compliance with the State and local building requirements and other applicable law.
- (g) Any applicant proposing wireless telecommunications antennas to be mounted on a building or other structure shall submit evidence of agreements with the property owner.

71.11 Reporting Requirement

- (a) All telecommunications carriers and providers that offer or provide any telecommunication services for a fee directly to the public applying for use permits, within the unincorporated areas of the County of Lake, shall file a report with the County pursuant to this Chapter on forms to be provided by the Director or Community Development and which shall include the following:
 - 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 report.
 - 3. A narrative and map description of applicant's existing or proposed facilities within the unincorporated areas of the County of Lake.
 - 4. A written description of the telecommunication services that the applicant intends to offer to provide, or is currently offering or providing, to persons, firms, businesses or institutions within the unincorporated areas of the County of Lake.

5. Written documentation sufficient to determine that the applicant has applied for and received any certificate of authority required by the California Public Utilities Commission to provide telecommunications services or facilities within the unincorporated areas of the County of Lake.
6. Written documentation sufficient to determine that the applicant has applied for and received any building permit, operating license or other approvals required by the Federal Telecommunications Commission (FCC) to provide services or facilities within the unincorporated areas of the County of Lake.
7. Such other information as the Director of Community Development may reasonably require.

(b) The purpose of the report under this Section is to:

1. Provide the County with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the unincorporated areas of the County of Lake, or that own or operate facilities within the unincorporated areas of the County of Lake;
2. Assist the County in the enforcement of this Chapter;
3. Assist the County in monitoring compliance with local, State and Federal laws.

(c) Amendment. Each applicant shall inform the County, within sixty (60) days of any change of the information required pursuant to this Section.

71.12 Site Restoration upon Termination/Abandonment of Facility

- (a) The site shall be restored to its natural state within six (6) months of termination of use or abandonment of the site.
- (b) Applicant shall enter into a site restoration agreement subject to the approval of the Director of Community Development and County Counsel.
- (c) If a Communications Tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communications tower within six (6) months of the expiration of such 12 month period.

71.13 Findings for Approval: In addition to the applicable findings of Sections 50.4 and 51.4 of the Zoning Ordinance for approval of minor and major use permits, the following findings shall be made for approval of wireless telecommunications facilities:

- (a) That the development of the proposed wireless communications facility will not significantly affect any public viewshed, scenic corridor or any identified

environmentally sensitive area or resource as defined in the Lake County General Plan or Area Plans.

- (b) That the site is adequate for the development of the proposed wireless communications facility and that the applicant has demonstrated that it is the least intrusive for the provision of services as required by the FCC.
- (c) That the proposed wireless communication facility complies with all of the applicable requirements of Article 71 of the Lake County Zoning Ordinance.
- (d) 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.

71.14 Indemnification: Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the County and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit.

71.15 Conflicts with Other Chapters: If this Section is found to be in conflict with any other Chapter, Section, Subsection, or Title, the provisions of this Section shall prevail.