

ORDINANCE NO. 1698

ORDINANCE AMENDING TITLE 19 (ZONING) OF THE AMADOR COUNTY CODE, CHAPTER 19.28 ADDITIONAL USES, SECTION 19.28.020 PERMITTED WITH USE PERMIT TO REINSTATE SUBSECTION F. RADIO AND TELEVISION TOWERS, AS A USE ALLOWED IN ANY DISTRICT SUBJECT TO A USE PERMIT AND SECTION 19.48.150 WIRELESS SERVICE FACILITIES BY EXPANDING THE LAND USE DESIGNATIONS IN WHICH THESE USES MAY BE PERMITTED WITH A USE PERMIT.

The Board of Supervisors of the County of Amador, State of California, ordain as follows:

SECTION I. Recitals of Fact:

WHEREAS, the Amador County Board of Supervisors desires to provide additional opportunities for the provision of wireless service facility sites; and

WHEREAS, the location of wireless service facility sites in locations suitable for providing coverage is unduly constrained by the current regulations; and

WHEREAS, the current regulations related to defining and regulating “wireless service facilities” are considered to be too restrictive when compared to the characteristics of the areas and zone districts these facilities are allowed to be located; and

WHEREAS, the Board of Supervisors adopts this ordinance to amend Title 19 (Zoning) of Amador County Code as it relates to appropriate locations for “wireless service facilities” with the findings contained in the pertinent Board meeting minutes and because the public necessity, convenience and general welfare support such an amendment.

SECTION II. Chapter 19.28 Additional Uses, Section 19.28.020 Permitted with use permit of Title 19 (Zoning) of the Amador County Code is hereby amended to read as follows:

“19.28.020 Permitted with use permit. Provided that a use permit is first obtained, the following uses shall be allowed in any district unless otherwise prohibited elsewhere in this title:

- A. Private academic schools offering accredited curricula;
- B. Private non-profit recreational facilities;
- C. Public buildings and uses;
- D. Airports and heliports;
- E. Cemeteries;
- F. Commercial radio and television transmission towers;
- G. Clubs, lodges and fraternal organizations;
- H. Dumps and garbage disposal sites;
- I. Churches;
- J. Bed and breakfast inns;
- K. Commercial wireless service facilities pursuant to Section 19.48.0150.

SECTION III. Chapter 19.48 General Provisions, Section 19.48.150 Commercial Wireless Service Facilities of Title 19 (Zoning) of the Amador County Code is hereby amended to read as follows:

“19.48.150 Commercial wireless service facilities.

A. Purpose. This section provides for the orderly development of wireless service facilities to encourage appropriate locations, protect the character of neighborhoods and communities, reduce the potential for health and safety hazards, and maintain the visual quality of Amador County, especially along highways and roadways.

B. Allowed Zone Districts. Wireless service facilities and ancillary equipment buildings shall only be allowed in the following zone districts (except those described in subsection C. below): "A," "AG," "C1," "C2," "H," "LM," "MM," "M," and "TPZ;" on parcels 20 acres or larger in size in the "R1A" and "X" zone districts when located in the following General Plan classifications: A-G, A-M, A-U, MRZ, and G-F; and on parcels, regardless of zoning or size, owned by a public entity or public utility located in the PS General Plan classification.

C. Permitted Without a Use Permit. Facilities that are building mounted or totally enclosed within a building shall be permitted in any zone district. Building mounted facilities in a residential or other zone district shall be located or screened so as to prevent any public view or shall be architecturally designed to appear as an integral part of the building on which it is attached. The height is limited to that allowed in the district in which located.

D. Staff Issued Use Permits. Use permits may be issued by the planning department staff for wireless service facilities which are up to fifty feet in height, provided the application and approval are consistent with subsections F and G of this section. Prior to issuing a permit, the planning department staff shall notify affected property owners (as determined by the planning department staff). If the planning department receives opposition to the permit application within ten calendar days after notifying affected property owners, the permit may be denied. The applicant or any interested person may appeal the planning department decision pursuant to Chapter 19.64 of this title within ten calendar days after said decision. Approved use permits shall become valid following the ten day appeal period if no appeals are filed.

E. Permitted With an Approved Use Permit. Wireless service facilities more than fifty feet in height and ancillary equipment buildings shall be allowed upon approval of a conditional use permit in the allowed zone districts (listed in subsection B of this section) in accordance with Chapter 19.56 (use permits) of the Amador County Code.

F. Application Requirements. The following shall apply to all applications for wireless service facilities:

1. Alternate Site and Network Analysis. As part of a complete application, the applicant shall submit proof that all alternate sites have been explored and analyzed. The method of analysis shall be reviewed by the planning department staff. The applicant shall provide a map and analysis of existing facilities and a report explaining why co-location is not feasible.

2. Photo Simulations. As part of a complete application, the applicant shall submit relevant colored photo simulations acceptable to the planning department staff of the proposed wireless services facility from all relevant view sheds, roadways and neighboring properties.

3. RF Requirements. The application for a use permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of

the maximum electric and magnetic field strength at the edge of the facility site, the extent that measurable fields extend in all directions from the facility.

G. Development Standards.

1. Aesthetic Considerations. Decisions on all use permits shall take into consideration the aesthetic impact of the proposed wireless service facility and shall include conditions of approval to minimize the visual impact of the wireless service facility as seen from roadways and other properties should any adverse effects be noted. Facilities that are judged to adversely affect the visual quality of the county shall be denied. Colors and materials shall blend with existing structures and vegetation.

2. Screening. Any new support facilities, including ancillary equipment buildings, visible from residential properties or from major arterial streets shall be screened or camouflaged to mitigate adverse visual impacts.

3. Skyline. Facilities shall not adversely affect public views of skylines or skyline views from other properties. The scale of all facilities shall be consistent with existing structures and vegetation. The height of facilities shall not exceed existing tree lines or buildings along a skyline by more than fifteen feet.

4. Lighting. No lighting on wireless service facilities shall be allowed. Security lighting may be allowed on ancillary equipment buildings if approved with a conditional use permit. All security lighting shall be shielded from roadways, traffic and other properties.

5. Setbacks. All wireless service facilities shall have a minimum building setback from all property lines and public road right-of-ways equal to the height of the facility. Setback waivers shall be approved through the conditional use permit process.

6. FAA Recommendations. The recommendations outlined in the FAA Advisory Circular pertaining to the marking of hazards shall be applied by staff in a prudent manner on a case by case basis.

H. Co-location. A use permit shall be required for all co-located facilities that will extend an existing site or structure by more than ten feet above the originally permitted structure and are subject to the application requirements and development standards of this section.

I. Other Considerations. Wireless service facilities are subject to all other applicable regulations and permits, including those of the Public Utility Commission (PUC) of the state of California and the Federal Communications Commission (FCC). A building permit is required for all wireless service facilities and ancillary equipment buildings.

J. Abandoned Wireless Facilities. All wireless service facilities (referred to as "facilities") and equipment that are not used for a period of six months shall be removed from the site and the site cleared of any debris by the permittee within ninety days after notice from the county. If the permittee has not done so within such ninety day period, the county may effect the removal using the bond described in subsection K of this section.

K. Security. At the time any permittee obtains a permit for a wireless service facility or other equipment, the permittee shall provide a performance bond in the amount of one hundred percent of the county's estimated cost for removal of the facility and other equipment, including administrative costs. Said amounts may be revised by the county. The bond shall be utilized by the county in the event that the permittee fails to remove the facility and/or other equipment. If the cost of removal thereof exceeds the bond amount, the landowner, if a different person or entity from the permittee, shall remove the remaining portions of the facility and/or other equipment at the landowner's expense or pay to the county the costs necessary to complete the removal.

L. Definitions. As used in this section the following terms shall have the meaning indicated:

1. Wireless Service Facility. This term shall refer to all facilities providing wireless service, such as, towers, lattice towers, guy-wired towers, poles, mono poles, rods, antennas, panel antennas, whip antennas, cellular communication systems, microwave dishes, equipment shelters, reflecting discs or similar devices used for the transmission and/or reception of electromagnetic waves.

2. Height. Height shall mean, when referring to a tower (as part of a wireless service facility) or other structure, the distance measured from the ground level to the highest point on the facility or other structure which is greater than two inches in diameter.

3. Radio Frequency (RF). The portion of the electromagnetic spectrum between the audio-frequency portion and the infrared portion."

SECTION IV. This ordinance or a summary thereof shall be published in a manner prescribed in Government Code section 25124 and shall become effective thirty (30) days after the date of adoption.

The forgoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 14th day of September, 2010, by the following vote:

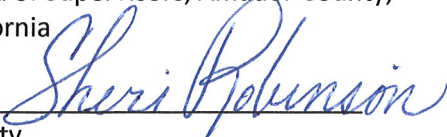
AYES:	Theodore F. Novelli, Brian Oneto, Louis D. Boitano, Richard M. Forster
NOES:	None
ABSENT:	John Plasse



Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California



Deputy