

ORDINANCE NO. 1449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTING AN AMENDMENT TO SECTION 9.44.060.B OF THE LAND USE CODE PERTAINING TO THE ALLOWED HEIGHT OF TELECOMMUNICATIONS FACILITIES.

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Factual Findings. The City Council for the City of Arcata hereby makes the following findings:

- A. The City of Arcata adopted the Land Use Code (LUC) regulating zoning and development outside the Arcata Coastal Zone, by Ordinance No. 1377, on September 3, 2008.
- B. The City Council has determined that the existing provision of voice and data service, currently provided by one (1) facility on the Humboldt State University campus, will not be adequate as our population grows and private consumer and emergency response needs continue to require additional bandwidth.
- C. The City Council, on August 20, 2014, directed the City's Planning Commission to review Section 9.44.060.B and provide the Council with its recommendation on potential amendments to the height restrictions for the development of telecommunications facilities in the LUC.
- D. The Planning Commission, at a noticed public hearing on September 9, 2014, received testimony, deliberated on suggested modifications to the existing Code section, and adopted Resolution PC-14-04.

Section 2. Findings of Approval. Based upon the whole record, information received in public hearings, comments from responsible agencies, the Arcata Planning Commission Staff Reports and Resolution PC-14-04, the following findings are hereby adopted:

1. The proposed amendment is consistent with the General Plan in accordance with California Government Code, Section 65860.
2. The proposed amendment would not be detrimental to the public interest, health, safety, or convenience, nor to the welfare of the City.

Section 3. Title IX of the Arcata Municipal Code, Chapter 9.44 (Telecommunications Facilities), Section 9.44.060.B of the Arcata Municipal Code is hereby amended as shown in the following ~~strike through~~ and underscore.

- B. Height limitations.
 1. The height of all Telecommunication Facilities shall be established through the Use Permit process and shall be of a minimum functional height to facilitate the co-location of at least three (3) providers.

2. ~~The height of tower located on the ground shall not exceed 10 feet, unless the review authority determines that additional height, up to a maximum of 30 feet, will not create adverse visual or safety impacts.~~
3. ~~The height of a telecommunication facility located on a structure other than a dedicated support tower shall not exceed 15 feet above the highest point of the structure and shall at no time exceed the height allowed by the subject zoning district.~~
4. ~~An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.~~

Section 4. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 5. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 6. CEQA. This ordinance is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 7. Effective Date. This ordinance shall take effect after its approval by the Coastal Commission.

DATED: October 1, 2014

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

APPROVED:

/s/ Mark E. Wheatley
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1449** passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 15th day of October, 2014, by the following vote:

AYES: **WHEETLEY, WINKLER, ORNELAS, STILLMAN**
NOES: **NONE**
ABSENT: **NONE**
ABSTENTIONS: **NONE**

/s/ Mark E. Wheatley
City Clerk, City of Arcata