

ATTACHMENT 3

ORDINANCE NO. _____,

**ADDING SECTION 313-91 AND AMENDING SECTIONS 313-138, AND 313-171 OF CHAPTER 3 OF
DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE, ESTABLISHING UNIFORM REGULATIONS
FOR WIRELESS COMMUNICATIONS FACILITIES**

**ORDINANCE REGULATING THE DEVELOPMENT OF WIRELESS TELECOMMUNICATIONS FACILITIES BY
AMENDING TITLE III, DIVISION 1, CHAPTER 3**

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

SECTION 1. PURPOSE OF ADDITION TO THE ZONING REGULATION

Title III, Division 1, Chapter 3, Regulations Inside the Coastal Zone, is hereby amended to include a uniform and comprehensive set of standards for the development of Wireless Telecommunications Facilities. This ordinance adds section 313-91, amends sections 313-138, and 313-171 in Chapter 3 of Division 1 of Title III of the County Code.

SECTION 2. WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

Section 313-91.2 establishing uniform and comprehensive standards for the development of wireless telecommunications facilities in Title III, Division 1, Chapter 3 of the Humboldt County Code is hereby amended and added to as follows:

313-91.2 WIRELESS TELECOMMUNICATIONS FACILITIES

91.2.1 PURPOSE. The purpose and intent of this Section is to provide a reasonable, uniform and comprehensive set of standards and procedures for the deployment, construction, installation, co-location, modification, operation and removal of wireless telecommunications facilities within the unincorporated areas of Humboldt County, consistent with and to the extent permitted under federal and California state law. These regulations are intended to protect and promote the public health, safety and welfare of the residents of the unincorporated areas of Humboldt County, to protect aesthetic values, to achieve reliable communications, including high speed broadband, to every resident, business and institution, to encourage siting in preferred locations to expand service to unserved and underserved areas, to minimize visual blight and preserve the County's rural character, including the protection of scenic, natural and cultural resources, and to minimize the intrusion of these uses into residential areas.

91.2.2 APPLICABILITY. Except as expressly provided otherwise in this Section, these provisions shall be applicable to all telecommunications facilities within the county's jurisdiction.

91.2.3 DEFINITIONS.

Antenna: Communications equipment that transmits and/or captures radio electromagnetic waves.

Base Station: A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network.

Camouflage: See Concealment Element.

Co-location: Mounting or installing an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.

Concealment Element: The design features of a facility which hide that it is a wireless tower or base station. Concealment elements include but are not limited to (1) Faux tree design; (2) faux water tank design; (3) faux flagpole design; (4) facilities under cupolas; and (5) architectural addition consistent in style to existing structure, including existing wireless facilities.

Decorative pole: Any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located.

Eligible Facilities Request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

1. co-location of new transmission equipment;
2. removal of transmission equipment; or
3. replacement of transmission equipment.

Equipment Building: See Base Station.

Facility: See Wireless Telecommunications Facility.

Faux Trees: Camouflaged monopoles made to resemble different types of trees.

FCC Shot Clock: the presumptively reasonable time frame within which the county must act on a wireless application, as defined by the Federal Communications Commission (FCC) and as may be amended from time to time.

Guyed Tower: A wireless communication mast or tower that is supported, in whole or in part, by guy wires and ground anchors.

High Visibility Facilities: Facilities that are not effectively integrated into the natural and/or built environment and would stand out to the average, untrained observer. High Visibility Facilities include,

but are not limited to: (1) Lattice Tower and Guyed Towers; (2) Faux trees and monopoles that exceed the maximum height of the underlying zoning; (3) Non-stealth design facilities; (4) any facility that does not qualify as an invisible or low-visibility facility.

Invisible Facilities: Wireless telecommunication facilities including, but not limited to towers, poles, antennas, equipment buildings and any other ancillary equipment, that cannot be seen from any street nor from any adjacent properties, and that do not result in any apparent architectural changes or additions to a structure or facility. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.

Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame support structure used to support wireless communications equipment.

Low Visibility Facility: Facilities that are well-integrated into the natural and/or built environment. Low visibility facilities include but are not limited to: (1) Monopoles and faux-trees that are within 10% of the height of surrounding structures or trees and which do not exceed the maximum building height for the underlying zone; (2) facilities attached to existing structures which do not increase the height by more than 10% and which do not exceed the maximum building height in the underlying zone; and (3) facilities that are screened or painted to match the appearance of the surrounding area.

Monopole: A wireless telecommunications facility consisting of a single pole constructed without guy wires and ground anchors.

Public Safety Communications Facilities: Wireless telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.

Roof Mounted Antenna: Any antenna with its support structure placed directly on the roof of any building.

Service Area: The area served by a single wireless telecommunications facility.

Service Network: The wireless communication transmission system operated by a service provider in a community or jurisdiction.

Small Cell Wireless Facility (SCWF): The same as defined in 47 C.F.R. §1.6002(I), as may be amended or superseded, which defines the term as follows:

1. The facilities—
 - a. Are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. §1.1320(d), or
 - b. Are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
2. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in section 1.1320(d), is no more than three cubic feet in volume;
3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
4. The facilities do not require antenna structure registration under 47 C.F.R., Chapter 1;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).

Stealth Design: Facilities designed to look like some feature other than a wireless tower or base station. Stealth design incorporates concealment elements. Stealth design facilities may be considered low visibility or high visibility depending on the height and effectiveness of the integration.

Telecommunications: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower: Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support Antennas.

Tower: See Telecommunications Tower

Utility Pole: Any above-ground pole used to support electrical, telephone, cable, and internet wires.

Wireless Telecommunications Facility: Any facility that provides wireless telecommunications services. This includes but is not limited to antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, base stations, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the FCC, in 47 C.F.R., Part 97 of the Commission’s Rules nor to TV and radio transmission facilities, nor to Public Safety Communications Facilities.

91.2.4 WIRELESS TELECOMMUNICATIONS FACILITY APPLICATION PROCESS. Applications shall be processed based upon a three-tier permitting system. Applications for facilities within the right-of-way shall also require an encroachment permit from the Department of Public Works.

91.2.4.1 Tier 1 – No Public Hearing Required

91.2.4.1.1 Zoning Clearance Certificate Required. These facilities shall be allowed as principally permitted uses without the need for a public hearing. A facility meeting the following criteria shall be subject to a Zoning Clearance Certificate:

1. Eligible Facilities Requests (co-location, removal or replacement of transmission equipment). Eligible Facilities Requests may be permitted with a Zoning Clearance Certificate. If any of the following is true of a proposed co-located facility, the application does not qualify as an Eligible Facilities Request:

- a. Height: It increases the height of the structure by:
 - i. For towers outside the right-of-way: More than the greater of (a) 10% or (b) the height of one additional antenna array, plus up to 20 feet of separation from the nearest existing array.
 - ii. For towers inside the right-of-way and base stations: More than the greater of 10% or 10 feet.
- b. Width: It involves adding an appurtenance to the body of the tower:
 - i. For towers outside the right of way: That would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - ii. For towers inside the right-of-way or base stations: That would protrude from the edge of the structure by more than six feet.

- c. Cabinets: It involves installation of more than four cabinets as part of that modification.
 - i. For towers inside the right of way or base stations, it is also a substantial change if it involves installation of ground cabinets where there are none, or that are more than 10% larger in height or overall volume than any existing ground cabinets.
 - d. Site: It involves excavation or deployment outside of the current site, except for towers outside of the right-of-way, it involves excavation or deployment outside of the current site by more than 30 feet in any direction, not including any access or utility easements.
 - e. Concealment: It would defeat the concealment elements of the eligible support structure. This only applies to a structure that is designed and originally permitted to look like something other than a wireless facility.
 - f. Siting Conditions: It does not comply with the conditions in the siting approval of the eligible support structure, unless this non-compliance meets the other thresholds under Section 6409.
2. New Non-SCWF in Industrial and Commercial Zoning Districts (Section 313-2 and 313-3) except when the facility does not meet the height and setback requirements of the underlying zone and/or the facility is within view of a designated California State Scenic Highway.
3. New or modified Non-SCWF within the developed area of an existing permitted telecommunications facility in the AE – Agricultural Exclusive, TC – Commercial Timberland and TPZ – Timber Production Zones provided that:
- a. The proposed facility does not result in the conversion of any agricultural land or timberland to other uses; and
 - b. The proposed facility does not exceed 150 feet in height; and
 - c. All obstruction lighting uses only blinking lights; and
 - d. The proposed tower does not use guy wires for support.
4. New SCWF excepting those in:
- a. Residential Zone Districts (Section 314-6); and

b. Resource Zone Districts (314-7)

91.2.4.1.2 Design Review Required. These facilities shall be allowed only if certain design criteria are met. A facility meeting the following criteria shall be subject to Telecommunications Facilities Design Review.

1. New, invisible Non-SCWF, excepting in Residential Zone Districts (Section 313-6), and Resource Zoning Districts (313-7).
2. New SCWF in Residential Zoning Districts.
3. Co-location of SCWF and Non-SCWF that do not qualify for a Zoning Clearance Certificate. Pursuant to Government Code section 65850.6, as may be amended or superseded, this applies when a facility that does not qualify as an Eligible Facilities Request would be co-located on a facility previously approved with only a ministerial permit.

91.2.4.2 Tier 2 – Special Permit Required. Facilities meeting any of the following criteria shall require a Special Permit:

91.2.4.2.1 All SCWF & Non-SCWF that do not meet the criteria of Tier 1 or Tier 3

91.2.4.3 Tier 3 – Use Permit Required. Facilities meeting the following criteria shall require a Conditional Use Permit:

91.2.4.3.1 New, non-SCWF in Residential Zone Districts (Section 313-6).

91.2.4.3.2 All SCWF and non-SCWF in Resource Zoning Districts (313-7) except those meeting the criteria for Tier 1.

91.2.4.3.3 Any Other Zoning District

1. New non-SCWF that exceed the maximum height of the underlying zone, except when meeting the criteria for Tier 1.
2. New high visibility non-SCWF facilities, except when meeting the criteria of Tier 1.
3. New non-SCWF located on ridgetops or hilltops, in all zones.

91.2.4.4 Encroachment Permit. In addition to meeting all requirements for the appropriate tier an Encroachment Permit issued pursuant to County Code Title IV, Div. 1, Chapter 1, § 411-1 et seq., is required for any facility proposed within a County maintained road right of way.

91.2.4.5 Coastal Development Permit Required. In addition to meeting all requirements for the appropriate tier, all applications for facilities in the coastal zone shall require a Coastal

Development Permit, unless it is found to be exempt pursuant to Chapter 1, Division 20 of Public Resources Code commencing at Section 30000.

91.2.5 GENERAL REGULATIONS

91.2.5.1 Setbacks.

1. No tower or equipment buildings shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
2. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).

91.2.5.2 Right of way. Non-SCWF shall not be located within a County-maintained road right of way unless it can be factually established that the facilities would not incommode or inconvenience the public use thereof.

91.2.5.3 Backup Power Sources. Renewable sources of energy for emergency backup power are encouraged, but not required.

91.2.5.4 Noise. Routine noise from any equipment supporting the facility shall not exceed 50 dB or the ambient noise levels, whichever is lower. Backup generators shall be used on a temporary basis only. Noise levels from backup generators shall not exceed 60 dB. Noise-attenuating structures may be required.

91.2.5.5 Base Station Size. All equipment buildings may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.

91.2.5.6 Underground Utility Districts. All wireless telecommunication infrastructure, including but not limited to SCWFs, proposed in an underground utility district shall comply with all of the requirements of that district in addition to the requirements of this chapter.

91.2.5.7 Security. Equipment buildings and facilities shall be secured to prevent unauthorized access.

91.2.5.8 Hazard to Flight. SCWF shall not be installed or operated in locations where the Federal Aviation Administration (FAA) has determined that the infrastructure poses a hazard to flight.

91.2.5.9 Special provisions in Residential Zones (313-6)

1. Lattice towers and guyed towers are prohibited in Residential zones.
2. Noise from routine operations and from backup generators shall not exceed 50 dB or ambient, whichever is higher. This may require placement of equipment in a noise-attenuating structure.

91.2.5.10 The Planning Commission may waive or modify standards and requirements based on specific findings that demonstrate necessity and no detriment to public health safety and welfare, or based on finding that strict compliance would effectively prohibit the applicant's ability to provide wireless telecommunications services. The applicant must clearly and factually demonstrate that:

1. The proposed facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. Section 332(c)(7)(C)(ii), as may be amended or superseded;
2. a reasonable and clearly defined coverage or capacity objective would be achieved by the proposed wireless facility;
3. the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this chapter;
4. all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant or the County) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable technical service objective;
5. the proposed location and design is the least non-compliant configuration that will reasonably achieve the coverage or capacity objective, which includes a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area, as appropriate.

91.2.5.11 Conditional Approvals; Denials without Prejudice. Subject to any applicable federal or California laws or regulations, nothing in this chapter is intended to limit the ability of the Planning Director, the Zoning Administrator, or the Planning Commission to conditionally approve or deny without prejudice any permit application as may be necessary or appropriate to ensure compliance with this section.

91.2.5.11 Appeals. Any decision to approve, conditionally approve or deny a Design Review or Special Permit shall be appealable to the Planning Commission. Any decision by the Planning Commission to approve, conditionally approve or deny a project shall be appealable to the Board of Supervisors. Appeals shall be filed pursuant to section 312-13.1.

91.2.6 DESIGN STANDARDS SCWF.

91.2.6.1 SCWF shall be invisible or low visibility.

91.2.6.2 SCWF facilities within a County maintained road right of way shall comply with the following:

91.2.6.2.1 <NOT USED>

91.2.6.2.2 Accessibility. SCWF shall not be constructed to create a barrier under federal and state Americans with Disabilities Act (ADA). In addition, an unobstructed five (5) foot wide path of travel shall be provided where SCWF are constructed that would otherwise reduce the existing width of the sidewalk.

91.2.6.2.3 Prohibited Locations. SCWF shall not be mounted on any traffic control device and their appurtenances, including, but not limited to, signs, sign supports, traffic signals, and traffic signal appurtenances.

91.2.6.2.4 Future roadway improvements. SCWF constructed on a road where there is no existing sidewalk, the SCWF and appurtenances shall be positioned to accommodate the future construction of sidewalks without the need to relocate facilities. Applicant shall at no cost to the County relocate, remove, and/or adjust such facilities to accommodate County road improvement projects.

91.2.6.2.5 Underground Districts. Where an Underground District has been established pursuant to County Code Section 361-3, no new poles may be constructed. Existing poles may be replaced to accommodate SCWF.

91.2.6.2.6 Lights. SCWF shall not include any lights that would be visible from publicly accessible areas, except as may be required under Federal Aviation Administration (FAA), FCC, other applicable regulations for health and safety. All equipment with lights (such as indicator or status lights) must be installed in locations and within enclosures that mitigate illumination impacts visible from publicly accessible areas. The provisions in this

subsection shall not be interpreted or applied to prohibit installations on streetlights or luminaires installed on new or replacement poles as may be required under this chapter.

91.2.6.2.7 Landscape Features. SCWF shall not displace any existing landscape features unless: (A) such displaced landscaping is replaced with native and/or drought-resistant plants, trees or other landscape features approved by the Director of Public Works and (B) the applicant submits and adheres to a landscape maintenance plan. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location.

91.2.6.2.8 Site Security Measures. SCWF may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft or vandalism. The Director of Public Works shall not approve any barbed wire, razor ribbon, electrified fences or any similarly dangerous security measures. All exterior surfaces on SCWF shall be constructed from or coated with graffiti-resistant materials.

91.2.6.2.9 Signage; Advertisements. All SCWF must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. As approved by the Director of Public Works, SCWF may not bear any other signage or advertisements unless expressly approved by the Director of Public Works, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.

91.2.6.2.10 Compliance with Health and Safety Regulations. All SCWF shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions, the Americans with Disabilities Act, California Building Standards Code and County Code.

91.2.6.2.11 Overall Height. SCWF may not exceed either (A) the minimum separation from electrical lines required by applicable safety regulations (such as CPUC General Order 95, Rules for Overhead Construction Lines), plus four feet or (B) four feet above the

existing support structure. However, at no point shall an existing support structure be increased by more than 10 feet above existing height.

91.2.6.2.12 Antennas.

1. Concealment. All antennas and associated mounting equipment, hardware, cables, or other connectors must be completely concealed within an opaque antenna shroud or radome. The antenna shroud or radome must be graffiti-resistant and painted a flat, non-reflective color to match the underlying support structure.

2. Antenna Volume. Each individual antenna may not exceed three cubic feet in volume and all antennas may not exceed six cubic feet in volume.

91.2.6.2.13 Accessory Equipment.

1. Installation Preferences. All non-antenna accessory equipment shall be installed in accordance with the following preferences, ordered from most preferred to least preferred:

(i) underground;

(ii) on the pole or support structure; or

(iii) integrated into the base of the pole or support structure.

Applications that involve lesser-preferred installation locations may be approved so long as the applicant demonstrates that a more preferred installation location would be technically infeasible as supported by clear and convincing evidence in the written record.

2. Undergrounded Accessory Equipment. All undergrounded accessory equipment must be installed in an environmentally controlled vault that is load-rated to meet the county's standards and specifications. Underground vaults located beneath a sidewalk must be constructed with a slip-resistant cover. Vents for airflow shall be flush-to-grade when placed within the sidewalk and may not exceed two feet above grade when placed off the sidewalk. Applicants shall not be permitted to install an underground vault in a location that would cause any existing tree to be materially damaged or displaced.

3. Pole-Mounted Accessory Equipment. All pole-mounted accessory equipment must be installed at least 10 feet above grade and flush to the pole to minimize the overall visual profile. If any applicable health and safety regulations prohibit flush-mounted equipment, the maximum separation permitted between the accessory equipment and the pole shall be the minimum separation required by such regulations. All pole-mounted equipment and required or permitted signage must be placed and oriented away from adjacent sidewalks and structures. Pole-mounted equipment may be installed behind street, traffic or other signs to the extent that the installation complies with applicable public health and safety regulations. All cables, wires and other connectors must be routed through conduits within the pole, and all conduit attachments, cables, wires and other connectors must be concealed from public view. To the extent that cables, wires and other connectors cannot be routed through the pole, applicants shall route them through a single external conduit or shroud that has been finished to match the underlying support structure.

4. Base-Mounted Accessory Equipment. All base-mounted accessory equipment must be installed within a shroud, enclosure or pedestal integrated into the base of the support structure. All cables, wires and other connectors routed between the antenna and base-mounted equipment must be concealed from public view.

5. Ground-Mounted Accessory Equipment. The Director of Public Works shall not approve any ground-mounted accessory equipment including, but not limited to, any utility or transmission equipment, pedestals, cabinets, panels, or electric meters.

6. Accessory Equipment Volume. All accessory equipment associated with a SCWF installed above ground level shall not cumulatively exceed: (i) nine (9) cubic feet in volume if installed in a residential district or within 500 feet from any structure approved for a residential use; or (ii) seventeen (17) cubic feet in volume if installed in a non-residential district. The volume calculation shall include any shroud, cabinet or other concealment device used in connection with the non-antenna accessory equipment. The volume calculation shall not include any equipment or other improvements placed underground.

91.2.6.2.14 Streetlights. Applicants that propose to install SCWF on an existing streetlight must remove and replace the existing streetlight with one substantially similar to the county's standards and specifications but designed to accommodate wireless antennas and accessory equipment, unless the existing streetlight has been designed and engineered to support a SCWF in accordance with applicable health and safety regulations. To mitigate any material changes in the streetlighting patterns, the replacement pole must:

1. be located as close to the removed pole as possible;
2. be aligned with the other existing streetlights; and
3. include a luminaire at substantially the same height and distance from the pole as the luminaire on the removed pole.

All antennas must be installed above the pole within a single, canister style shroud or radome that tapers to the pole.

91.2.6.2.15 Wood Utility Poles. Applicants that propose to install SCWF on an existing wood utility pole must install all antennas above the pole unless the applicant demonstrates that mounting the antennas above the pole would be technically infeasible as supported by clear and convincing evidence in the written record. Side-mounted antennas on a stand-off bracket or extension arm must be concealed within a shroud. All cables, wires and other connectors must be concealed within the side-arm mount or extension arm. The maximum horizontal separation between the antenna and the pole shall be the minimum separation required by applicable health and safety regulations.

91.2.6.2.16 New, Non-Replacement Poles. Applicants that propose to install SCWF on a new, non-replacement pole must demonstrate that any existing structures within 500 feet from the proposed site would be technically infeasible as supported by clear and convincing evidence in the written record. Any new, non-replacement pole must be a new streetlight substantially similar to the county's standards and specifications but designed to accommodate wireless antennas and accessory equipment located immediately adjacent to the proposed location. If there are no existing streetlights in the immediate vicinity, the applicant may install a metal or composite pole capable of concealing all the accessory equipment either within the pole or within an integrated enclosure located at

the base of the pole. The pole diameter shall not exceed twelve (12) inches and any base enclosure diameter shall not exceed sixteen (16) inches. All antennas, whether on a new streetlight or other new pole, must be installed above the pole within a single, canister style shroud or radome.

91.2.6.2.17 Encroachments over Private Property. SCWF may not encroach onto or over any private or other property outside the public right of ways without the property owner's express written consent.

91.2.6.2.18 Backup Power Sources. Permanent fossil-fuel based backup power sources shall not be permitted within the public right of ways; provided, however, that connectors or receptacles may be installed for temporary backup power generators used in an emergency declared by federal, state or local officials.

91.2.6.2.19 Obstructions; Public Safety. SCWF and any associated equipment or improvements shall not physically interfere with or impede access to any:

1. worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
2. access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop;
3. worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency;
4. fire hydrant or water valve;
5. access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right of ways; or
6. access to any fire escape.

91.2.6.2.20 Utility Connections. All cables and connectors for telephone, data backhaul, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Undergrounded cables and wires must transition directly into the pole base without any external doghouse. All

cables, wires and connectors between the underground conduits and the antennas and other accessory equipment shall be routed through and concealed from view within: (A) internal risers or conduits if on a concrete, composite or similar pole; or (B) a cable shroud or conduit mounted as flush to the pole as possible if on a wood pole or other pole without internal cable space. The Director of Public Works shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.

91.2.6.2.21 Spools and Coils. To reduce clutter and deter vandalism, excess fiber optic or coaxial cables shall not be spooled, coiled, or otherwise stored on the pole outside equipment cabinets or shrouds.

91.2.6.2.22 Electric Meters. SCWF shall use flat-rate electric service or other method that obviates the need for a separate above-grade electric meter. If flat-rate service is not available, applicants may install a shrouded smart meter. The Director of Public Works shall not approve a separate ground-mounted electric meter pedestal.

91.2.6.2.23 Street Trees. To preserve existing landscaping in the public right of ways, all work performed in connection with SCWF shall not cause any street trees to be trimmed, damaged, or displaced. If any street trees are damaged or displaced, the applicant shall be responsible, at its sole cost and expense, to plant and maintain replacement trees, consistent with the county's list of pre-approved street trees, at the site for the duration of the permit term.

91.2.7 DESIGN STANDARDS – NON-SCWF

The following Design Standards apply to all Wireless Telecommunication Facilities other than Small Cell Wireless Facilities

91.2.7.1 Stealth Facilities. Stealth Facilities shall be designed to visually and operationally blend into the surrounding area in a manner consistent with current neighborhood design and existing development. The facility shall also be appropriate for the specific site (i.e., it should not “stand out” from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height [five feet or more] than other trees on the site).

91.2.7.2 Facilities on Historic Buildings or Structures. No facility shall be allowed on any building or structure, or in any district, that is listed on any Federal, State or local historical register unless

it is determined that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture nor High Visibility facility is permitted on any such building, any such site or in any such district.

91.2.7.3 Facilities visible from Scenic Highways. In cases where the facility site is visible from an officially designated California State Scenic Highway, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. Such locations shall use design methods such as, but not limited to, type of facility, stealth-design, screening and landscaping. No lattice towers or guyed towers are permitted.

91.2.7.4 Façade-mounted antennas_ Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.

91.2.7.5 Visual Impact.

91.2.7.5.1 All facilities shall be designed to minimize the visual impact to the greatest extent feasible. This may be achieved_by means of:

1. Antenna placement
2. Screening
3. Landscaping with native species
4. Stealth Design
5. Integration with existing architectural elements, building materials and other site characteristics.

91.2.7.5.2 Colors and materials for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including equipment buildings, shall be painted or textured using colors to match or blend with the primary background, or painted with a mural which would contribute to the vitality and attractiveness of the neighborhood.

91.2.7.5.3 Base stations_ shall be screened from adjacent sidewalks by landscaping with native species, undergrounding or other means, excluding new walls and fences, or shall be painted with a mural which would contribute to the vitality and attractiveness of the neighborhood.

91.2.7.5.4 The use of chain link fences for security of a facility is permitted if the fence is fully screened by landscaping. No razor wire or barbed wire shall be permitted. Slats do not satisfy the requirement for screening.

91.2.7.6 Number and configurations of antennas.

91.2.7.6.1 The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

91.2.7.6.2 Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility.

91.2.7.7 Lights.

91.2.7.7.1 Beacon lights shall not be included in the design of facilities unless required by the FAA and shall be included when calculating the height of the facility.

91.2.7.7.2 Site lighting shall be kept to a minimum in every instance, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used except when nighttime maintenance is necessary.

91.2.7.8 Public way. No High Visibility Facility, including equipment buildings, may be located between the face of a building and a public street, bikeway, trail or park.

91.2.7.9 Signage; Advertisements. All Non-SCWF must include signage that accurately identifies the site owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. Non-SCWF may not bear any other signage or advertisements unless expressly approved by the Planning Director, the Zoning Administrator or the Planning Commission, required by law or recommended under FCC, OSHA or other United States governmental agencies for compliance with RF emissions regulations.

91.2.8 APPLICATION REQUIREMENTS. In addition to the standard application submittal requirements described in section 312-5.2, applicants for Wireless Telecommunication Facilities shall provide the supplemental information listed below.

91.2.8.1 As part of an application for any Design Review, Special Permit, or Use Permit for a Wireless Telecommunications Facility, the applicant/permittee shall indemnify and hold harmless the County of Humboldt and its agents, officers, elected officials, and employees for any claims,

damages, or injuries brought by affected property owners or other third parties that arise from or is in any way related to permit processing and approval, including actions brought under the California Environmental Quality Act, and for any claims brought by any person for problems, injuries, damages, or liabilities of any kind that may arise out of the construction, maintenance and/or operation of the Wireless Telecommunications Facility.

91.2.8.2 Telecommunications Facilities Zoning Clearance Certificate Planning Checklist. Applications for facilities qualified for a Zoning Clearance Certificate process shall include a complete Telecommunications Facilities Zoning Clearance Certificate Planning Checklist, as may be amended from time to time, made available by the Planning Division.

91.2.8.3 Applications for Design Review, Tier 2 and Tier 3 facilities shall include the following components.

91.2.8.3.1 Telecommunications Facilities Design Review Planning Checklist. Applications for facilities qualified for a design review shall include a complete Telecommunications Facilities Design Review Planning Checklist, as may be amended from time to time, made available by the Planning Division. The Planning Director shall determine that the requirements of the Checklist are met.

91.2.8.3.2 Notice of Application. For all Design Review applications, the applicant shall provide evidence that they sent a county-approved notice to all landowners and residents within 300 feet of the proposed facility location within a 10-day period prior to application submittal.

91.2.8.3.3 Improvement to network. Provide a vicinity map of the geographic service area for the proposed facility, including the service area of the applicant's existing sites in the local service network and the distance between the facilities associated with the gap the facility is meant to close. Describe the coverage or capacity demand that the facility is meant to address.

91.2.8.3.4 Alternatives Analysis. Provide discussion of alternative sites that would accomplish the project goals. Provide specific comparative analysis of how different sites would impact aesthetic values, agricultural, timber and mineral values, and other environmental values, as applicable.

91.2.8.3.5 Visual Impact Analysis. Provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening and

landscaping. The analysis shall include photo simulations or a balloon test and other information as necessary to determine visual impact of the facility. The analysis shall include a map depicting where the photos were taken. Where consistent with the natural or built environment, the analysis shall include a native vegetation landscaping plan with a discussion of how the chosen plants, at maturity, will screen the site.

91.2.8.3.6 Noise/Acoustical Information. Provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, provide a proposal for a noise-attenuating structure to maintain noise levels below 50dB, and provide a depiction of the equipment location in relation to adjoining properties.

91.2.8.3.7 Fire Hazards. All applications for Non-SCWF shall include information on the site indicating whether it is within a fire-related special district, whether the site is within Local Responsibility Area or State Responsibility Area and identifying the Office of the State Fire Marshall Fire Hazard Severity Zone that is applied to the area; provide a map of sufficient scale showing flammable vegetations surrounding the proposed facilities and indicating how adequate defensible space is to be provided.

1. Proposed facilities located within a fire-related district, shall provide a service letter from the applicable fire-related district indicating that structural fire protection services are available to the site.
2. Proposed facilities located outside of a fire-related district shall obtain from an appropriate local fire service provider written acknowledgement of the available emergency response and fire suppression services and recommended mitigations.
3. Proposed facilities located within State Responsibility Area shall provide a letter from CAL FIRE indicating that the map showing defensible space meets the applicable state requirements.
4. Proposed facilities located within Moderate, High, or Very High Fire Hazard Severity Area shall submit a Fire Prevention Plan that recognizes and prepares for the potential for fast moving, wind driven wildfires which could burn adjacent to or through the proposed site as the result of severe fire weather conditions, wildland fuels adjacent to the site, and nearby ignition sources. The Plan shall discuss existing, proximate fire hazards, the fire risks posed by the addition of a facility at the location, proposed measures to lessen fire risks

associated with the facility and an ongoing maintenance plan. A draft copy of the Plan shall be provided to the local fire service provider and CAL FIRE at least 90 days before the start of any construction activities. The final Plan shall be approved by CAL FIRE (if SRA) and the fire chief of the fire-related district, if any, at least 30 days prior to the initiation of construction activities. The applicant shall fully implement the Plan during all construction and maintenance activities.

91.2.8.3.8 Hazardous Materials. Listing of all hazardous materials to be used onsite.

91.2.8.3.9 Access.

91.2.8.3.9.1 All applications for new facilities shall show adequate access, turnaround area and parking for emergency response vehicles.

91.2.8.3.9.2 For all applications for facilities located in or along a right of way, show the location of parking for maintenance personnel that does not obstruct a traffic lane or a travelled way for pedestrians, bicyclists and equestrians.

91.2.8.4 Applications for Tier 2 and Tier 3 facilities shall include the following components

91.2.8.4.1 Height Requirements. If the proposed facility exceeds the maximum height for the underlying zone, the applicant shall provide the following:

91.2.8.4.1.1 Evidence establishing the necessity of the proposed height for the facility.

91.2.8.4.1.2 A discussion of the physical constraints (topographical features, etc.) making the additional height necessary.

91.2.8.4.2 Co-location Required. Non-SCWF which exceed the maximum height of the underlying zone shall be built to accommodate future co-location of other carriers where technically and economically feasible and aesthetically desirable. The applicant shall provide a written statement allowing co-location on such facilities.

91.2.8.4.3 Applicants may be required to pay the cost of independent review to evaluate siting alternatives, the necessity of the facility based on adequacy of existing coverage, and/or the radio frequency emissions.

91.2.8.5 Notice of Final Action. Notice of final action on an application for design review, a Special Permit or a Conditional Use Permit shall be given as follows:

91.2.8.5.1 Notice shall be provided with five (5) working days of the Planning Director or Hearing Officer's action.

91.2.8.5.2 Notice shall be provided by first class mail to:

91.2.8.5.2.1 The Applicant;

91.2.8.5.2.2 Any person who specifically requested, in writing, notice of such final action

91.2.8.5.3 The notice shall include the following information:

91.2.8.5.3.1 Written findings;

91.2.8.5.3.2 Conditions of approval;

91.2.8.5.3.3 Procedures for appeal.

91.2.8.6 Applications for a SCFW in a County Maintained road right of way shall include the following:

1. **Application Form.** The applicant shall submit a complete, duly executed small cell encroachment permit application on the then-current form approved by the Director of Public Works.
2. **Application Fee.** The applicant shall submit the applicable small cell encroachment permit application fee established by Board of Supervisors resolution. Batched applications must include the applicable small cell encroachment permit application fee for each SCFW in the batch.
3. **Construction Drawings.** The applicant shall submit true and correct construction drawings, prepared, signed and stamped by a California licensed or registered engineer, that depict all the existing and proposed improvements, equipment and conditions related to the proposed project, which includes without limitation any and all poles, posts, pedestals, traffic signals, towers, streets, sidewalks, pedestrian ramps, driveways, curbs, gutters, drains, handholes, manholes, fire hydrants, equipment cabinets, antennas, cables, trees and other landscape features. The construction drawings must: (i) contain cut sheets that contain the technical specifications for all existing and proposed antennas and accessory equipment, which includes without limitation the manufacturer, model number and physical dimensions; (ii) identify all structures within 250 feet from the proposed project site and call out such structures' overall height above ground level; (iii)

depict the applicant's plan for electric and data backhaul utilities, which shall include the locations for all conduits, cables, wires, handholes, junctions, transformers, meters, disconnect switches, and points of connection; and (iv) demonstrate that proposed project will be in full compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes, local street standards and specifications, and public utility regulations and orders; (iv) contain sightlines showing that the proposed facilities will not obstruct visibility of the road or of any existing or proposed driveway

4. **Site Survey.** For any SCWF proposed to be located within the public right of ways, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered Surveyor. The survey must identify and depict all existing boundaries, encroachments and other structures within 250 feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below-grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes, and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals, and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks and other street furniture; and (viii) existing trees, planters, and other landscaping features.
5. **Photo Simulations.** The applicant shall submit site photographs and photo simulations that show the existing location and proposed SCWF in context from at least three vantage points within the public streets or other publicly accessible spaces, together with a vicinity map that shows the proposed site location and the photo location for each vantage point.
6. **Fronting Landowner Consent.** The applicant shall submit a statement from the fronting landowner agreeing to the location of the proposed location of the facilities. In the case where a fronting landowner refuses to sign the statement, the applicant shall submit an affidavit detailing the outreach made to the fronting landowner. The statement or affidavit shall be made on the then-current form approved by the Director of Public Works.
7. **Location consent.** When a SCWF is proposed to be constructed on facilities not owned by the applicant or County, the applicant shall submit a statement from the facility owner

agreeing to the construction. The statement shall be made on the then-current form approved by the Director of Public Works.

91.2.9 PERFORMANCE STANDARDS. All Telecommunications Facilities shall be subject to the requirements of this subsection.

91.2.9.1 Inadvertent Archaeological or Native American Remains Discoveries. All discretionary and ministerial permits shall include the condition of approval or note identified in Standard CU-S4.E of the General Plan regarding inadvertent discovery of archaeological or Native American Remains.

91.2.9.2 Notification of California Department of Fish and Wildlife (CDFW). If a bird of prey (e.g., hawk, falcon, owl, etc.) establishes a nest on a facility, the permittee shall provide written notification of the nest to the Planning and Building Department and to CDFW within 10 days of nest discovery.

91.2.9.3 Maintenance

91.2.9.3.1 All landscaping shall be maintained as shown on the approved Landscape Plan. Trees and shrubs shall be maintained to screen the site. Dead and dying landscaping shall be replaced in accordance with the approved landscape plan.

91.2.9.3.2 All Wireless Telecommunications sites shall be kept clean and free of litter.

91.2.9.3.3 All equipment buildings shall display a legible operator's contact number for reporting maintenance problems.

91.2.9.3.4 Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.

91.2.9.4 FCC emission compliance. Records shall be maintained which demonstrate ongoing compliance with FCC emission regulations and guidelines. Records shall be made available to County staff within 3 business days of the request.

91.2.9.5 Abandonment or discontinuation of use.

91.2.9.5.1 All operators who intend to abandon or discontinue the use of any Wireless Telecommunications facility shall notify the County of such intentions no less than 60 days prior to the final day of use.

91.2.9.5.2 Wireless Telecommunications Facilities with use discontinued shall be considered abandoned 90 days following the final day of use.

91.2.9.5.3 All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.

91.2.9.6 Revocation. Failure to comply with any condition of approval or standard in this ordinance shall constitute grounds for possible revocation of use pursuant to Sections 312-14 of the Zoning Ordinance.

SECTION 3. DEFINITIONS

Section 313-138 is hereby amended and added to as follows (additions are shown in underline text, deletions are shown in strikethrough text):

313-138 DEFINITIONS (C)

~~**Communication Transmission Facilities:** (See, Civic Use Types, Generation and Transmission Facilities, Minor; and Civic Use Types, Electric Distribution Lines, Major, in Section D: Use Types.)~~

SECTION 4. CIVIC USE TYPES

Section 313-171 is hereby amended and added to as follows (additions are shown in underline text, deletions are shown in strikethrough text):

171.7 GENERATION AND DISTRIBUTION FACILITIES, MINOR

171.7.1 The Minor Generation and Distribution Facilities Use Type includes wind generators and accessory structures; small hydroelectric generators (less than 5 megawatt) and accessory structures and utility lines; and ~~communication transmission facilities, including~~ radio and television transmission antennae, ~~communication~~ equipment installations and exchanges, and substations. (Former Section CZ#A313-6(K))

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective immediately upon certification by the California Coastal Commission.

PASSED AND ADOPTED this _____ day of _____, 2022, on the following vote, to wit:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Virginia Bass, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes
Clerk of the Board of Supervisors of the
County of Humboldt, State of California

By: _____
Nicole Turner, Deputy Clerk

Date: