

**STATEMENT OF CODE COMPLIANCE**  
**WCF CONDITIONAL USE APPLICATION**  
**US-CA-5466 Yucca Valley**  
Submitted to the Town of Yucca Valley  
Planning Division

The Applicants' proposal complies with all requirements of the Town of Yucca Valley Municipal Code ("YVMC"), which are addressed in this Statement of Code Compliance in the following order:

**I. Wireless Facilities Requirements**

Title 9 – Development Code

- Chapter 9.44 – Wireless Communications Facilities

**PLEASE NOTE:** Applicants' responses to the above referenced criteria are indicated below each applicable provision in *bold italicized blue text*.

**Wireless Facilities Requirements**

**Yucca Valley Municipal Code**  
**Title 9, Development Code**

**Chapter 9.44 – Wireless Communications Facilities**

**Sec. 9.44.010. Purpose.**

The purpose of this chapter 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.

*Applicants' Response: Applicants acknowledge and will comply with with the purpose of this chapter. Applicants are proposing to construct a new freestanding 82' faux windmill tower in the RS-2 Single Family Residential zone.*

**Sec. 9.44.020. Applicability.**

This chapter identifies regulations applicable townwide for the location, design, and screening of all wireless communication facilities, including satellite, cellular, paging, and other wireless communication technologies.

*Applicants' Response: Applicants will comply with the regulations set forth in this chapter.*

**Sec. 0.44.030. Special Design Areas.**

Special design areas shall be located within five thousand feet (5,000') on both sides of State Highways 62 and 247, Joshua Lane, and Pioneertown Road or within five hundred feet (500') of property zoned for

residential units with a minimum lot size of one acre or less. Additional special landscape and architectural treatments shall be given to major entry points of the town.

*Applicants' Response: Acknowledged.*

**Sec. 9.44.040. Permitted Zoning Districts.**

Wireless communications facilities may be permitted in all zoning districts, subject to the reviews specified by article 2, "Zoning Districts And Development Standards", of this title and further defined in section [9.44.050](#), "Review Process", of this chapter.

*Applicants' Response: Acknowledged. Proposed facility will be located in an RS-2: Single Family Residential Zone.*

**Sec. 9.44.050. Review Process.**

A. Wireless communications facilities within special design areas, identified in section [9.44.030](#), "Special Design Areas", of this chapter, except those located on existing structures and natural features in compliance with section [9.44.060](#), "General Policies", of this chapter shall be subject to a conditional use permit.

*Applicants' Response: Applicants are applying for a conditional use permit.*

B. Wireless communication facilities greater than thirty feet (30') in height shall be subject to a conditional use permit.

*Applicants' Response: Applicants are applying for a conditional use permit.*

C. Wireless communication facilities located on existing structures and natural features less than thirty feet (30') in height shall be subject to a land use compliance review.

*Applicants' Response: Proposed facility is not located on an existing structure or a natural feature. Therefore, this subsection is not applicable.*

**9.44.060. 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.

*Applicants' Response: Acknowledged.*

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.

***Applicants' Response: It was not feasible for Applicants to locate the proposed wireless facility on buildings, communication towers or other structures. Please see Attachment 8, Alternative Sites Analysis.***

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.

***Applicants' Response: Acknowledged.***

c. Outside the special design areas identified in section [9.44.030](#), "Special Design Areas", of this chapter.

***Applicants' Response: Acknowledged.***

d. Sites otherwise located shall comply with the visual impact and screening requirements in section [9.44.070](#), "Visual Impact And Screening Standards", of this chapter.

***Applicants' Response: Acknowledged.***

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.

***Applicants' Response: Acknowledged.***

3. Facilities greater than thirty feet (30') in height shall be subject to commission 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. Such designs shall be in scale with the surrounding development or landscaping.

***Applicants' Response: Proposed facility is 82' in height. Therefore, Applicants will comply with this subsection.***

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.

***Applicants' Response: Acknowledged.***

5. Antennas shall not be light reflective and shall not have any sign copy on them, nor shall they be illuminated.

***Applicants' Response: All tower-mounted antennas will be treated to reduce or eliminate reflective glare. They will not have a sign copy on them nor will 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 collocated with other wireless communication providers.

***Applicants' Response: Please see Attachment 8, Alternative Sites Analysis for explanation as to why co-location was not feasible.***

7. All sites shall be landscaped or treated with a soil binder to prevent erosion, including wind erosion.

***Applicants' Response: Acknowledged.***

8. Applicants for wireless communications facilities shall submit a certification from an engineer qualified in radio frequency radiation that the proposed facility complies with the federal communications commission (FCC) guidelines for evaluating the environmental effects of radio frequency radiation and complies with the standards for maximum emissions of radio frequency 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).

***Applicants' Response: Please see Attachment 12, T-Mobile FCC Compliance Letter.***

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 chapter and with surrounding development and viewsheds.

***Applicants' Response: Please see Attachment 9, Photo Simulations.***

10. Site location and development shall preserve the preexisting vegetation, topography, and character of the site as much as possible.

***Applicants' Response: Acknowledged.***

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.

***Applicants' Response: Acknowledged.***

12. Access roads shall be limited to twelve feet (12') in width except where the fire department requires a greater width. The access road may be paved unless a gravel or other nonpaved surface is approved by the town.

***Applicants' Response: Proposed access road is 12' in width. Please see Sheet A1 of Attachment 7, Zoning Drawings.***

13. Any new parking areas constructed shall be no larger than to accommodate two (2) parking spaces and maneuvering area.

***Applicants' Response: Acknowledged. Parking to be provided within the access road.***

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.

***Applicants' Response: Acknowledged.***

15. New projects shall be conditioned to ensure the facilities do not cause interference with other utilities or communication infrastructure or services.

***Applicants' Response: Acknowledged.***

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.

***Applicants' Response: Acknowledged.***

**9.44.070. Visual Impact and Screening Standards.**

Facilities within special design areas shall comply with the following standards, in addition to the policies in section [9.44.060](#), "General Policies", of this chapter:

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.

*Applicants' Response: Acknowledged.*

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.

*Applicants' Response: Acknowledged.*

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. Freestanding 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 commission. Such designs shall be in scale with surrounding development or landscaping.

*Applicants' Response: Acknowledged.*

D. Freestanding monopole and/or lattice towers shall have a minimum setback of four hundred fifty feet (450') 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 subsection C of this section shall have a minimum setback of two hundred seventy five feet (275') from any property zoned for residential units with a minimum lot size of one acre or less. Non monopole or lattice tower facilities may be allowed a reduced setback based upon height, dimensions, relation to the built environment or other similar factors.

*Applicants' Response: The proposed facility is set back 49' from the nearest property line zoned R-S-2; therefore Applicants are requesting a variance with this application. Applicants respectfully request a reduced setback due to the stealthed facility and relation to the surrounding environment.*

*Applicants submitted a previous application for the proposed facility to be located at 56750 Mountain View Trail. After discussions with Staff and the community, Applicants were directed to research the undeveloped parcels east of Church St. The largest parcel in this area has an approximate width of 490'. Even if the proposed facility was placed on this parcel, APN 058701139, the facility would not be set back 275' from residential property lines, and would be set back less than 245'.*

E. Sites shall be landscaped to screen buildings, equipment and the base of any towers from surrounding land uses.

*Applicants' Response: Acknowledged.*

F. Location of equipment necessary to serve the wireless facility may be required to be located away from residentially designated properties and/or provide additional design standards to avoid potential impacts to surrounding properties.

*Applicants' Response: Acknowledged.*

**9.44.080. Abandonment.**

Lawfully erected wireless communication facilities that are abandoned shall be removed promptly from the premises, and no later than ninety (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 not 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 ninety (90) days to remove the facility or provide the director with evidence that the use has not been discontinued. All abandoned facilities not removed within the ninety (90) day period shall be in violation of this code and operators of the facility and the owners of the property shall be subject to penalties in accordance with this code.

*Applicants' Response: Applicants will comply with this section if ever applicable.*

**END OF STATEMENT OF CODE COMPLIANCE**