

**ORDINANCE NO. 114**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 4, CHAPTER 4, SECTION 84.0410 OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO WIRELESS COMMUNICATIONS FACILITIES (DCA-4-99)**

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

**SECTION 1. Code Amended**

Title 8, Division 4, Chapter 4, Section 84.0410 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended as follows:

**Chapter 4**

**ADDITIONAL USES**

**Sections:**

**84.0410 List of Additional Uses.**

**(c) Wireless Communications Facilities**

- (1) **Purpose:** The purpose of this section is to provide site selection and general standards applicable to wireless communications facilities, as well as special design standards for Town entry points, scenic corridors, and buffer areas in order to preserve the Town's desert rural neighborhood character and protect and enhance aesthetic and scenic values reflecting the community's image and character consistent with the goals and policies of the General Plan.
- (2) **Applicability:** This section identifies regulations applicable Townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.
- (3) **Definitions:**
  - (A) **Co-location:** means locating wireless communication equipment from more than one provider on a single site.
  - (B) **Lattice Tower:** means a guyed or self-supporting, three or four sided, open frame structure used to support telecommunications equipment.
  - (C) **Monopole Tower:** mean a communications tower consisting of a single pole, constructed with or without guy wires and ground anchors.

- (D) Whip Antennas: means an omni-directional antenna that is very thin, less than two inches in diameter, and not exceeding eighteen feet in height.
  - (E) Wireless Communication Facilities: means a broad range of telecommunications services that enable people and devices to communicate independent of location. This includes the technologies of cellular communications and personal Communications Services. This excludes non-commercial antennas, radio and television signals, and non-commercial satellite dishes typically associated with residential development. For the purpose of this definition, non-commercial antennas is not defined based on FCC filing status.
  - (F) Wireless Communication Facilities - Height: The height of wireless communication towers or poles shall be measured from natural, undisturbed ground surface below the center of the tower or pole to the top of the highest antenna or piece of equipment attached thereof. In the case of building mounted facilities, the height shall include the height of the portion of the building on which it is mounted.
- (4) **Special Design Areas:** Special Design Areas shall be located within five thousand (5,000) feet on both sides of the scenic highways identified on Exhibit III – 13 of the Scenic Highways Element of the General Plan or within five hundred (500) feet of property zoned for residential units with a minimum lot size of one acre or less. The scenic highways identified in the General Plan are State Highways 62 and 247, Joshua Lane, and Pioneertown Road. Additional special landscape and architectural treatments shall be given to major Entry Points to the Town.
- (5) **Permitted Land Use Districts:** Wireless communications facilities may be permitted in all land use districts, subject to the reviews specified by Sections 84.0401 and 84.0405 and further defined in Subsection (6), *Review Process*.
- (6) **Review Process:**
- (A) Wireless communications facilities within Special Design Areas, identified in Subsection (4), *Special Design Areas*, except those located on existing structures and natural features in compliance with Subsection (7)(B)(1a & b), *General Policies* shall be subject to a Conditional Use Permit – Planning Commission Review.
  - (B) Wireless communication facilities greater than thirty (30) feet in height shall be subject to Conditional Use Permit – Planning Commission review and shall also be referred to the Town Council for final review and approval.
  - (C) Wireless communication facilities outside the Special Design Areas, and those located on existing structures and natural features less than 30 feet in height, shall be subject to a Conditional Use Permit - Administrative Review.

(7) **General Policies**

- (A) **General:** Community and neighborhood visual concerns should be considered paramount in the consideration of and selection of wireless communications facilities sites. These concerns should be evaluated in consideration of the goals, policies, and programs of the General Plan and the standards set forth in this section.
- (B) **Site Selection and General Standards:** The following standards shall apply to all wireless communications facilities.
- (1) Within any land use district, wireless communications facilities sites should be located in the following order of preference:
    - (a) On existing structures such as buildings, communication towers, water towers, or similar structures. Antennas should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.
    - (b) On natural features or topography, located so that structures or antennas, other than whip antennas, do not project above the ridgeline, or into the skyline for both community and neighborhood views.
    - (c) Outside the Special Design Areas identified in Subsection (4) *Special Design Areas*.
    - (d) Sites otherwise located shall comply with the visual impact and screening requirements in Subsection (8) *Visual Impact and Screening Standards*.
  - (2) Facilities, including any towers and equipment buildings, should be located to avoid the dominant silhouette on ridgelines. Preservation of viewsheds of surrounding residential development should also be considered in the location and design of facilities.
  - (3) Facilities greater than thirty (30) feet in height shall be subject to Town Council review and approval and may be required to provide additional visual mitigation to disguise their appearance to look like a tree, natural feature, building, or other structure subject to the approval of the Town Council. Such designs shall be in scale with the surrounding development or landscaping.
  - (4) Facilities, including equipment buildings, shall be architecturally and visually compatible, including scale, size, and use of similar colors and building materials, with surrounding existing buildings, structures, and uses in the vicinity.
  - (5) Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.
  - (6) Where the result of adding a second facility on an existing tower or monopole is of a less visual impact than what exists and sufficient vertical separation can be provided, sites should be co-located with

other wireless communication providers.

- (7) All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.
  - (8) Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radiofrequency radiation that the proposed facility complies with the Federal Communications Commission (FCC) Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation and complies with the standards for maximum emissions of radiofrequency radiation of the American National Standards Institute (ANSI)/Institute of Electronics and Electrical Engineers (IEEE) C95.1-1992 and the National Council on Radiation Protection and Measurement (NCRP).
  - (9) A visual simulation and detailed viewshed analyses shall be prepared to demonstrate the compatibility of the proposal with the standards and criteria of this ordinance and with surrounding development and viewsheds.
  - (10) Site location and development shall preserve the pre-existing vegetation, topography, and character of the site as much as possible.
  - (11) Security fencing shall be kept to a minimum and shall be colored or shall be of a design that blends into the character of the existing environment.
  - (12) Access roads shall be limited to 12 feet in width except where the Fire Department requires a greater width. The access road may be paved unless a gravel or other non-paved surface is approved by the Town.
  - (13) Any new parking areas constructed shall be no larger than to accommodate two parking spaces and maneuvering area.
  - (14) The proposed antenna facility will operate in compliance with all applicable Federal safety regulations for such facilities in that the applicant provides documentation to show that their facility will operate below such standards and conditions have been included requiring testing upon installation and operation on the facility.
  - (15) New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.
  - (16) Existing facilities shall not cause interference or disturbance with other utilities or communication infrastructure or services. If it is determined that existing facilities do cause such interference, operations shall cease until repairs are made or further clearance is granted.
- (8) **Visual Impact and Screening Standards:** Facilities within Special Design Areas shall comply with the following standards, in addition to the policies in Subsection (7) *General Policies*.

- (A) Within Special Design Areas, antennas shall be located on existing buildings, communication towers, water towers, or similar structures; on natural features or topography; or shall be disguised or screened in a manner compatible with the Town's desert rural neighborhood character.
  - (B) Facilities should be located so that they do not extend above the height or profile of the structure on which they are located. When located on a building or structure, antennas shall be painted and texturized to match the existing building or structure.
  - (C) Structures or antennas located on natural features or topography, other than whip antennas, should not project above the ridgeline, or into the skyline for both community and neighborhood views. Free-standing monopole and/or lattice towers shall be designed to disguise their appearance, to look like a tree, natural feature, building, or other structure subject to the approval of the Planning Commission. Such designs shall be in scale with surrounding development or landscaping.
  - (D) Free-standing monopole and/or lattice towers shall have a minimum setback of four hundred fifty (450) feet from any property zoned for residential units with a minimum lot size of one acre or less. Those facilities designed to disguise their appearance in accordance with Section (8)(C) shall have a minimum setback of two hundred seventy-five (275) feet from any property zoned for residential units with a minimum lot size of one acre or less.
  - (E) Sites shall be landscaped to screen buildings, equipment and the base of any towers and from surrounding land uses.
- (9) **Abandonment:** Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than 90 days after the discontinuance of use. A wireless communication facility is considered abandoned if it no longer provides wireless communication service. In the case of multiple operators sharing use of a single tower, this provision shall become effective until all users cease operation. Such removal shall be in accordance with proper health and safety requirements.

A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have 90 days to remove the facility or provide the Community Development Director with evidence that the use has not been discontinued. All abandoned facilities not removed within the 90 day period shall be in violation of the Code and operators of the facility and the owners of the property shall be subject to penalties in accordance with the Town of Yucca Valley Municipal Code.”

SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof,

the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

SECTION 4. REPEAL OF ORDINANCE 109. Ordinance 109 is repealed effective on the effective date of this Ordinance.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this \_\_\_day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town Manager

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Dec. 17, 1999TC