

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CODE FOR MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division I of Title 20, Chapter 20.212 of the Mendocino County Code, Chapter 20.236 of the Mendocino County Code is hereby changed as described below.

Modify Section 20.020.075, Major Impact Services and Utilities, of Chapter 20.020 (Civic Use Types):

"Major impact services and utilities" means services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are power generating facilities, sewage disposal facilities, septage disposal facilities and sites, sanitary landfills and water treatment plants. ~~and radio, telephone, and other commercial communication transmission towers and antennas.~~

Add a new use type to Chapter 20.020 as Section 20.020.090, Wireless Telecommunication Towers and Antennas, to read:

"Wireless telecommunication facility" means radio, telephone, television, wireless and all other communication towers and antennas. All such uses shall be subject to the permit process provided in Chapter 20.236.

Amend Section 20.236.020, Private Antennas, to be renamed Exempt Facilities, of Chapter 20.236 (Towers and Antennas) to state.

The following wireless telecommunication facilities are exempt from the requirements of this chapter.

- (A) Private communication equipment utilized for personal use such as private radio, television, internet or ham radio antenna. Such facilities shall be limited in height by Section 20.152.025.
- (B) Government-owned communications facilities used primarily to protect public health, safety and welfare.
- (C) Facilities operated by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.
- (D) Any facility specifically exempted under federal or state law.
- (E) Minor modifications to existing legal wireless communication facilities, including replacement in-kind or with smaller or less visible equipment that will have little or

no change in the visual appearance of the facility, may be exempt if so determined by the Director of the Department of Planning and Building Services.

The exemptions set forth in this section shall apply only to facilities demonstrating radio-frequency emission compliance with FCC regulations pursuant to FCC Office of Engineering Technology (OET) Bulletin No. 65 entitled “Evaluating Compliance With FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”

(August 1977 or later revisions or successors thereto) and shall not apply to any facility not categorically exempt from FCC regulation pursuant to FCC OET 65, or to any facilities operated, leased to, or used by common carriers or wireless telecommunications service providers or to television and/or radio broadcast facilities.

Add a new section to Chapter 20.236 (Towers and Antennas), Section 20.236.030 Permit Process, to state:

Provided a project is consistent with the Development Standards found in Section 20.236.035, as determined by the Director of Planning and Building Services, the following types of wireless communication facilities and associated uses are permitted upon the issuance of an Administrative Permit:

- (A) Additional facilities to be co-located upon an existing wireless facility
- (B) Building-mounted antennas
- (C) Roof-mounted antennas
- (D) New wireless communication towers?

All other proposed wireless facilities that do not qualify for an Administrative Permit must apply for a Major Use Permit.

Add a new section to Chapter 20.236 (Towers and Antennas), Section 20.236.035, Development Standards to state:

- (A) Additional facilities to be co-located upon an existing wireless facility
  1. The type and size of the new antennas, associated equipment, and any improvements are consistent with the requirements of the original use permit.
  2. The new antenna array does not exceed the height of the existing telecommunications tower.
  3. The width of the proposed antenna array does not exceed the width of the existing array or arrays.

desktop 1/8/13 9:45 AM  
Or just permitted. Both options will be presented to decision-makers.

4. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

5. Shared Roads standard

(B) Building-mounted antennas. Building mounted antennas shall be located and designed to appear an integral part of the structure. To this end, they must comply with the following standards.

1. The antenna and mountings shall not project more than 18 inches from the building surface to which it is mounted.

2. Antennas, connections and supports shall be treated to match the color scheme of the building or structure to which they are attached, if visible from off-site.

3. Antennas and connections shall not project higher than the side of the building or structure upon which it is mounted.

4. Must be located on a legal structure that has obtained all applicable permits and conforms to the current zoning district.

5. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof if screened from off-site views.

6. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(C) Roof-mounted antennas

1. Roof-mounted antennas shall not exceed the maximum building height for the zoning district.

2. All equipment shelters, cabinets or other structures utilized or built in connection with the facility shall be located inside the building being utilized for the facility, or on the ground outside the setback area or any required parking area, or on the roof, if screened from off-site views.

3. The combined level of radio frequency radiation for all arrays does not exceed the maximum permissible exposure level set by the Federal Communications Commission.

(D) New wireless communication towers?

desktop 1/8/13 9:55 AM  
Legal? Do Verizon and AT&T  
provide broadband as well?

1. Shall only apply to small broadband or high-speed internet providers
2. No part of the facility shall exceed the maximum building height for the zoning district.
3. Installations must be located far from any prospective viewer and in such a way as to have a backdrop of terrain which obscures the visibility of the facility as to make it visibly unobtrusive and effectively unnoticeable. Any such installation must also be found not to create the potential for adverse impacts from site development such as access limitations, significant vegetation removal, or operational impacts such as noise (from generators or other accessory equipment).

Add a new section to Chapter 20.236 (Towers and Antennas), Section 20.236.040, Noticing to state:

(A) Use permits. All noticing for hearings on use permit applications for wireless telecommunications facilities shall be in accordance with Section 19.10.020, except that notice shall be provided to all owners and occupants of real property within 1000 feet of the site proposed for the facility. Such notice shall be mailed no less than 30 days prior to its hearing with the Planning Commission or Board of Supervisors.

(B) Administrative Permit for wireless telecommunications facility. Before issuing an Administrative Permit for wireless telecommunications facilities, the director shall provide written notice to all owners and occupants of real property within 1000 feet of the site proposed for the facility. Such notice shall be mailed no less than 15 days prior to the director's action on the permit and shall state the date that the permit will be issued and describe the facility which will be permitted. Such notice shall also state that, while an aggrieved person may appeal the determination to issue the permit, the decision may be reversed or modified on appeal only if the Planning Commission or Board of Supervisors determines that the director erroneously determined that the requirements for the issuance of the permit were met.

Add a new section to Chapter 20.236 (Towers and Antennas), Section 20.236.045, Application requirements to state:

The following items shall be required for each permit for a wireless telecommunications facility.

(A) Use Permits

1. All application materials generally required for a use permit.
2. All materials listed in the County Guidelines for the Development of Wireless Communication Facilities.

(B) Administrative Permits

desktop 1/8/13 10:51 AM  
Additional requirements would  
likely be added if new towers were  
eligible.

desktop 1/8/13 10:44 AM  
Format error

1. A description of the facility that includes:
  - (a) The types of services to be provided by the applicant to its customers.
  - (b) The numbers, types and dimensions of antennas and other equipment to be installed.
  - (c) The power rating for all antennas and equipment.
  - (d) A statement that the system will conform to radio frequency radiation emission standards adopted by the Federal Communications Commission.
2. A map showing the locations of all other existing and proposed antennas included in the applicant's system for provision of service within Mendocino County, showing the approximate area served by each antenna.
3. Evidence of ownership or authorization for use of the proposed site.
4. Evidence of easements or other authorization for proposed utility lines and for vehicular access between the site and a public road.
5. A site plan showing the location of all structures and equipment to be located on the site.
6. Elevations drawings of the site and facility including height of structures and antennas.
7. The applicant shall submit any related information deemed necessary by the Director of the Department of Planning and Building Services to determine that a proposed installation meets the Development Standards found in Section 20.236.035

**Add definitions.**

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this \_\_\_\_\_ day of \_\_\_\_\_, 2001, by the following vote:

AYES  
NOES:  
ABSENT:

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

\_\_\_\_\_  
Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN  
Clerk of said Board

By \_\_\_\_\_

CASE#: {CASE NUMBER}  
OWNER: {OWNER}