

ORDINANCE NO. SCC 2020-04

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
AMENDING TITLE 17, ZONING PLAN, OF THE SHASTA COUNTY CODE
REGARDING THE REGULATION OF WIRELESS TELECOMMUNICATION
FACILITIES**

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

SECTION I.

Article II – Definitions, of Chapter 17.02 – General Provisions, is amended as follows:

Add Section 17.02.638 “Wireless telecommunication services” as follows:

17.02.638 – Wireless telecommunication services.

“Wireless telecommunication services” means the wireless transmission or receipt of electromagnetic signals, excluding receive-only radio and television signals and signals transmitted via satellite.

SECTION II.

Chapter 17.84 – General Development Standards, is amended as follows:

Amend Section 17.84.030 "Height limits-exceptions" to read as follows:

17.84.030: Height limits-exceptions.

The following general height regulations apply:

A. Fences. The following shall apply, unless otherwise provided:

1. The height of any fence, wall, hedge, screen planting or other dividing structure placed, grown or maintained in any residential or commercial district shall not exceed three feet within any required front yard or within any side yard on the street side of a corner lot, except as provided in subsection (A)(3).
2. The height of any fence, wall or other dividing structure placed in any residential district shall not exceed six feet in any rear yard, or in any required side yard not subject to subsection (A)(1), except as provided in subsection (A)(3). A fence may exceed this height limit if a use permit is first secured.
3. The height limits of this subsection do not apply to open wire fencing material used as a fence or dividing structure or placed atop any fence, wall or other dividing structure.

B. Height Exceptions. The following exceptions apply to height regulations:

1. Roof Structure. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, solar equipment or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radio and television antennas or similar structures may be erected above the height limits specified in this title, but no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space.
2. Slope. Where the average grade under any dwelling exceeds fifteen percent, the maximum height limit shall be increased by fifteen feet on the downhill side of the building.
3. Transmission Lines. Height limitations provided in this title shall not apply to electric transmission lines or towers.
4. Administrative/Use Permit. Except as otherwise provided in this section, any residential accessory structure, building or fence may be erected to a greater height or number of stories than the limit established for the district in which the structure is to be located, provided that an administrative permit is issued. For all other over-height structures, buildings or fences, issuance of a use permit is required.

C. Fire Safety. Whenever the lowest portion of the roof is greater than twenty feet from the ground, roof access for fire safety shall be provided as required by the local fire authority.

SECTION III.

Article II – Uses Permitted with a Residence or in Selected Residential Districts, of Chapter 17.88 – Special Uses, is amended as follows:

Amend Section 17.88.140 "Residential accessory buildings" to read as follows:

17.88.140: Residential accessory buildings.

- A. Residential accessory buildings are buildings which are subordinate to and commonly associated with a residence, including, but not limited to: private garages, carports, covered awnings, greenhouses, and private storage buildings. As used in this section, residential accessory buildings include the terms "residential accessory structure" and "accessory structure." This section does not apply to family care residences, accessory dwelling units, senior citizen residences, guest houses, servant's quarters, or any other buildings permitted and approved for human occupancy, or to agricultural buildings as defined in Section 17.02.105 and as permitted by Section 17.88.060.
- B. Residential accessory structures may be permitted in any district that permits a residence, unless otherwise specified by a particular district, provided that:

1. In districts which require an administrative or use permit for a residence, the administrative or use permit for the residence is issued; and
2. The accessory structure(s) comply with the following criteria and all required permits are approved:
 - a. On property with a legally established residence, the combined total floor area of all such accessory structures, attached and detached, does not exceed two thousand five hundred square feet excluding six hundred square feet of garage space when attached to and part of the residence, and excluding up to two legal detached structures less than one hundred twenty square feet of floor area each, unless an administrative permit is first approved.
 - b. On property where no legal residence has been established, accessory structures may be permitted, provided that an agreement is signed by the property owner and recorded prior to issuance of building permits, acknowledging that the accessory structures cannot and will not be used for human occupancy, or for any purpose in violation of the particular zone district or any other regulatory or prohibitory provision of the Shasta County Code; and further provided that:
 - i. The combined total floor area of all accessory structures, including structures less than one hundred twenty square feet, shall not exceed one thousand square feet.
 - ii. If a legal residence will be constructed concurrently on the property and all required permits for the residence have been approved, the combined total floor area of all accessory structures may exceed one thousand square feet, subject to the permitting requirements and size limitations of subsection B.2.a of this section, and provided that the final inspection of all such accessory structures shall only occur after or at the same time as the certificate of occupancy is issued for the residence.
 - c. The structures and devices are permitted pursuant to the Over-the-Air Reception Devices (“OTARD”) Rule, 47 Code of Federal Regulations Section 1.4000, as may be amended from time to time.
 - d. When located on property containing one or more dwelling units for the purpose of providing wireless telecommunication services of any type exclusively to the dwelling unit(s) on the subject property, the following antennas and appurtenant facilities may be approved as residential accessory structures by a building permit:
 - i. Ground-mounted, non-camouflaged/stealthed monopoles and lattice towers supporting antennas up to 65 feet in height on legal lots and parcels between one and five acres. Minimum setbacks from all property lines shall be equal to the facility height or the minimum required setback pursuant to the applicable zone

district regulations, whichever is greater. Guy wires shall only be permitted if they will not encroach into any required yard pursuant to the applicable site development standards for the zone district.

- ii. Ground-mounted, non-camouflaged/stealthed monopoles and lattice towers supporting antennas up to 100 feet in height on legal lots and parcels of 5 acres or more. Minimum setbacks from all property lines shall be equal to 2 times the facility height. Such facilities may be self-supporting or supported by guy wires.
 - iii. Ground-mounted, camouflaged/stealthed, self-supporting facilities supporting antennas up to 100 feet in height; guy wires are not permitted. Minimum setbacks from all property lines shall be equal to the facility height or the minimum required setback pursuant to the applicable zone district regulations, whichever is greater.
 - iv. Roof-mounted masts supporting antennas equal to one-half the height of the building they are attached to. Such masts may be self-supporting or supported by guy wires.
 - v. Antennas architecturally integrated into a building with a maximum height equal to 1.5 times the height limit of the zone district in which they are located.
 - vi. Facilities that collocate at an existing structure or are built into a roof structure if the height is not increased.
 - vii. Modifications and additions to approved facilities if the height is not increased.
- e. When located on property containing one or more dwelling unit for the purpose of providing wireless telecommunication services of any type exclusively to the dwelling unit(s) on the subject property, the following antennas and appurtenant facilities may be approved as residential accessory structures by an administrative permit pursuant to Section 17.92.050:
- i. Ground-mounted facilities supporting antennas up to 100 feet in height that do not comply with the standards of subsection B.2.d of this section.
 - ii. Roof-mounted facilities supporting antennas other than masts and roof-mounted masts exceeding a height equal to 1.5 times the height limit of the zone district in which they are located. Such facilities may be self-supporting or supported by guy wires.
 - iii. Antennas architecturally integrated into a building exceeding a height equal to 1.5 times the height limit of the zone district in which they are located.

- f. When located on property containing one or more dwelling unit for the purpose of providing wireless telecommunication services of any type exclusively to the dwelling unit(s) on the subject property, antennas and appurtenant facilities, with the exception of those as specified in subsections B.2.d and B.2.e of this section, may be approved as residential accessory structures by a use permit pursuant to Section 17.92.020.

SECTION IV.

Article III – Other Special Uses, of Chapter 17.88 – Special Uses, is amended as follows:

Amend Section 17.88.282 "Wireless telecommunication facilities" to read as follows:

17.88.282: Commercial wireless telecommunication facilities.

A. Purpose. The purpose of this section is:

1. To establish a review process for the orderly development, operation and maintenance of commercial wireless telecommunication facilities;
2. To require commercial wireless telecommunication facility providers to design and configure wireless telecommunication facilities to minimize adverse environmental, noise and visual impacts and to ensure the prompt removal of abandoned facilities;
3. To minimize the impact of such sites by encouraging location on existing structures, colocation on existing communication structures, and to encourage new facilities to make provisions for future colocation opportunities; and
4. To allow reasonable opportunity for providers of commercial wireless telecommunication services to provide the benefits of this technology to the county and its citizens.

B. Definitions.

As used in this section:

“Commercial wireless telecommunication services” means the wireless transmission or receipt of electromagnetic signals, excluding receive-only radio and television signals and signals transmitted via satellite, by a commercial entity for a customer.

“Commercial wireless telecommunication facilities” means any structure, tower, pole, antenna, equipment, or combination thereof utilized for the purpose of providing commercial wireless telecommunication services to customers.

“Fixed wireless internet facilities” means any structure, tower, pole, antenna, equipment or combination thereof utilized for the purpose of providing wireless internet services to more than one residential and/or commercial customer at fixed locations.

C. Permit Requirements.

1. Building Permit. The following fixed wireless internet facilities may be approved by a building permit subject to compliance with all applicable building code requirements:
 - a. Ground-mounted, non-camouflaged/stealthed monopoles and lattice towers supporting antennas up to 65 feet in height on legal lots and parcels between one and five acres. Minimum setbacks from all property lines shall be equal to the facility height or the minimum required setback pursuant to the applicable zone district regulations, whichever is greater. Guy wires shall only be permitted if they will not encroach into any required yard pursuant to the applicable site development standards for the zone district.
 - b. Ground-mounted, non-camouflaged/stealthed monopoles and lattice towers supporting antennas up to 100 feet in height on legal lots and parcels of 5 acres or more. Minimum setbacks from all property lines shall be equal to 2 times the facility height. Such facilities may be self-supporting or supported by guy wires.
 - c. Ground-mounted, camouflaged/stealthed, self-supporting facilities supporting antennas up to 100 feet in height; guy wires are not permitted. Minimum setbacks from all property lines shall be equal to the facility height or the minimum required setback pursuant to the applicable zone district regulations, whichever is greater.
 - d. Roof-mounted masts supporting antennas equal to one-half the height of the building they are attached to. Such masts may be self-supporting or supported by guy wires.
 - e. Facilities architecturally integrated into a building with a maximum height equal to 1.5 times the height limit of the zone district in which they are located.
 - f. Facilities that collocate at an existing structure or are built into a roof structure if the height is not increased.
 - g. Modifications and additions to approved facilities if the height is not increased.
2. Zoning Permit. The following facilities, with the exception of fixed wireless internet facilities, including any ancillary structures, may be approved by a zoning permit pursuant to Section 17.92.060, as long as the facility is installed to meet the ordinance standards and conforms with all other requirements. Any such installation must also be found not to create the potential for adverse impacts such as noise (from generators or other accessory equipment), setback, radio interference, hazardous materials, grading problems or cumulative impacts:

- a. Commercial wireless telecommunication facilities that are architecturally compatible with the current development on the project site and adjoining parcels or are camouflaged/stealthed in such a manner that they would appear as a natural feature of the landscape may be constructed up to 1.5 times the height limit of the zone district in which they are located. The camouflaged treatment must be permanent throughout the life of the facility.
 - b. Commercial wireless telecommunication facilities that collocate at an existing structure or are built into a roof structure if the height is not increased.
 - c. Modifications and additions to approved facilities if the height is not increased.
 3. Administrative Permit. The following fixed wireless internet facilities may be approved by an administrative permit pursuant to Section 17.92.050:
 - a. Ground-mounted facilities up to 100 feet in height that do not comply with the standards of subsection C.1 of this section.
 - b. Roof-mounted facilities other than masts and roof-mounted masts exceeding a height equal to 1.5 times the height limit of the zone district in which they are located. Such facilities may be self-supporting or supported by guy wires.
 - c. Facilities architecturally integrated into a building exceeding a height equal to 1.5 times the height limit of the zone district in which they are located.
 4. Use Permit. New commercial wireless telecommunication facilities, except those facilities as specified in subsections C.1 through C.3 of this section shall obtain approval of a use permit pursuant to Section 17.92.020 of this code.
- D. Application Requirements. A commercial wireless telecommunication facility application for either a zoning permit, administrative permit, or a use permit shall contain a development plan that includes site plans, drawings and other information which the planning director/planning commission may require to properly evaluate and process the application, including, but not limited to, photographs and photo simulations. Building permit applications shall include the submittal requirements applicable to commercial building permits and any other information the building official may require to properly evaluate and process the application. The county may, in its sole discretion, retain an independent consultant to review either individual elements or the entire application at the applicant's expense. The owner of the property on which a commercial wireless telecommunication facility is located may be required to sign an agreement whenever a cell tower permit is requested obligating the property owner or any successor in interest to remove any abandoned cell tower apparatus and related equipment in accordance with County ordinances and policies. The agreement shall be signed by the property owner. The planning director shall furnish and record an agreement which shall serve as a covenant running with the land for the benefit of the county.

E. General Standards.

1. Height Limits. The height of a commercial wireless telecommunication tower shall be the minimum necessary to meet the technical requirements of the proposed communication system. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily.
2. Location. Facilities shall be sited to avoid or minimize land use conflicts.
 - a. None shall be sited in a location where it will obstruct the operations of any airport.
 - b. With the exception of fixed wireless internet facilities, none shall be sited in an R-1, R-2, or R-3 zone district.
 - c. With the exception of fixed wireless internet facilities, none shall be placed within one thousand five hundred feet of an existing commercial wireless telecommunication facility unless environmental documentation verifies that a concentration of towers in close proximity will not have a cumulative adverse impact on the visual character or quality of the site and its surroundings.
 - d. None shall be placed along a state designated scenic highway, or where identified significant historic, cultural or archaeological resources exist unless it is colocated on a preexisting structure or otherwise camouflaged/stealthed.
 - e. In the event a commercial wireless telecommunication facility is proposed to be sited in an agricultural area that may have aircraft operating at low altitudes, the county may take reasonable steps, concurrent with other notices issued pursuant to this subdivision, to notify pilots registered to operate in the county pursuant to Section 11921 of the California Food and Agricultural Code.
3. Colocation. Any tower or monopole installation subject to this section shall allow colocation.
4. Noise. Wireless facilities shall be constructed and operated in compliance with the standards of the Shasta County General Plan Noise Element and implementing ordinances and standards.
5. Lighting.
 - a. Tower or monopoles shall not be artificially lighted unless required by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), the Uniform Building Code (UBC), or other state or federal law.
 - b. External structure and area lighting shall be permitted only where such lighting is activated and controlled by motion sensors.

6. Outside Storage. No outdoor storage of equipment, materials, or supplies shall be permitted.
7. Setbacks. Towers, monopoles, and ancillary structures shall meet the building setback standards established in the district in which the facility is to be located; except when on a lot which is in or adjacent to a residential zone, then the minimum setback from the property line(s) of the adjacent residential use(s) shall equal the height of the proposed facility.
8. With the exception of fixed wireless internet facilities, landscaping shall be provided and maintained for the life of the facility to screen any ground structures or equipment.
9. Support structures, antennas, and any associated hardware shall have a non-reflective finish that is maintained for the life of the facility.
10. Safety. The project site shall be enclosed within a chain link fence at least six-feet high. For fixed wireless internet facilities consisting of monopoles without built-in climbing features, no fencing shall be required. For fixed wireless internet facilities consisting of lattice towers, minimum 8-foot tall anti-climb panels may be provided in lieu of fencing at the discretion of the property owner.
11. Signage. No advertising signage or identifying logos shall be placed on any facility, except small identification plates used for emergency notification.
12. Licensing. The applicant shall show proof of Federal Communication Commission (FCC) licensing, if required by the FCC, prior to issuance of a building permit.
13. Aesthetic Consideration. Commercial wireless telecommunication facilities shall not have a significant adverse effect on a scenic vista or significantly impact the existing visual character or quality of the site and its surroundings as verified by an environmental document or exemption prepared in accordance with the requirements of the California Environmental Quality Act (CEQA). This provision is not applicable to facilities permitted by a building permit as ministerial projects are statutorily exempt from the requirements of CEQA.

F. Commercial Wireless Telecommunication Facilities Status.

1. Non-conforming commercial wireless telecommunication facilities are subject to the provisions set forth in Section 17.90.020, with the exception of colocated antennas which may be added onto a nonconforming tower or monopole subject to the provisions of this section.
2. For purposes of this section the following definitions shall apply:
 - a. An "existing" commercial wireless telecommunication facility is a facility that is legally existing or approved on the effective date of this section.

- b. A "non-conforming" commercial wireless telecommunication facility is a facility that is existing as of the effective date of this section which does not comply with the applicable standards set forth in this section.
 - c. A "conforming" commercial wireless telecommunication facility is a facility that is existing as of the effective date of this section which complies with the standards set forth in this section.
3. For purposes of Chapter 17.90, the "appraised value" of the wireless telecommunication facility shall be limited to the actual market value of the necessary physical components of the tower, monopole, and ancillary structures as of the date the maintenance or reconstruction is to take place without regard to their income-producing potential as either individual components or as part of an overall facility.

G. Removal of Facilities.

1. The operator of a commercial wireless telecommunication facility shall be required to remove all unused or abandoned equipment, antennas, monopoles, or towers within sixty days of abandonment. The facility shall be deemed abandoned if it has not been operational for a consecutive six-month period. If such facility is not removed within sixty days of being deemed abandoned, the county may remove the facility at the operator and/or property owner's expense.
2. Abandoned facilities shall be considered a public nuisance, as defined by Shasta County Code Chapter 8.28.

H. Applications determined to be incomplete prior to the approval date of this section shall be subject to these provisions.

SECTION V.

The County finds the project is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines sections 15060(c)(2) and 1561(b)(3) based on the general rule that CEQA only applies to projects which have the potential for causing a significant impact on the environment. It can be seen with certainty that this proposed ordinance would not have the potential for causing a significant effect on the environment. Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA. There are no unusual circumstances under State CEQA Guidelines section 15300.2(c).

The County further finds that this ordinance is consistent with the Shasta County General Plan on the basis that the ordinance promotes an increase in the variety, type and scale of business, industrial, and manufacturing activities (Objective ED-2) and guides

development in a pattern that will minimize land use conflicts between adjacent land users (Objective CO-4).

SECTION VI.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION VII.

This ordinance shall take effect and be in full force and effect 30 days after its passage. The Clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 30th day of June, 2020, by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Chimenti, Moty, Rickert, Morgan, and Baugh
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

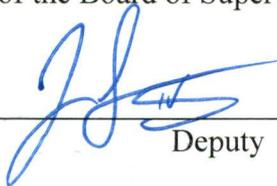


MARY RICKERT, CHAIR
Board of Supervisors
County of Shasta
State of California

ATTEST:

MATTHEW P. PONTES
Clerk of the Board of Supervisors

By: _____



Deputy