

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

908 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 4, 2003

SUBJECT: Ordinance No. 348.4090 (establishment of rules, regulations and design guidelines for Wireless Communication Facilities within all zones)

RECOMMENDED MOTION: That the Board of Supervisors introduce and adopt the above-referenced ordinance on successive weeks.

BACKGROUND: The Planning Department has been processing the review of wireless communication facilities (generally cellular towers) under the provisions of Ordinance 348, which pertain to "broadcasting antenna" and other similar uses. This has worked moderately well, but in recognition of the fact that Ordinance 348 should address such facilities directly, the Board of Supervisors directed the Planning Department and the Information Technology Department to retain a consultant to prepare an amendment to Ordinance 348 that would regulate the design and placement of all wireless communication facilities within the unincorporated areas of the County.

On December 5, 2000, as a result of numerous issues raised by the public, the Board of Supervisors directed County staff to prepare an amendment to Ordinance No. 348 to regulate Wireless Communication Facilities within the unincorporated sections of Riverside County. On April 17, 2001, the Board of Supervisors passed an Interim Zoning ordinance to regulate Wireless Communication Facilities and an amendment to Ordinance 348 regulating the height of structures in all zones. After extensive research, meetings with representative of the Wireless Communications industry and the Board of Supervisors' Staff, a proposed Wireless Communication Facilities ordinance was prepared. On May 14, 2003, the Planning Commission has reviewed the proposed ordinance, received testimony from the general public as well as the wireless communications industry, and approved the proposed ordinance based upon suggestions received by all persons who attended the Commission hearings.

Robert C. Johnson
Planning Director

RCJ:jf

REVIEWED BY EXECUTIVE OFFICE

DATE 11-10-03 BU
Departmental Concurrence

- Dep't Recomm.: Consent Policy
- Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.	District:	Agenda Number:	16.8
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1 consistent with Ordinance No. 348 Section 18.40 (R.C.C. Title 17.172.205) and the appropriate
2 District Design Guidelines; establishes new submittal requirements that will require review by the
3 Department of Information Technology, Communication Bureau; photo simulations; geotechnical
4 studies; biological assessments; and stealthing options; increase the bonding requirement to ensure
5 removal of the facility once it is no longer useful, from \$250 to \$5,000; and establishes processing
6 requirements on all new or revised facilities.
7

8 The new ordinance also establishes a semi-annual reporting mechanism to assure that the facilities
9 are adhering to the Conditions of Approval and are being maintained properly; establishes a
10 specific life for each facility that may be extended, if appropriate; and increases the setback
11 requirements from dwelling units to an amount equal to the height of the tower.
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15 BOARD OF SUPERVISORS OF THE COUNTY
16 OF RIVERSIDE, STATE OF CALIFORNIA

17 By: _____
18 Chairman, Board of Supervisors

19 ATTESTED:

20 NANCY ROMERO

21 Clerk to the Board

22 By: _____
23 Deputy
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1 **ARTICLE XIX g**
2 **WIRELESS COMMUNICATION FACILITIES**

3 A. PURPOSE AND INTENT.

4 The purpose of Article XIX g is to provide standards specifically addressing wireless communication
5 facilities, and to establish guidelines for the siting of towers, antennas and related equipment. The intent
6 of Article XIX g is to:

- 7 (1) Encourage the location of wireless communication facilities, to the greatest extent possible,
8 in areas where the adverse impact to the County is minimal;
- 9 (2) Encourage the design and configuration of wireless communication facilities in a way that
10 minimizes their visual impact;
- 11 (3) Enhance the ability of the providers of wireless communication services to provide such
12 services to the county quickly, effectively, and efficiently with minimal impact to the
13 visual character, health, economic vitality and biological resources of the county;
- 14 (4) Encourage the design and construction of wireless communication facilities in a way that
15 avoids or minimizes their impact on State and Federal listed species, sensitive habitat
16 areas, conserved lands, and areas proposed for conservation.
- 17 (5) Ensure the timely removal of any unused or outdated wireless communication facilities.

18 B. DEFINITIONS.

19 (1) ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for
20 the transmission or reception of electromagnetic waves.

21 (2) ANTENNA ARRAY: A group of antenna elements on the same geometric plane.

22 (4) ANTENNA-CONCEALED: Also called disguised, camouflaged, "stealth" antennas etc.
23 These antennas are blended into the environment so as not to be readily seen or recognized. They
24 include architecturally screened roofmounted antenna, façade-mounted antenna as design features, clock
25 towers, flagpoles, church crosses, water towers, entry statement signage, "tree" poles (monopalms,
26 monopines) and other types of concealment.

(5) ANTENNA-DIRECTIONAL: Flat, rectangular panels that are typically, but not always,
mounted to a triangular support structure atop a wood pole or steel monopole. Typically a minimum of
three (3) panel antennas are required for each wireless communication facility.

(6) ANTENNA PARABOLIC: A parabolic, semi-parabolic, disc, convex or double-convex
shaped accessory structure, including, but not limited to, a main dish and covering, feedhorn, receiving
element, structural supports and all other components thereof, which transmits and/or receives television
signals or electro magnetic waves by line of sight with another similar antenna or a geosynchronous or
orbiting satellite. Because of their shape and function, they are often called "dish" antennas, microwave
dishes, and satellite dishes.

1 (7) ANTENNA STRUCTURE: An array and its associated support structure, (such as a mast
2 or tower, but not to include a suspended simple wire antenna,) which is used for the purpose of
3 transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and
4 microwaves.

5 (8) ANTENNA STRUCTURE, FREESTANDING: An antenna structure or mast that is not
6 attached to a building, fence or other such structure. Freestanding antenna structures include wireless
7 communications towers, wooden utility poles, standard or decorative concrete and steel monopoles and
8 other similar structures.

9 (9) BASE STATION (Base Transceiver Station, BTS): A fixed station at a specified site
10 authorized to communicate with mobile stations. Base stations are usually housed in metal cabinets or
11 small structures within close proximity to the antenna structure.

12 (10) CELL: The basic geographic unit of a cellular system. Also, the basis for the generic
13 industry term "cellular." A city or county is divided into smaller "cells", each of which is equipped with a
14 low-powered radio transmitter/receiver. The cells can vary in size depending upon terrain, capacity
15 demands, etc. By controlling the transmission power, the radio frequencies assigned to one cell can be
16 limited to the boundaries of that cell. When a cellular phone moves from one cell toward another, a
17 computer at the Mobile Telephone Switching Office monitors the movement and at the proper, time
18 transfers or hands off the phone call to the new cell and another radio frequency. The handoff is
19 performed so quickly that it is not noticeable to callers

20 (11) CO-SITING: Siting multiple antenna structures within the same local area or same
21 property. Also called "Antenna Farms"

22 (12) CO-LOCATION :

23 (a) Multiple antennas attached to an existing or proposed freestanding antenna
24 structure. Also called donor sites or "piggy-backing".

25 (b) Roof-mounted antennas attached to the top of a building or other structure

26 (c) Façade-mount (vertical mount) in which the antenna is attached to (an)
27 exterior wall(s) of a building or other structure.

28 (d) Enclosed antennas in which the wireless communication facility is entirely
contained within a building primarily occupied by another permitted use.

(13) DWELLING: A building or portion thereof designed for or occupied exclusively for
residential purposes including one family and multiple dwellings but not including hotels, auto courts,
boarding or lodging houses.

(14) ELECTRO MAGNETIC FIELDS (EMFs): The field of force associated with electric
charge in motion, having both electric and magnetic components and containing a definite amount of
electromagnetic energy.

1 (15) MONOPOLE: A wireless communication facility that consists of a vertical unguyed
2 structure, erected on the ground to support wireless communication antennas and connecting
3 appurtenances. A “monopalm” is a monopole designed to look like a palm tree. A “monopine” is a
4 monopole designed to look like a pine tree.

5 (16) RADIOFREQUENCY RADIATION (RFR): Radiofrequency Radiation is one of several
6 types of electromagnetic radiation consisting of waves of electric and magnetic energy moving together
7 through space. These waves are generated by the movement of electrical charges. For example, the
8 movement of a charge in a transmitting radio antenna, i.e., the alternating current, creates electromagnetic
9 waves that radiate away from the antenna and can be picked up by a receiving antenna.

10 (17) STEALTH: refer to ANTENNA-CONCEALED.

11 (18) STRUCTURE HEIGHT:

- 12 a. For ground mounted antennas, the height of the antenna structure shall be measured
13 from the lowest ground surface at the base of the tower to the top of the highest portion
14 of the tower and/or any extension thereto (total height of antenna array, including any
15 stealthing used on the facility).
- 16 b. For building mounted antennas, the height of the antenna structure shall not affect the
17 viewshed. No roof-mounted antennas may extend above the top of the parapet wall by
18 more than twelve (12) feet and must be screened from public view. All façade
19 mount/vertical surface mounted antennas shall be screened from public view and
20 architecturally blended into the structure. The type of permit required in Table 1 shall
21 be determined by the height of the antenna above the existing building.
- 22 c. For antennas that exceed one hundred ninety-nine (199) feet, the minimum amount of
23 warning and obstruction lighting required by the Federal Aviation Administration
24 (FAA) should be used. Construction techniques which do not require the use of guy
25 wires should be employed whenever possible.

26 (19) TOWER: A structure that supports, holds or contains elements that sends and/or receives
27 radio frequency signals, including but not limited to antennas, microwave dishes or horns. For the
28 purposes of this Ordinance, towers shall include mono-pines, mono-palms, lattice towers, guyed-wire
structures, poles, and other similar structures. Commercial radio and television systems are considered
“broadcast services” and shall not be included in this definition.

(20) WIRELESS COMMUNICATION FACILITY (TELECOMMUNICATION FACILITY):
A facility that sends and/or receives radio frequency signals, including but not limited to cell towers,
including antennas, microwave dishes or horns, structures or towers to support receiving and/or
transmitting devices, accessory development and structures, and the land on which they are situated. For
the purposes of this Ordinance, wireless communication facilities shall refer to the non-broadcast services
identified in the rules and regulations promulgated pursuant to the Federal Telecommunication Act of
1996 as amended. Non-broadcast services require special equipment for transmissions and/or reception
and serve specific users. Amateur users, though included in the federal definition for non-broadcast
services, are specifically excluded in this definition. Commercial radio and television systems are
considered “broadcast services” and shall not be included in this definition.

1 C. HEIGHT REQUIREMENTS.

2 All wireless communication facilities shall submit a Plot Plan or a Conditional Use Permit application in
3 accordance with the Table 1. Wireless communication facilities that exceed the maximum height limit
4 shown in the table, shall be required to submit a Variance application pursuant to Section 18.27 of
5 Ordinance 348.

6 TABLE 1

7 ZONE	8 MAXIMUM HEIGHT	9 PERMIT TYPE
10 R-D, I-P, M-S-C, M-M, M-H, 11 M-R, M-R-A, A-1, A-P, A-2, 12 A-D, W-2, W-2-M, W-1, W-E	0' - 65' 66'- 105' 106' and Over	PLOT PLAN CUP CUP & VARIANCE
13 R-3, R-3-A, R-5, R-V-C, C-1, 14 C-P, C-T, C-P-S, C-O, C-C/V	0' - 45' 46 - 65' 66' and Over	PLOT PLAN CUP CUP & VARIANCE
15 R-R, R-R-O, R-A, R-1, R-1-A, 16 R-2, R-2-A, R-4, R-6, R-T, 17 R-T-R, C-R, C-V, N-A	0' - 45' 46' and Over	CUP CUP & VARIANCE
18 SP	Requirements will match the base zone used by the specific plan	Requirements will match the base zone used by the specific plan

19 D. LOCATIONAL REQUIREMENTS.

20 All wireless communication facility applications shall comply with the following locational requirements:

21 (1) All wireless communication facilities shall be sited so as to minimize the impact on the
22 surrounding residential population and biological resources.

23 (2) Wireless communication facilities proposed on ridgeline sites and other sensitive
24 viewsheds, as defined in Ordinance 348, shall be stealthed and sited so that the top of the facility is below
25 the ridgeline as viewed from any direction.

26 E. DESIGN REQUIREMENTS.

27 All wireless communication facilities shall be concealed so as to minimize their visibility.

- 28 1. Co-Location Facilities: New wireless communication facilities may be installed on an existing facility in accordance with the processing requirement under Section "g". Any wireless communications facility that is co-located on an existing structure should have the same stealthing design as the existing structure (i.e. all monopoles, monopines). Co-location sites will be reviewed on a case-by-case basis regarding design, ability to stealth due to height and may necessitate processing as a new tower, in accordance with the requirement in Table 1.

- 1 2. Co-Siting Facilities: Any wireless communications facility that is co-sited should have the
2 same stealthing design as the existing facilities (i.e. all monopals, monopines). These
3 stealth facilities shall blend with the existing surrounding natural and/or manmade
4 environment so that they are not easily recognizable as wireless communication facilities.
5 All new towers must be stealthed, even when co-siting with an un-stealthed facility, unless
6 exempt by the Planning Director.
- 7 3. Concealment or Stealthing: All wireless communication facilities shall be concealed or
8 stealthed, to the maximum extent possible and appropriate for the facility location.
- 9 4. Support Facilities (equipment cabinets/shelters): Freestanding above ground wireless
10 communication support facilities (equipment cabinets/shelters) shall be constructed to look
11 like a structure or facility typically found in the area. Support facilities located in a district
12 with design guidelines shall adhere to the applicable design guidelines. Where there are no
13 structures in the immediate vicinity, the support facilities shall blend with existing naturally
14 occurring elements of the viewing background or will be screened from view by
15 landscaping, fencing/walls or other methods.
- 16 5. Parking: Temporary parking for service vehicles may be permitted on site. No off-site
17 parking shall be allowed for any service vehicle. Paving for the parking shall be required
18 where appropriate, and may not be removed without proper mitigation. No vehicles may
19 remain parked overnight, with the exception of technicians working at the site during the
20 night. If a new wireless communication facility is placed on existing parking spaces,
21 required by the use currently on the site, rendering the existing spaces no longer available
22 for parking, the parking spaces shall be replaced so that the current use has the necessary
23 parking required by Ordinance 348. If such replacement of spaces is not feasible, the
24 Applicant may request a variance, if appropriate.
- 25 6. Lighting: Outside lighting is prohibited unless required by the FAA or the Uniform
26 Building Code (UBC). Any security lighting shall meet the requirements of Ordinance
27 655. Security lighting for on-ground facilities and equipment should be down-shielded to
28 keep light within the boundaries of the site to minimize attracting wildlife to the facilities.
7. Area Disturbance: Disturbance to the natural landscape shall be minimized. The applicant
 shall remediate disturbed areas immediately following construction. Remediation
 techniques may vary depending on what may be appropriate for the site. Impacts to
 sensitive biological resources such as removal of coastal sage scrub or riparian habitat
 from construction, operations, and maintenance shall be assessed in the project proponent's
 environmental assessment.
8. Power and Communication Lines: No aboveground power or communication lines shall
 be extended to the site, unless clear and convincing evidence demonstrates that
 undergrounding such lines would result in substantial environmental impacts. All
 underground utilities shall be installed in a manner to minimize disturbance of existing
 vegetation and wildlife habitats during construction. Removal of underground equipment
 upon the decommissioning of a facility is not recommended unless leaving the equipment
 underground would pose a threat to health and human safety or sensitive resources.

- 1 9. Design Guidelines: Wireless communication facilities shall adhere to District or General
2 Plan Design Guidelines as applicable.
- 3 10. Fencing & Walls: All wireless communication facilities shall be enclosed with a six (6)
4 foot decorative block wall, wrought iron fence, or other screening option as deemed
5 appropriate by the Planning Director. The facility shall have landscaping around the
6 outside as appropriate and feasible. Such fencing/walls shall conform to the appropriate
7 District Design Guidelines.
- 8 11. Landscaping: If the stealthing option is for a facility to resemble a “tree”, other similar
9 trees species shall be planted adjacent to and/or around the facility to enhance the
10 concealing effect. If landscaping is deemed necessary in native habitats, only native plant
11 species shall be used in order to avoid introduction of exotic invasive species. All
12 landscaping shall be irrigated unless a water source is unavailable within the parcel on
13 which the wireless communication facility’s lease area is located.
- 14 12. Noise: Communications facilities shall mitigate all noise to ambient levels, but in no case
15 shall noise produced at the facility exceed 45 db inside the nearest dwelling and 60 db at
16 the property line.
- 17 13. Setbacks: [See XIXg f. (8)]
- 18 14. Maintenance: the service provider shall maintain wireless communication facilities in a
19 like new condition, so as not to create blight on surrounding properties. Each facility shall
20 display contact information that will provide the telephone number and address of the
21 appropriate person to report graffiti, maintenance problems or issues needing immediate
22 attention.

17 F. SUBMITTAL REQUIREMENTS.

18 To assure that the appropriate siting, design, and height of proposed wireless communications facilities
19 are achieved that also minimize impacts to aesthetic and sensitive biological resources, the following
20 procedures are to be implemented:

- 21 (1) All wireless communication facilities require submittal and processing of a permit in
22 accordance with Table 1.
- 23 (2) The Department of Information Technology, Communications Bureau (IT), requirements
24 for wireless communication facilities will be distributed with the application form. The
25 necessary information shall be submitted with the wireless communication facilities
26 application.
- 27 (3) Propagation Maps: The Applicant shall submit propagation diagrams for the proposed site
28 at the proposed height and at least one (1) lower height, unless additional heights are
required by the Planning Director. The diagram shall show the coverage of all existing
facilities within the Applicant’s network, adjacent to the proposed site

- 1 (4) Maps showing the location and ownership of all other wireless communication facilities
2 within one (1) mile of a proposed facility shall be provided. The applicant shall conduct a
3 field survey to locate wireless facilities readily visible within one (1) mile of a proposed
4 facility.
- 5 (5) Alternative Sites Considered: The Applicant shall identify all sites considered but not
6 selected that were alternatives to the proposed site. Considered sites shall include co-siting
7 and co-location sites used by other cellular carriers.
- 8 (6) Photo simulation: Preparation of photo simulations are required for all proposed wireless
9 communication facilities no later than the first Land Development Committee meeting.
10 Consideration shall be given to views from public areas as well as from private residences.
11 The photo simulation shall be "worst case" and shall assess the cumulative impacts of the
12 proposed facility and other existing and foreseeable wireless communication facilities in
13 the area, and shall identify and include all feasible mitigation measures consistent with the
14 technological requirements of the proposed wireless communication service.
- 15 (7) All wireless communication facilities shall provide details of the stealthing techniques
16 proposed. If stealthing is not feasible the applicant shall explain and demonstrate how the
17 visual impact to the site will be minimized.
- 18 (8) Setbacks: Wireless communication facilities shall meet all setback requirements of the
19 relevant zone per Ordinance 348. In no case shall a wireless communication facility be
20 placed closer than a distance equal to the height of the proposed facility to the closest
21 dwelling.
- 22 (9) A conceptual landscape plan shall be submitted at the time of the application submittal for
23 a wireless communication facility. A final landscape and irrigation plan shall be submitted
24 prior to planning approval. The plan shall indicate all existing vegetation, identify
25 landscaping that is to be retained on the site and any additional vegetation that is needed to
26 satisfactorily screen the facility from adjacent land uses and public view areas, and to
27 control erosion. All existing trees larger than four (4) inches in diameter shall be identified
28 in the landscape plan with indication of species type, the diameter at a height of four and
one-half (4 ½) feet, and whether it is to be retained or removed with the project
development. The landscape requirement maybe excluded in locations where screening is
not appropriate (i.e. remote desert sites.) The exclusion of landscaping shall be determined
by the Planning Director on a case-by-case basis.
- (10) A geotechnical report, if required by the County Geologist, shall at a minimum include the
following:
- a) Soils engineering and engineering geologic characteristics of the site based upon
site-specific sampling and testing;
 - b) Foundation design criteria for all proposed structures;
 - c) Slope stability analysis;
 - d) Grading criteria for ground preparation, cuts and fills, soil compaction;
 - e) Geologic hazards evaluation to include regional seismicity, potential for strong
ground shaking, all appropriate primary and secondary seismic hazards, and
recommended mitigation measures;

- f) Detailed fault hazard evaluation prepared by a California registered geologist or certified engineering geologist for wireless communication towers located within an Alquist-Priolo Special Studies Zone, County Fault Zone, or within one hundred fifty (150) feet of any other active or potentially active fault; and
- g) Detailed liquefaction hazard evaluation prepared by a California registered geologist or certified engineering geologist for wireless communication towers located within a County Liquefaction Zone.

(11) A biological assessment, if required by the County Biologist, shall at a minimum include the following:

- a) Project description including location, height of tower as measured from the ground, description of associated equipment, width and length of access roads and driveways, and length and right-of-way width of power and communication lines;
- b) Existing biological resources onsite including quantification of vegetation and habitat types, color photo documentation of onsite and surrounding vegetation, a description of water resources, potential habitat for Federal and State-listed species, and sensitive species habitats;
- c) Results of any focused surveys for federally listed species (if required);
- d) Impacts to biological resources including quantification of the habitat to be removed from the proposed project;
- e) Cumulative impacts; and
- f) Landscape plan [Section XIX g F. (7)];

G. PROCESSING REQUIREMENTS.

- (1) An Environmental Assessment is required as part of the application process.
- (2) Applications for Wireless Communication Facilities shall adhere to the submittal and processing requirements as indicated in Table 1 and specified in Sections 18.28 and 18.30 of Ordinance 348 as appropriate.
- (3) The applicant for all wireless communication facilities that exceed the maximum height per the zone for wireless communication facilities shall submit a variance application subject to Section 18.27 of Ordinance 348.
- (4) Propagation maps provided for the Department of Information Technology, Communications Bureau (IT) shall also be provided to County Planning. These maps shall reflect the requested height of the facility and also include two (2) significantly lower heights that show the impact of the reduced height.
- (5) Proposed wireless communication facilities that are co-located or co-sited shall submit for a new or a revised permit in accordance with Table 1.
- (6) Substantial Conformance: Proposed wireless communication facilities that are co-locations and/or stealthed facilities may be administratively approved by the Planning Director if the following criteria are met:
 - a. The height of the facility is not being increased.

- b. The lease area is not being increased.
- c. The additional equipment proposed is of the same size or smaller, and general type as that already existing at the facility.
- d. The cumulative noise generated by the new equipment conforms with Section XIX g (E) 12
- e. Notwithstanding subsections a, b, c or d above, due to changing densities and land uses, any co-location may require a new or revised permit at the discretion of the Planning Director.

(7) The proposed height of any wireless communications facility shall be stated in all advertisements and notices for hearings on each proposed facility.

(8) For stealthed facilities Fifteen (15) feet in height or less, public notices shall be sent out to property owners within 600 feet, requesting comments and asking if any property owner requests a public hearing on the proposed facility. If no comments or requests for a public hearing are received and staff determines the site is not controversial, a public hearing will not be necessary and staff may administratively approve the application.

(9) All wireless communication facilities shall have an initial life of ten (10) years that may be extended at the discretion of the Planning Director or the Planning Commission, depending upon the original approval body. Such extensions of time, if approved, shall be in increments of five (5) years. The determination as to the appropriateness of such extension shall be made, in part, on the review of the annual report required by Sub-section G(10), the adherence to the original Conditions of Approval, and the number of complaints, if any, received by the County.

(10) Annual reports shall be submitted to the Planning Department on all towers no later than July 1 of each year. Towers approved between January 1 and June 30 need not submit the required annual report on July 1 of the same year, but shall submit subsequent annual report as required. The annual report shall be submitted in a digital format and shall include the following elements:

- a. Zoning permit number
- b. Assessor's Parcel Number(s)
- c. Street address
- d. Vicinity map, showing site relationship to major highways and cities, and two access roads
- e. Thomas Brothers map page and coordinates. (Identify edition used)
- f. A copy of the approved site plan
- g. Photographs clearly showing the entire project site; include a map identifying the position from which each photograph was taken.
- h. A clear photograph of the tower with a date stamp on the photograph
- i. Photographs of all walls or fences and all landscaping

(11) Interjurisdictional Review: When a proposed wireless communication facility is located within the sphere of influence of any city within the County and/or within one mile of city limits, Planning staff shall transmit the project to the affected city for review and comment. When any wireless communication facility has the potential to impact federal or state lands, Planning staff shall transmit the project to the appropriate agency for additional review and comment. All affected agencies shall be notified prior to public hearings.

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2 H. ABANDONED SITES.

- 3 (1) A minimum cash deposit of \$5,000.00 shall be made prior to issuance of a building permit to
4 ensure the removal of a wireless communication facility that has been abandoned. This deposit
5 may be increased due to the height of the tower or the complexity of the site.
- 6 (2) Upon notice from the Department of Information Technology, Communications Bureau and/or
7 Code Enforcement, any wireless communication facility/tower that is not operated for a
8 continuous period of twelve (12) months shall be considered abandoned, and the owners of such a
9 wireless communication facility/tower shall remove the facility within ninety (90) days of receipt
10 of notice from the County notifying the owner of such abandonment.
- 11 (3) The owner of the wireless communication facility shall return the site to its approximate natural
12 condition.
- 13 (4) If such a wireless communication facility/tower is not removed within said ninety (90) days, the
14 County may remove such wireless communication facility/tower at the facility owner's expense.
- 15 (5) The rehabilitation of the site shall be required as a condition of approval on the original project
16 approval.
- 17 (6) If there are two (2) or more users of a single tower, then the provision concerning abandonment
18 shall not become effective until all users cease using the tower.
- 19 (7) The cash deposit shall remain in force at all times and failure to maintain a cash deposit shall
20 result in a hearing before the Planning Commission to determine the appropriate action.

21 **Amend Ordinance 348 Section 18.30 as follows:**

22 e. APPEALS – (PLOT PLANS NOT INCLUDING WIRELESS COMMUNICATION
23 FACILITIES). An applicant or any other interested party may appeal from the
24 decision of the Planning Director by the following procedure:

25 (1) Initial Appeal. Within ten calendar days after the date of the mailing of the
26 decision by the Planning Director, an appeal in writing may be made on the form provided by the
27 Planning Department and which shall be accompanied by a filing fee as set forth in County
28 Ordinance No. 671. Upon receipt of a completed appeal, the Planning Director shall set the matter
for hearing and mail notice thereof to the applicant and the appellant if the plot plan did not
require a public hearing. If the plot plan required a public hearing, notice of the appeal shall be
given in the same manner that notice was given for the original hearing. Such appeals shall be
heard by the Planning Commission or the East Area Planning Council, whichever is appropriate
given the location, except that any appeal concerning an application of a commercial/industrial
nature given fast track status, shall be heard directly by the Board of Supervisors. For purposes of
this section, an application shall be considered to have been given fast track status if it meets the
definition set forth in Section 21.34d. of this ordinance.

1 (2) Appeal from Planning Commission or Planning Council. Within ten calendar
2 days after the date of the mailing of the decision of the Commission or Council, the appellant may
3 appeal that decision, in writing, to the Board of Supervisors, on the forms provided by the
4 Planning Department, which shall be accompanied by a filing fee set forth in County Ordinance
5 No. 671.

6 (3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed
7 appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not
8 less than five days nor more than 30 days thereafter and shall give written notice of the hearing to
9 the appellant and the Planning Director. The Board of Supervisors shall render its decision within
10 30 days following the close of the hearing on the appeal.

11 f. APPEALS – (WIRELESS COMMUNICATION FACILITIES PLOT PLANS). An applicant or
12 any other interested party may appeal from the decision of the Planning Director by
13 the following procedure:

14 (1) Initial Appeal. The Planning Director shall file his/her notice of decision with
15 the secretary of the Planning Commission or the East Area Planning Council, whichever is
16 appropriate given the location, together with a report of the proceedings, not more than fifteen
17 days after making the decision. A copy of the notice of decision shall be mailed to the applicant
18 and to any person who has made a written request for a copy of the decision. The secretary of the
19 Planning Commission or the East Area Planning Council shall place the notice of decision on the
20 next agenda of the Planning Commission or the East Area Planning Council, held five or more
21 days after the secretary receives the notice from the Planning Director. The decision of the
22 Planning Director is considered final and no action by the Planning Commission or the East Area
23 Planning Council is required unless, within ten days after the notice appears on the Planning
24 Commission or the East Area Planning Council agenda, the applicant or an interested person files
25 an appeal, accompanied by the fee set forth in County Ordinance No. 671, or unless the Planning
26 Commission or the East Area Planning Council assumes jurisdiction by ordering the matter set for
27 public hearing. If a timely appeal is filed, or the Planning Commission or the East Area Planning
28 Council assumes jurisdiction by ordering the matter set for public hearing, the secretary of the
Planning Commission or the East Area Planning Council shall set the matter for public hearing
before the Planning Commission or the East Area Planning Council not less than five nor more
than 30 days thereafter and shall give written notice of the hearing in the same manner as notice
was given for the original hearing.

22 (2) Appeal from Planning Commission or East Area Planning Council. Within ten
23 calendar days after the date of the mailing of the decision of the Planning Commission or the East
24 Area Planning Council, the appellant may appeal that decision, in writing, to the Board of
25 Supervisors, on the form provided by the Planning Department, which shall be accompanied by a
26 filing fee set forth in County Ordinance No. 671.

27 (3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed
28 appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not
less than five days nor more than 30 days thereafter and shall give written notice of the hearing to
the appellant and the Planning Director. The Board of Supervisors shall render its decision within
30 days following the close of the hearing on the appeal.