

## Options for Small Cell Wireless Facilities

This document outlines the topic areas added to the Zoning Ordinance for small cell wireless facilities based on the direction received from the Board of Supervisors on February 27, 2019 (2) and the evaluation of these areas. It includes references to the September 2018 Order from the Federal Communications Commission order and what it allows.

PDS encourages questions and comments on the draft ordinance, and any of these topic areas.

### Anticipated Options for the Board of Supervisors to Consider

- Adopt proposed Zoning Ordinance Amendments for Small Cell Wireless Facilities (Staff Recommendation)
- Adopt proposed Zoning Ordinance Amendments for Small Cell Wireless Facilities (PC Recommendation, if different from Staff)
- Adopt proposed Zoning Ordinance Amendments for Small Cell Wireless Facilities (Staff Recommendation) with modifications
- Retain existing Zoning Ordinance and Comply with FCC Ruling without changing current Zoning or Fee process
- Take other action to direct Staff

Topic Area	Included in Current Ordinance (Adopted 2/27/19)	FCC Order	PDS Recommendation	Options for Comment from Public and Board Direction
<b>Development Standards for Small Cell Wireless (SCW) Facilities</b>				
Location Preference (6992.A.2)	No	Allowed based on aesthetics <sup>1</sup> (§§ 85-86)	Most and Least Preferred locations based on zones	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt changes to the recommended preferences</li> </ul>
Right-of-Way Preference	No	Allowed, guidelines same as aesthetics <sup>1</sup> (§ 91)	Does not include	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt additional preferences with Mobility Element Roads as Most Preferred and local public roads as Least Preferred</li> <li>- Direct and adopt changes to the recommended preferences</li> </ul>
Distance from schools, childcare centers, hospitals, or churches (6992.A.3)	No	Allowed based on aesthetics <sup>1</sup> , not health (§ 91)	SCWs shall not be located within 1,000 feet of schools, childcare centers, hospitals, or churches	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt distance requirement ranging from 300 – 2,000 feet</li> </ul>
Configuration Preference (6992.A.8)	No	Allowed based on aesthetics <sup>1</sup> (§§ 85-86)	Ordered from most to least preferred, installation on existing facilities or structures is most preferred	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt changes to the recommended preferences</li> </ul>

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Prohibited on Decorative Poles (6992.A.8.ii)	No	Allowed based on aesthetics <sup>1</sup> (§§ 85-86)	Installation on decorative poles is prohibited	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- No additional options are recommended</li> </ul>
Co-location (6992.A.8.iii)	No	Allowed based on aesthetics <sup>1</sup> (§§ 85-86)	Co-locate when possible, must accommodate up to 2 facilities on one structure	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt maximum number of co-located facilities ranging from 3 – 4</li> </ul>
Visual Separation (Existing Structures) (6992.A.8)	No	Allowed, guidelines same as aesthetics <sup>1</sup> (§ 91)	Co-locate when possible	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt separation between SCWs to be 500 feet in Most Preferred Locations and 1,000 feet in Least Preferred Locations</li> <li>- Direct and adopt separation between SCWs of the same provider to be 500 feet in Most Preferred Locations and 1,000 feet in Least Preferred Locations</li> <li>- Direct and adopt separation between SCWs at different distances</li> </ul>
Visual Separation (New Structures) (6992.A.9)	No	Allowed, guidelines same as aesthetics <sup>1</sup> (§ 91)	SCWs owned by the same provider must be separated by 500 feet in Most Preferred Locations, 1,000 feet separation in Least Preferred Locations	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt separation between SCWs, regardless of provider, to be 500 feet in Most Preferred Locations and 1,000 feet in Least Preferred Locations</li> <li>- Direct and adopt separation between structures to be 500 feet in Most Preferred Locations and 1,000 feet in Least Preferred Locations</li> <li>- Direct and adopt separation between SCWs at different distances</li> <li>- Direct and adopt separation between structures at different distances</li> </ul>
Height (6992.A.13)	Yes	Specific height limits for SCWs (Title 47 § 1.6002 (I))	Matches FCC language	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- No additional options are recommended</li> </ul>
Undergrounding (6992.A.14)	No	Outright requirement for all components prohibited, but can limit based on aesthetics <sup>1</sup> (§ 90)	Underground all equipment, as technically feasible, except that which must be placed above ground to function	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements specific to undergrounding of equipment</li> </ul>

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Design (6992.A.15)	Yes	Allowed based on aesthetics <sup>1</sup> (¶¶ 85-86)	Visually and operationally blend into surroundings	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt more specific design requirements</li> </ul>
<b>Operational and Maintenance Standards for Small Cell Wireless (SCW) Facilities</b>				
Noise (6992.B.2)	No	Allowed based on public safety and welfare (¶ 82)	Must comply with County's Noise Ordinance	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt more specific noise thresholds</li> </ul>
Plant Disturbance (6992.B.3)	No	Allowed based on public safety and welfare (¶ 82)	Avoid or minimize impacts to vegetation	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements specific to plant disturbance</li> </ul>
Signage (6993.B.4)	No	Allowed based on public safety and welfare (¶ 82)	Warning and safety signage allowed only	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements specific to signage</li> </ul>
Removal (6993.B.7)	No	Not discussed	Comply with current regulations, must provide notice of discontinuation. Unclaimed SCWs will be auctioned after 15 days.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements for notice of discontinuation</li> <li>- Do not adopt requirements for auction of SCWs</li> </ul>
<b>Application Contents for Small Cell Wireless (SCW) Facilities</b>				
Fire (6993.C.5)	No	Allowed based on public safety and welfare (¶ 82)	Comply with Fire Policy FP-2	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements specific to fire</li> </ul>
Noticing Requirements (6992.C.6)	No	Not discussed	Required to notice CPG/CSG and property owners within 500 feet	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt noticing of property owners ranging from 300 – 3,000 feet</li> <li>- Do not adopt requirements specific to noticing property owners</li> <li>- Do not adopt requirements specific to noticing CPG/CSGs</li> </ul>
Incomplete Applications (Permit Application)	No	Allowed (Title 47 § 1.6003 (d)(3))	Incomplete applications will be notified of such within 10 days of submittal	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt language to be included in the ordinance for incomplete applications</li> </ul>

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Topic Area	Included in Current Ordinance (Adopted 2/27/19)	FCC Order	PDS Recommendation	Options for Comment from Public and Board Direction
FCC Order Repealed or Overturned (6993.B)	No	Not discussed	Permits shall expire 12 months from date FCC Order repealed or overturned	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Do not adopt requirements specific to the FCC Order</li> </ul>
<b>Other Requirements for Small Cell Wireless (SCW) Facilities</b>				
No speculative facilities (A wireless telecommunications facility built on speculation)	No	Not discussed	No additional requirements are recommended.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>
Shielding	No	Not allowed, federally preempted (FCC Order 96-326, ¶ 166)	Shielding of RF emissions is related to health concerns. The County is preempted by federal law from considering potential environmental effects of Radio Frequency (RF) emissions from personal wireless service facilities that comply with FCC regulations.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>
Coverage Gap Analysis	No	Not allowed to prohibit based on coverage maps (¶¶ 38, 40-41)	No additional requirements are recommended.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>
RF Emissions Check	No	Allowed, must maintain compliance with RF emission requirements (¶ 33)	No additional requirements are recommended.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>
Insurance/Bond Requirements	No	Not Mentioned	No additional requirements are recommended.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>

**Options for Small Cell Wireless Facilities**

Topic Area	Included in Current Ordinance <i>(Adopted 2/27/19)</i>	FCC Order	PDS Recommendation	Options for Comment from Public and Board Direction
Annual Reporting	No	Not Mentioned	No additional requirements are recommended.	<ul style="list-style-type: none"> <li>- Adopt as recommended</li> <li>- Direct and adopt modifications to include this topic</li> </ul>

<sup>1</sup> Subject to the requirement that any aesthetic requirements must be (1) reasonable, (2) not more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.

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