

EXHIBIT A

TITLE 22 ORDINANCE

ORDINANCE NO. _____

An ordinance amending the Los Angeles County Code Title 22 – Planning and Zoning to establish regulations for wireless facilities on private property in the unincorporated areas of Los Angeles County and associated provisions.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 22.14 is hereby amended to read as follows:

22.14.230 – W.

...

Wireless facility. The following terms are defined for the purposes of Section 22.140.~~650700~~ (Wireless Facilities).

Associated equipment. As defined in 47 C.F.R. Section 1.6002(c), or any successor provisions, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna facility. As defined in 47 C.F.R. Section 1.6002(d), or any successor provisions, an antenna and associated equipment.

Architectural tower. A stand-alone tower that incorporates architectural elements and is constructed for the purpose of supporting and concealing wireless facilities, such as a faux belfry, minaret, cupola, water tower or tank, silo or other agricultural-type structure, clock tower, windmill, or another similar structure.

Base station. As defined in 47 C.F.R. Section 1.6100(b)(1), or any successor provision, a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. A base station includes a structure where a wireless facility may co-locate on, but is not built for the sole or primary purpose of supporting a wireless facility. This term does not include a tower or any equipment associated with a tower.

Collocation. As defined in 47 C.F.R. Section 1.6002(g)(1) and (2), or any successor provision, (1) mounting or installing an antenna facility on a pre-existing structure, and/or (2) modifying a pre-existing structure for the purpose of mounting or installing an antenna facility on that structure.

Eligible Facilities Request. As defined in 47 C.F.R. Section 1.6100(b)(3), or any successor provision, a request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station, and involves colocation, removal, or replacement of transmission equipment. For the purposes of eligible facilities requests, colocation is as defined in 47 C.F.R. Section 1.6100(b)(2), or any successor provisions.

Faux rock outcroppings. Artificial rocks that are used to conceal a wireless facility and are designed to mimic actual rocks typically found in proximity to the proposed project site and appropriate for that location.

Faux tree. An artificial tree that is used to conceal a wireless facility and is designed to mimic an actual tree typically found in proximity to the proposed project site and appropriate for that location.

FCC. The Federal Communications Commission or its lawful successor.

Macro facility. A wireless facility that does not meet the requirements of a small cell facility or an eligible facilities request.

Personal wireless services. As defined in 47 U.S.C. Section 332(c)(7)(C)(i), or any successor provision, commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless services facility. As defined in 47 U.S.C. Section 332(c)(7)(C)(ii), or any successor provision, a wireless facility that is used for the provision of personal wireless services.

Small cell facility. As defined in 47 C.F.R. Section 1.6002(l), or any successor provision, a “small wireless facility” is a personal wireless services facility that meets the following conditions:

1. The facility is mounted on a structure up to 50 feet in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d), or is mounted on a structure and extends no more than 10 percent in height above other adjacent structures, whichever is greater;

2. Each antenna associated with the facility, excluding associated antenna equipment (as defined under “antenna” in 47 C.F.R. 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 facility does not require antenna structure registration under 47 C.F.R. Part 17;

5. The facility is not located on Tribal lands, as defined under 36 C.F.R. Section 800.16(x); and

6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).

Substantial change. As defined in 47 C.F.R. Section 1.6100(b)(7).

Support structure. As defined in 47 C.F.R. Section 1.6002(m) for “structure”, a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Temporary facility. A wireless facility used to provide wireless services on a temporary or emergency basis, such as, but not limited to, for a large-scale special event, following a duly proclaimed local or state emergency as defined in Section 8558 of the California Government Code, or during repair, maintenance, or upgrading of existing facilities. Temporary facilities include without limitation, cells on wheels (COW), sites on wheels (SOW), cells on light trucks (COLTs), or other similar wireless facilities, and:

1. That will be in place for no more than six months (or such other longer time as the County may allow in light of the event or emergency);

2. For which required notice is provided to the FAA;

3. That do not require marking or lighting under FAA regulations;

4. That will be less than 200 feet in height; and

5. That will either involve no excavation or involve excavation only as required to safely anchor the facility, including footings and other anchoring

mechanisms, by no deeper than 24 inches below ground if the ground is undisturbed, or no deeper than 12 inches above the depth of any previous disturbance if the ground is disturbed.

Tower. A structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas, including on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that tower but not installed as part of an antennas. This definition does not include utility poles.

Wireless facility. The antenna facility used for the provision of wireless services at a fixed location, including, without limitation, any associated support structure(s).

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SECTION 2. Section 22.16.030 is hereby amended to read as follows:

22.16.030 – Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.

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C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses						
...
Wireless facilities, in compliance with Section 22.140.650.C.1700.D.1	SPR	SPR	SPR	SPR	SPR	Section 22.140.650700

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES							
	A-1	A-2	O-S	R-R	W	Additional Regulations	
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	CUP	CUP	CUP	CUP	Section 22.140. 650 700	

SECTION 3. Section 22.18.030 is hereby amended to read as follows:

22.18.030 – Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4 and R-5.

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C. Use Regulations.

1. Principal Uses. Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses							
...
Wireless facilities, in compliance with Section 22.140. 650.C.1700.D.1	SPR	SPR	SPR	SPR	SPR	SPR	Section 22.140. 650 700
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140. 650 700

SECTION 4. Section 22.20.030 is hereby amended to read as follows.

22.20.030 – Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

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C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses								
...
Wireless facilities in compliance with Section 22.140. 650.C.1700.D.1	SPR	SPR	SPR	SPR	SPR	SPR	SPR	Section 22.140. 650 700
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Section 22.140. 650 700

SECTION 5. Section 22.22.030 is hereby amended to read as follows:

22.22.030 – Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5.

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C. Use Regulations.

2. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses					
...
Wireless facilities, in compliance with Section 22.140. 650.C.1700.D.1	SPR	SPR	SPR	SPR	Section 22.140. 650 700
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	CUP	CUP	CUP	Section 22.140. 650 700

SECTION 6. Section 22.22.040 is hereby amended to read as follows:

22.22.040 - Land Use Regulations for Zone M-3.

A. Permitted Uses. Premises in Zone M-3 may be used for any use, except that a use listed in Subsections B and C, below, is permitted only as provided in such sections, below, and uses listed in Subsection D, below, are prohibited. In addition, the following uses are permitted in Zone M-3:

1. Grading projects, with off-site transport up to 100,000 cubic yards of material, subject to Section 22.140.240 (Grading Projects).

2. One mobilehome or recreational vehicle on the same lot may be permitted for up to six consecutive months in any 12-month period if it is legally being used as a caretaker's residence for a use that requires the continuous supervision of a caretaker.

3. Use of property to gain access to any lawfully maintained use.

4. Wireless facilities, in compliance with Section 22.140.650-B-1700.D.1.

B. Conditional Use Permit. If a Conditional Use Permit (Chapter 22.158) application has first been approved, premises in Zone M-3 may be used for:

1. Any use that is listed under Zone M-2 in Section 22.22.030 (Land Use Regulations for Zones M-1, M-1.5, M-2, and M-2.5) that requires a Conditional Use Permit application and is subject to the same limitations and conditions as in Zone M-

2.

2. The following additional uses:

a. Mobilehomes used as caretaker residences for a period of longer than six consecutive months in any 12-month period, in compliance with Section 22.140.140 (Caretaker Residences, including Mobilehomes).

C. Other Permits Required. If an application for a specified permit has first been approved, premises in Zone M-3 may be used for the following:

1. Adult Businesses, as provided by Chapter 22.150 (Adult Business Permits).
2. Cemeteries, as provided in Chapter 22.154 (Cemetery Permits).
3. Explosives storage, as provided in Chapter 22.164 (Explosives Permits).
4. Surface mining operations, as provided in Chapter 22.190 (Surface Mining Permits).
5. Wireless facilities, in compliance with Section 22.140.650.B.2700.D.2.

SECTION 7. Section 22.22.050 is hereby amended to read as follows:

Section 22.22.050 – Land Use Regulations for Zones B-1 and B-2.

Table 22.22.050-A, below, identifies the permit or review required to establish each use.

TABLE 22.22.050-A: LAND USE REGULATIONS FOR ZONES B-1 AND B-2			
	B-1	B-2	Additional Regulations
...
<u>Wireless facilities</u>	=	=	

SECTION 8. Chapter 22.24 is hereby amended to read as follows:

22.24.030 – Land Use Regulations for Rural Zones.

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C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses			
...
Wireless facilities, in compliance with Section 22.140. 650.C.1700.D.1	SPR	SPR	Section 22.140. 650 700
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	CUP	Section 22.140. 650 700

SECTION 9. Section 22.26.020 is hereby amended to read as follows:

22.26.020 – Institutional Zone.

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B. Land Use Regulations.

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3. Use Regulations.

a. Principal Uses. Table 22.26.020-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses		
...
Wireless facilities, in compliance with Section 22.140. 650.C.1700.D.1	SPR	Section 22.140. 650 700

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	Section 22.140. 650 700

SECTION 10. Section 22.26.030 is hereby amended to read as follows:

22.26.030 – Mixed Use Development Zone.

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B. Land Use Regulations.

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3. Use Regulations.

a. Principal Uses. Table 22.26.030-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
Transportation, Electrical, Gas, Communications, Utilities, and Public Service Uses		
...
Wireless facilities, in compliance with Section 22.140. 650.C.1700.D.1	SPR	Section 22.140. 650 700
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	Section 22.140. 650 700

SECTION 11. Section 22.26.040 is hereby amended to read as follows:

Section 22.26.040 – Specific Plan Zone.

...

B. Land Use Regulations.

...

3. Wireless Facilities. If a zone or land use category within a Specific Plan is silent with regard to wireless facilities, the Director may accept an application for a wireless facility if the Director determines that a wireless facility is similar to another use permitted within such zone or land use category, in accordance with the following:

a. If the wireless facility is in compliance with Section 22.140.~~650.B.1~~700.D.1, the Director may accept a Ministerial Site Plan Review application (Chapter 22.186); or

b. If the wireless facility is in compliance with Section 22.140.~~650.B.2~~700.D.2, the Director may accept a Conditional Use Permit application (Chapter 22.158).

c. This provision shall not apply if the Specific Plan Zone is within a local coastal program.

SECTION 12. Section 22.26.060 is hereby amended to read as follows:

22.26.060 – Parking Restricted Zone.

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B. Land Use Regulations.

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3. Use Regulations.

a. Principal Uses. Table 22.26.060-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.060-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R		
		Additional Regulations
...
Wireless facilities, in compliance with Section 22.140. 650.C.1 700.D.1	SPR	Section 22.140. 650 700

TABLE 22.26.060-B: PRINCIPAL USE REGULATIONS FOR ZONE P-R		
		Additional Regulations
Wireless facilities, in compliance with Section 22.140. 650.C.2700.D.2	CUP	Section 22.140. 650 700

SECTION 13. Section 22.140.~~650~~700 is hereby added to read as follows:

22.140.~~650~~700 Wireless Facilities

A. Purpose. This purpose of this Section is to:

1. Facilitate wireless communications service providers to provide equitable, high quality wireless communications service infrastructure to serve the current and future needs of the County's residents, visitors, businesses, and local governments quickly, effectively, and efficiently.
2. Establish streamlined permitting procedures for the installation, operation, and modification of wireless facilities, while protecting the public health, safety and welfare of the County residents.
3. Establish standards to regulate the placement, design, and aesthetics of wireless facilities to minimize visual and physical impacts to surrounding properties.
4. Comply with all applicable federal and state laws and regulations regarding wireless facilities.

B. Applicability. This Chapter applies to all wireless facilities located on private property and public property, except for small cell facilities to be located in the public right of way which are subject to Chapter 16.25 (Small Cell Facilities) in Title 16 (Highways) of the County Code. Wireless facilities shall be permitted in all zones except Zones B-1 and B-2, subject to the required application as specified in Subsection ~~CD~~, below. Where another regulation in Title 22 applies to a wireless facility, that

regulation shall take precedence over this Section. This Section shall not apply to areas within a local coastal program.

C. Exemptions. The following shall be exempt from the provisions of this Section:

1. A single ground- or building-mounted antenna not exceeding the maximum height permitted by this Chapter, including any mast, subject to the following restrictions:

a. A satellite dish antenna 39.37 inches or less in diameter and (a) intended for the sole use of a person occupying the same parcel to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot provided it is no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above the roofline.

b. A non-satellite dish antenna 39.37 inches or less in diameter or diagonal measurement and (a) intended for the sole use of a person occupying the same parcel to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite or (b) a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services, is permitted anywhere on a lot.

2. Amateur radio antennas that are in compliance with Section 22.140.040 (Amateur Radio Antennas).

3. “Like kind” equipment replacements, exchanges, or upgrades to an existing cabinet, vault, ~~or~~ shroud, ~~or generator~~ that do not increase pre-existing visual or noise impacts, are substantially similar in appearance and the same or less in size, dimensions, and weight, ~~and have the same or less radio frequency (RF) emissions to the ten existing and approved equipment. This exemption does not apply to generators.~~

4. The following temporary facilities that will be placed for less than seven consecutive days, provided any necessary building permit or other approval is obtained and the property owner’s written consent is provided to the County:

- a. Facilities installed and operated for large-scale events;
- b. Facilities needed for coverage during ~~repairs, upgrades, or the~~ temporary relocation of an existing and already-approved facility; and
- c. Emergency generators to provide auxiliary power to wireless facilities for seven or fewer days, provided they are to be located on private property, and complies with the Noise Ordinance in Title 12 and Fire Code (Title 32) of the County Code.

D. Application Requirements.

1. Ministerial Site Plan Review. A Ministerial Site Plan Review (Chapter 22.186) application is required to authorize the following:

- a. Installation and operation of a small cell facility located on private property and public property that is not a public right of way;

b. An Eligible Facilities Request, as defined in Section 22.14.230(W), for an existing facility, which does not include a small cell facility located in the public right of way which instead is subject to Chapter 16.25 (Small Cell Facilities) of the County Code, that was previously approved with a Ministerial Site Plan Review (Chapter 22.186);

c. A macro facility on an existing support structure that meet all standards in Subsection E, below, and does not require a waiver;

d. Installation and operation of a temporary facility other than those described in Subsection ~~D.3, below~~B.4, above; and

e. Placement and operation of an emergency generator to provide auxiliary power to a wireless facility for more than seven days but no more than 90 days, provided the generator is not located in the public right of way, and complies with the Noise Ordinance in Title 12 and Fire Code (Title 32) of the County Code.

2. Conditional Use Permit. A Conditional Use Permit (Chapter 22.158) application is required to authorize the following:

a. Installation and operation of a new macro facility not installed on an existing structure.

b. Installation and operation of any wireless facility, of any type, that requires a waiver from one or more of the design standards specified in Subsection E, below.

3. Revised Exhibit “A”. A Revised Exhibit “A” (Chapter 22.184) application is required to collocate a macro facility on an existing structure with an approved and unexpired discretionary permit that currently hosts another macro facility, or to make

modifications to an existing macro facility with an approved and unexpired discretionary permit, including an Eligible Facilities Request for the macro facility. ~~Certain conditions prescribed as part of the approval of the discretionary permit shall not be binding for modifications to a facility as part of an Eligible Facilities Request only to the extent that the request seeks to rectify those conditions (i.e., size, dimensions, or height), and all other conditions shall continue to apply.~~

4. For every new application, the applicant shall prepare and submit to the Director a report on the radio frequency emissions levels of each wireless facility demonstrating that such emissions comply with adopted FCC guidelines.

E. Development Standards.

1. General Standards. All wireless facilities, except for facilities as part of Eligible Facilities Requests and Small Cell Facilities, shall comply with the following standards. If a waiver is required for one or more of these standards due to technical infeasibility, Subsection D.2.b, above, shall apply.

a. Compliance with all regulations. The facility shall comply with state and federal requirements, standards and law.

b. Location.

i. Wireless facilities shall not encroach into any required setbacks for structures.

ii. In Residential Zones, including in the public right of way, wireless facilities shall be placed no further than five feet from any common property line shared with adjoining lots, and shall be stealth or use concealment techniques.

iii. Wireless facilities shall be located in compliance with ~~the~~

~~limitations regulations as specified in Chapter 22.102 (Significant Ecological Areas), Division 10 (Community Standards Districts) and Division 11 (Non-Coastal Specific Plans), and Chapter 22.336 (Santa Monica Mountains North Area Community Standards District), where applicable. All wireless facilities to be located within the Santa Monica Mountains Coastal Zone shall be in compliance with all requirements in Chapter 22.44 (Santa Monica Mountains Local Implementation Program), and if applicable, Chapter 22.56 (Coastal Development Permits).~~

iv. New wireless facilities shall not be installed on buildings or structures listed or eligible for listing on the National, California, or County historic registers. New towers and support structures installed on the grounds of properties listed or eligible for listing on the National, California, or County historic registers shall be located and designed to eliminate impacts to the historic resource. A Historic Resource Assessment, prepared to the satisfaction of the Director, may be required for a facility to be located on a site containing an eligible resource to identify impacts to historic resources, and identify mitigation to minimize impacts.

d. Height.

i. In Industrial, Rural, Agricultural, Open Space, Resort-Recreation and Watershed Zones, the maximum height of a non-building-mounted wireless facility shall be 75 feet.

ii. ~~In all other zones except Zones R-1, R-2, and R-3, the maximum height of a non-building-mounted wireless facility shall be 65 feet.~~

In Zones R-1, R-2, and R-3, the maximum height of a wireless facility shall be 35 feet, and for a small cell facility not in the public right of way, the

maximum height shall be 50 feet.

iii. In all other zones except Zones R-1, R-2, and R-3, the maximum height of a non-building-mounted wireless facility shall be 65 feet.

iv. The height of a wireless facility, including those located within an Airport Influence Area, shall comply with the applicable FAA requirements.

e. Design standards.

i. Cables. All cables that serve the wireless facility shall be located within the interior of the structure, sheathed, or hidden to the fullest extent technically feasible.

ii. Color. All pole-mounted equipment not concealed shall be treated with exterior coatings of a color and texture to match the predominant visual background or existing architectural elements to visually blend in with the surrounding development.

iii. Associated Equipment. Associated equipment shall not be visible, and, if placed on the ground, shall be located in an enclosed structure, such as a building or underground vault (with the exception of required electrical panels), or screened and secured by solid fencing, walls, and gates, and shall conform to the height of the applicable zone. Radio units need not be enclosed but shall be stealth.

iv. Fencing. Barbed wire shall be prohibited.

2. Additional standards for monopoles.

a. To the extent technically feasible, antennas shall be mounted directly on the structure for a streamlined design. If mounting equipment shall be required to

make the facility feasible, the maximum length of each mounting equipment, such as arm, bracket, or extension, shall be two feet from the structure.

b. Wireless facilities designed as flagpoles are prohibited.

3. Additional standards for facilities mounted on structures other than towers or buildings. A facility mounted on a structure other than a tower or building, such as an architectural tower, bridge, pole sign, lamppost, monumental sign, outdoor advertising sign, stadium light, utility pole, water tank or windmill, shall comply with the following standards:

a. Non-ground mounted equipment shall be shrouded ~~and, if technically feasible, or~~ contained within the structure ~~to the extent technically feasible.~~

b. Cables shall be flush-mounted or fully sheathed to the structure to prevent visible gaps between the cables and the structure, ~~unless expressly prohibited by a state regulation. Cables shall not be visibly loose or spooled.~~

c. Shroud and cables shall be finished to match the structure exterior in color.

d. Architectural Towers. Architectural towers shall:

i. Completely conceal equipment, including antennas; and

ii. Blend in with the architecture of buildings located near the tower location.

4. Additional standards for roof-mounted facilities.

a. Roof-mounted facilities shall be completely concealed and not visible from any public right of way at ground level. Acceptable concealment includes screening or architectural features appropriate to the building such as parapets,

penthouses, cupolas, steeples, chimneys, or architectural towers finished to match the building exterior.

b. Chimneys and chimney-like textures as concealment shall be avoided for the roofs of commercial buildings.

5. Additional standards for facade-mounted facilities.

a. Facade-mounted equipment shall be flush mounted, architecturally integrated, or completely screened.

b. Architecturally integrated and screening elements shall be finished to match the building exterior.

F. Development Standards for Small Cell Facilities.

1. Setbacks.

a. Small cell facilities shall not encroach into any required setbacks for structures.

b. In Residential Zones, excluding the public right of way, small cell facilities shall be placed no further than five feet from any common property line shared with adjoining lots.

2. Height and size. The height and size of the small cell facility shall not exceed the dimensions specified in Section 22.14.230 (W) for “small cell facility.”

3. Design standards.

a. All antennas, cables, and equipment shall be concealed ~~and or~~ located within the antenna shrouds, pole, conduits, and other stealthing apparatus.

b. The small cell facility shall be finished with matching colors to blend in with the structure.

G. Modifications to Existing Macro Facilities. Existing macro facilities may be eligible for either:

1. A Ministerial Site Plan Review (Chapter 22.186) application if such facilities are redesigned with shorter mounting equipment that extends no more than two feet from the structure, or with removal of any existing mounting equipment, and with additional screening techniques, such as shrouds or walls, that blend in with the structure, including color and texture, and conforms to all standards in Subsection E, above, and does not require a waiver; or

2. A Revised Exhibit "A" (Chapter 22.184) application for modifications to a facility where such modifications will not bring the facility into conformity with the standards in Subsection E, above, or which requires a waiver.

3. An Eligible Facilities Request may be processed with a Ministerial Site Plan Review (Chapter 22.186) application if minor modifications will bring the facility in conformance with all standards in Subsection E, above, and does not require a waiver.
~~or a Revised Exhibit "A" (Chapter 184) application if the minor modifications will not bring the facility in conformance with the standards in Subsection E, above, or which may require a waiver. Otherwise, the Eligible Facilities Request may be processed with a Revised Exhibit "A," in accordance with Subsection D.3, above.~~

H. Standards for Wireless Facilities Subject to Conditional Use Permit. All facilities that are subject to a Conditional Use Permit (Chapter 22.158) pursuant to Subsection ~~GD~~.2, above, shall comply with the following standards:

1. Location.

a. Wireless facilities shall be located and designed to minimize visual impacts to vistas from adopted scenic highways and ridgelines.

b. Wireless facilities shall be located to minimize visual impacts on adjacent residences and historic resources.

2. Design standards. Wireless facilities shall incorporate the following concealment measures appropriate for the proposed location:

a. Monopoles. Monopoles shall be designed as follows:

i. Monopoles shall be located to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures in the immediate surroundings to provide the greatest amount of visual screening.

ii. If mounting equipment shall be required for the monopole, the maximum length of each mounting equipment, such as arm, bracket, or extension, shall be eight feet.

b. Faux Trees. Any proposed faux tree shall be designed as follows:

i. Wherever possible, faux trees shall be located within 50 feet of an existing grove of at least two live trees, and shall be similar in appearance to the species of the live trees.

ii. The faux tree species shall be appropriate for the location.

iii. Antennas shall be painted, coated, or covered to match their background (e.g., leaves, branches, or trunk) and shall not extend beyond the tree branches or fronds.

iv. Faux branches or fronds shall conceal the antennas asto the extent technically feasible and shall be weather-resistant.

v. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark cladding, the pole shall be painted a flat non-reflective paint of the same color as the bark cladding.

c. Faux Rock Outcroppings. Faux rock outcroppings, shall contain all equipment, including antennas, and shall be similar in appearance to real rocks in the immediate vicinity with respect to color, texture, and scale.

d. Architectural Towers. Architectural towers shall:

iii. Completely conceal equipment, including antennas; and

iv. Blend in with the architecture of buildings located near the tower location.

I. Findings. If a wireless facility is subject to Subsection ~~CD~~.2, above, the following additional findings shall be made:

1. The facility complies with all applicable standards in this Section, ~~unless a waiver has been requested pursuant to Subsection L, below;~~

2. The design of the facility is the least visually intrusive that is technically feasible and appropriate for the location; and

3. For new wireless facilities, the location of the facility does not create a safety hazard.

J. Conditions of Approval. For wireless facilities subject to Subsection ~~CD~~.2, above, the Commission or the Hearing Officer may impose conditions to ensure that the approval will be in accordance with the findings required by the application. Such conditions may involve any pertinent factors that could affect the establishment, operation, and maintenance of the facility, ~~including, but not limited to:~~

~~1. Every five years, the permittee shall prepare and submit to the Director a report on the radio frequency emissions levels of each wireless facility demonstrating that such emissions comply with adopted FCC limitations for general population/uncontrolled exposure to such emissions when operating at full strength.~~

K. ~~Wireless Facility Authorization~~Permit Duration. A Conditional Use Permit to authorize a wireless facility may be valid for a period of 15 years.

KL. Waivers.

1. For wireless facilities subject to Subsection ~~CD~~.2, above, the Commission or Hearing Officer may grant a waiver to one or more of the development standards in this Section if the Commission or Hearing Officer determines that the applicant has established that the denial of an application would:

a. Prohibit or effectively prohibit the provision of personal wireless services pursuant to 47 U.S.C. § 332(c)(7)(B)(i)(II);

b. Otherwise violate applicable laws or regulations; or

c. Require a technically infeasible design or installation of a wireless facility.

2. When a determination is made to grant a waiver, one or more of the applicable design or location standards may be waived, but only to the minimum extent required to avoid the prohibition, violation, or technically infeasible design or installation, and that does not compromise public safety.

SECTION 14. Section 22.250.010 is hereby amended to read as follows:

22.250.010 Filing Fees and Deposits.

A. For the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 22, the following fees, as provided in Table 22.250.010-A, below, shall accompany the application or petition. Table 22.250.010-A may be referred to as the Filing Fee Schedule.

TABLE 22.250.010-A: FILING FEE SCHEDULE		
...	...	
Site Plan Review, Ministerial
	<u>Small cell wireless facilities on existing structures – for up to five facilities</u>	\$500
	<u>Small cell wireless facilities on existing structures– for each facility beyond the first five facilities</u>	<u>\$100</u>
	<u>Small cell wireless facilities on new structure – for each new structure</u>	<u>\$1,000</u>
...

SECTION 15. Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the County that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.