

ORDINANCE NO. 2013-17

METEOROLOGICAL TOWERS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance establishes standards and procedures for the establishment and maintenance of meteorological towers within Contra Costa County.

SECTION II. Chapter 88-22 is added to the County Ordinance Code to read:

**Chapter 88-22
METEOROLOGICAL TOWERS**

**Article 88-22.2
General Provisions**

88-22.202 Purpose. The purpose of this chapter is to establish specific standards and procedures for the establishment and maintenance of meteorological towers in order to promote the public health, safety and welfare of the citizens of Contra Costa County. (Ord. 2013-17 § 2.)

88-22.204 Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "Airport influence area" means any airport influence area as specified in the Contra Costa County Airport Land Use Compatibility Plan.
- (b) "Guy wire" means a cable, wire, or rope used to anchor, brace, or support a structure.
- (c) "Meteorological instrument" means an instrument used to measure, collect, monitor or record air quality, wind speed, or other atmospheric data for scientific purposes.
- (d) "Meteorological tower" means a structure, including all guy wires and all accessory facilities, on which a meteorological instrument is mounted.
- (e) "Permanent meteorological tower" means a meteorological tower erected for more than one year.
- (f) "Temporary meteorological tower" means a meteorological tower erected for one year or less.

- (g) "Tower height" means the distance from the highest point on the meteorological tower to the ground level at the base of the tower. (Ord. 2013-17 § 2.)

88-22.206 Other Laws. The establishment of a meteorological tower under this chapter does not relieve anyone from the obligation to obtain all other permits and licenses required by this code and state and federal law, and to comply with these laws. In particular, meteorological towers that exceed 200 feet in height must comply with all requirements of the Federal Aviation Administration, including its "Advisory Circular No. 70/7460-1, Obstruction Marking and Lighting." (Ord. 2013-17 § 2.)

**Article 88-22.4
Standards**

88-22.402 Location. One meteorological tower that meets the requirements of this chapter may be located on any parcel that is one acre or more in size. Only one meteorological tower may be located on one parcel. (Ord. 2013-17 § 2.)

88-22.404 Land Use Districts.

- (a) A meteorological tower may be located in any land use district except as otherwise specified in subsections (b) and (c) of this section.
- (b) A meteorological tower may not be located in any of the following land use districts: single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), two-family residential district (D-1), multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), water recreational district (F-1), mobile home/manufactured home park district (T-1), planned unit district (P-1), Kensington Combining District (-K), or Interchange Transitional district.
- (c) A meteorological tower may not be located within 100 feet of any of the land use districts specified in subsection (b). (Ord. 2013-17 § 2.)

88-22.406 General Development Standards. A meteorological tower must comply with the following development standards:

- (a) A meteorological tower must be set back from each parcel boundary, and from each public right of way adjacent to the parcel, a distance equal to or greater than the tower height.
- (b) Appearance. The following requirements apply to any meteorological tower with a tower height less than 200 feet and greater than 50 feet. The following requirements also apply to any meteorological tower with a tower height of 50 feet or less if required by the Zoning Administrator after consideration of the tower's location, visibility, or other

factors.

- (1) The full length of the meteorological tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower. The bands shall be between 20 and 30 feet in width.
 - (2) Two or more high visibility spherical marker balls, also called cable balls, that are aviation orange shall be attached to each outside guy wire that is connected to a meteorological tower.
 - (3) One or more seven-foot high visibility safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.
 - (4) All markings described in this subsection must be replaced when faded or otherwise deteriorated.
- (c) Lighting. A safety light that meets Federal Aviation Administration standards must be affixed to a meteorological tower with a tower height less than 200 feet and greater than 150 feet. A safety light that meets Federal Aviation Administration standards may be required on a meteorological tower with a tower height of 150 feet or less by the Zoning Administrator after consideration of the tower's location, visibility, or other factors. (Ord. 2013-17 § 2.)

Article 88-22.6 Permits and Fees

88-22.602 Permit – Required.

- (a) A land use permit is required to establish, maintain, or expand a permanent meteorological tower.
- (b) A temporary meteorological tower permit is required to establish, maintain, or expand a temporary meteorological tower. An application for a temporary meteorological tower permit must comply with the special permit provisions of Article 26-2.20 and will be considered under the administrative decision procedure specified in Article 26-2.21.
- (c) A temporary meteorological tower permit may be extended once for a period of up to six months, as long as the application to extend the permit is submitted at least 30 days before the permit expiration date. A temporary meteorological tower operating under a temporary meteorological tower permit extension is not a permanent meteorological tower.

- (d) If an application for a proposed temporary meteorological permit does not demonstrate that the tower will comply with the development standards in subsection (a) of section 88-22.406, the applicant may apply for a land use permit to modify those development standards. (Ord. 2013-17 § 2.)

88-22.604 Permit – Information Requirements. An application for a permit under this section must include all of the information specified in Section 26-2.2002 and the following information:

- (a) A description of the purpose of the proposed meteorological tower, including the type of data collected, and whether such data will be used for commercial, personal, industrial, or other purposes.
- (b) Site and landscape plans drawn to scale.
- (c) Documentation regarding: ownership of the parcel of the proposed meteorological tower; any real property interests, such as easements, encumbering that parcel; and authorization to use the proposed site by the property owners.
- (d) A United States Geological Survey map showing the location of the proposed meteorological tower; the existing topography, structures, utility lines, and roads on the parcel of the proposed tower; and any structures proposed to be located within 150 feet of the tower.
- (e) A description of how the meteorological tower will comply with the development standards in section 88-22.406. (Ord. 2013-17 § 2.)

88-22.606 Notice Requirements. In addition to providing notice pursuant to section 26-2.2004 of this code, the Department of Conservation and Development will give notice by mail at least 10 days prior to deciding any application pursuant to this chapter, to the following entities under the following conditions:

- (a) The Contra Costa County Airport Land Use Commission, if the meteorological tower will be located within an airport influence area or will exceed 200 feet in height.
- (b) The California Aircraft Agricultural Commission, if the meteorological tower will be located in or immediately adjacent to agriculturally zoned land. (Ord. 2013-17 § 2.)

88-22.608 Cash deposit required.

- (a) Prior to obtaining any permit required by this chapter, an applicant must submit a cost estimate prepared by a contractor that details the cost of removing the meteorological tower and restoring the site to its pre-tower condition. The cost estimate provided must

include all material and labor involved. In granting any permit required by this chapter, the zoning administrator will condition the permit on the permittee making a cash deposit in an amount equal to the cost estimate.

- (b) The deposit will be used to fix any damage caused by the operation or removal of the meteorological tower or to restore the meteorological tower site to its pre-construction condition. The zoning administrator will give written notice to permittee prior to using some or all of the cash deposit. If the zoning administrator uses any or all of the deposit to fix this damage, the permittee must make an additional cash deposit to restore the balance of the deposit to the initial amount.
- (c) A permittee must immediately remove the meteorological tower upon termination or expiration of the permit and must restore the site to its pre-construction condition. After the permittee removes the meteorological tower, the zoning administrator will refund the deposit to permittee, less any amounts used to fix any damage caused by the operation or removal of the meteorological tower or to restore the site to its pre-construction condition. (Ord. 2013-17 § 2.)

88-22.610 Fees. Application, review, and permit fees for meteorological towers will be in amounts established by the Board of Supervisors in the Department of Conservation's fee schedule. (Ord. 2013-17 § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective thirty (30) days after passage, and within fifteen (15) days after passage, this ordinance shall be published once with the names of the supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: DAVID J. TWA
Clerk of the Board of Supervisors
and County Administrator

Board Chair

TLG:
H:\2013\Community Development\MET Tower Ordinance - final.wpd