



Fw: Verizon Wireless Comments to Proposed Wireless Ordinance Revisions

From Tom R. Purciel <tom.purciel@edcgov.us>

Date Fri 10/11/2024 9:33 AM

To Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Aurora,

I have already acknowledged receipt of this comment. Once the public Legistar file is created for this item, would you include Verizon's comments in the public record and forward them to the Planning Commissioners?

Thanks!

Tom Purciel

Senior Planner

El Dorado County Planning and Building Department - Long Range Planning

2850 Fairlane Court, Placerville, CA 95667

(530) 621-5903

tom.purciel@edcgov.us

From: Paul Albritton <pa@mallp.com>

Sent: Thursday, October 10, 2024 4:43 PM

To: Jefferson B. Billingsley <Jefferson.Billingsley@edcgov.us>; David A Livingston <david.livingston@edcgov.us>

Cc: Benjamin A. Koff <Benjamin.Koff@edcgov.us>; Tom R. Purciel <tom.purciel@edcgov.us>

Subject: Verizon Wireless Comments to Proposed Wireless Ordinance Revisions

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Supervisors' wireless ordinance workshop of September 24, and provide several follow-up suggestions on behalf of Verizon Wireless, based on Supervisor comments. We ask that staff incorporate these suggestions into the revised draft ordinance to be considered by the Planning Commission on October 24 (Code §130.40.130).

B(1), F(13). Height, number of facilities. Supervisors discussed whether one taller tower is better than multiple shorter towers. The County must provide clear direction to applicants to avoid unfounded denials and legal challenges, including claims of discrimination under the Telecommunications Act. 47 U.S.C. § 332(c)(7)(B)(i)(I). A denial would constitute a prohibition of service if the County had not suggested an alternative of multiple, smaller facilities at specific locations, then allowed the applicant to evaluate those alternatives. 47 U.S.C. § 332(c)(7)(B)(i)(II); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 998-999 (9th Cir. 2009). Section B(1)

should be deleted. For Section F(13), we suggest that, to encourage collocated towers, the County allow facilities up to 30 feet above a treeline, skyline, or nearby structures.

E. Photosimulations. The County should request that applicants engage a qualified third-party consultant who uses drone technology, now the standard practice to confirm the accuracy of facility location and height in photosimulations, as described in our August 29 letter. Some Supervisors asked about physical structures on-site to show visual impact, but that is expensive and excessive, and may require a building permit. Installing on-site temporary structures is prohibitive according to FCC regulations, because such costly requirements in one jurisdiction "materially inhibit" service improvements elsewhere. *Infrastructure Order*, 33 FCC Rcd. 9088, 9119 ¶ 60, 9130 ¶¶ 81-83 (2018).

F(4). Location preferences. Supervisors favored collocation, and we suggest that this include collocation on existing structures, including PG&E electric transmission towers, which support numerous wireless facilities in the County. While one Supervisor did not favor agricultural sites, the draft location preferences are based on the Code's land use categories, and the agricultural category includes timber production, forest, grazing, and other zones where a facility may pose little impact. The preference list should also include the special purpose zone category as well as common areas in planned developments. We suggest the following preference list:

1. Collocation on existing wireless facilities or existing structures
2. Rural, resource, and special purpose zones, and planned development common areas
3. Agricultural zones
4. Industrial and R&D zones
5. Commercial zones
6. Residential zones

J. Notice. Supervisors did not support one-mile notice to schools and assembly places, which are nebulous terms. The County already requires 1,000-foot notice to property owners for conditional use permits, which is over three times the state's requirement.

K. Alternatives. Some supervisors asked about evaluating economic impacts of proposed locations, but that is entirely speculative, and would require County decision-makers to assess dueling economic data. Allegations of decreased property values are generally based on unfounded concern over radio frequency emissions, but that is preempted as a decision factor by the federal Telecommunications Act. 47 U.S.C. § 332(c)(7)(B)(iv). If claims of decreased property values are based on aesthetics, the County should instead evaluate any aesthetic impacts. Overall, the County should focus on established land use factors and feasibility. We again suggest that for a tower in a less-preferred location, an applicant submit an alternatives analysis that discounts preferred locations based on any one factor, including: inability to serve a significant gap in service, technical infeasibility, lack of access or utilities, unwilling property owner, or increased aesthetic impact based on County regulations.

N. Five-year review. As we did for today's Planning Commission hearing we again object to this excessive requirement, described in our September 20 summary comments. County Code Chapters 9.02 and 130.67 already provide enforcement mechanisms for alleged violations. We recognize that this language has been amended in the most recent draft of the ordinance and believe that a compromise can be reached where administrative review is initiated by staff when warranted on a case by case basis, not more often than once every five years.

We would be pleased to review a revised ordinance at the earliest opportunity before the Planning Commission's October 24 hearing.

Thank you.

Paul

Paul Albritton
Mackenzie & Albritton, LLP
155 Sansome Street, Suite 620
San Francisco, California 94104
(415) 288-4000
pa@mallp.com



Fw: Proposed Amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities)

From Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Date Mon 10/14/2024 7:03 AM

To Planning Department <planning@edcgov.us>

1 attachments (2 MB)

Communication Facility Section 130.40.130 _ a-draft-redline-amendments-130.40.130 Phillips Comment 10.11.24.pdf;

Sincerely,

Aurora Osbual

Clerk of the Planning Commission

Planning Division

County of El Dorado

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

Direct Line: (530) 621-5351

Main Line: (530) 621-5355

aurora.osbual@edcgov.us

From: Thea A. Graybill <Thea.Graybill@edcgov.us>

Sent: Friday, October 11, 2024 2:33 PM

To: Aurora M. Osbual <Aurora.Osbual@edcgov.us>

Cc: Tom R. Purciel <tom.purciel@edcgov.us>

Subject: FW: Proposed Amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities)

FYI – Public comment received from Ron Phillips on 10/11 for the upcoming PC hearing on 10/24.

Thea Graybill

Acting Planning Manager

County of El Dorado

Planning and Building Department - Long Range Planning Division

Office: (530) 573-7908

Cell: (530) 967-8894

thea.graybill@edcgov.us

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From: Ron Phillips <rphillips3401@yahoo.com>

Sent: Friday, October 11, 2024 10:39 AM

To: Thea A. Graybill <Thea.Graybill@edcgov.us>

Cc: Sue Hennike <sue.hennike@edcgov.us>; Ted D. Wood <Ted.Wood@edcgov.us>; Lucas Shepard <shepardl@eldofire.com>; hugh47 <hugh47@cwo.com>; Hoag, Jeff@CALFIRE <jeff.hoag@Fire.ca.gov>; Thomas Meyer <Thomas.Meyer@edcgov.us>

Subject: Proposed Amendments to Section 130.40.130 of the Zoning Ordinance (Communications Facilities)

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Good Morning Thea:

I just received notice of the upcoming Planning Commission Hearing on proposed amendments to the County's Ordinance regarding Telecommunication Sites. After reviewing the material I am very concerned that the proposed language found in Subsection F.1 (Screening) is inconsistent with the provisions described in the County's Defensible Space Ordinance, specifically 8.09.070(E)(5), regarding clearances around telecommunication sites.

I would recommend that additional language be inserted in this subsection to clarify the existence of these provisions when the County is reviewing a permit application in the future. See Page 8 of 14 of the attached document for additional information.

Thanks,

Ron

Ron Phillips,
4328 Empire Creek Circle
Georgetown, CA 95634
Phone: 530-217-7432

" The point of studying the past is to understand our present predicament." Niall Ferguson

COUNTY OF EL DORADO
DRAFT CHAPTER 130.40.130 - COMMUNICATION FACILITIES STRIKEOUT/UNDERLINE

130.40.130 TeleCommunication Facilities.

A. Applicability. This section applies to all wireless telecommunication facilities, except as expressly stated otherwise. These regulations are specifically not intended to, and shall not be interpreted to apply to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate wireless communication facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commissions (FCC).

B. Purpose. The purpose and intent of this Section is to provide a reasonable, uniform, and comprehensive set of procedures, standards, and guidelines for the deployment, construction, co-location, modification, operation, and removal of. This Section provides for the orderly development of commercial and private wireless telecommunication facilities within the unincorporated areas of El Dorado County, consistent with and to the extent permitted under federal and California state law. including transmission and relay towers, dishes, antennas, and other similar facilities. The Board finds these regulations are intended to protect and promote the public health, safety, and welfare of the residents of the unincorporated areas of El Dorado County. The regulations in this County are specifically not intended to regulate wireless communications facilities and wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the FCC. ofThe Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare.

1. Communication service providers shall:

a. Employ all reasonable measures to site their antennas on existing structures as facade facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;

b. Work with other service providers and the Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites countywide.

12. Generally, the County will seek to minimize the visual impacts of wireless telecommunication facilities by limiting the number of facilities. However, the County may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive or otherwise in the public interest.

C. Exempt Facilities: The following communicationtelecommunicationcommunication facilities are exempt from the requirements of this section:

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1. Government-owned ~~communication~~telecommunication ~~communication~~ ~~faci~~facilities used primarily to protect public health, welfare, and safety.
2. Facilities operated by providers of emergency medical services, including hospitals, ambulance, and medical air transportation services, for use in the provision of those services.
3. Satellite dish, radio, and television antennas for residential and commercial use, solely for the use of the occupants of the site, as defined in County Code Section 130.20.040 (Exemptions from Planning Permit Requirements).
4. Any facility specifically exempted under federal or state law.
5. Facilities located on tribal trust lands.

DB. Permit Requirements. Communication Facilities, as defined in Article 8 (Glossary: See "~~Telec~~Communication Facilities") of this Title, shall be allowed subject to the following standards and permitting requirements:

1. ~~Repeaters and Other~~ Small Cell Wireless TelecCommunication Facilities. ~~Repeaters and other similar-s~~
 - a. Small cell wireless telecommunication facilities that do not exceed five (5) square feet and do not protrude more than ~~18 inches~~1½ (1.5) feet from the mounting surface or extend more than three (3) feet above the roofline may be allowed by right in any zone provided that no additional equipment is required.
 - b. ~~Notwithstanding subdivision (a),~~ Small cell wireless telecommunication facilities may be permitted subject to an Administrative Permit, provided that no additional support equipment is required.
2. Building ~~Facade~~Façade-Mounted Antennas. In all zones, building ~~facade~~façade-mounted antennas may be allowed subject to an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title subject to the requirements below in this Section. ~~Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.~~
 - a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 (Roof Mounted Antennas) below in this Section;
 - b. The surface area of all antenna panels shall not exceed ten (10) percent of the surface area of the ~~facade~~façade of the building on which it is mounted or 30 square feet, whichever is greater;

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c. No portion of the antenna or equipment shall extend out more than ~~24 inches~~two (2) feet from the ~~façade~~facade of the building;

d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;

e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and

f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the telecommunication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device. For facilities located on a historic property or building, please see Section F.5. Historic Resources.

3. Roof Mounted Antennas. The construction or placement of telecommunication facilities as roof mounted antennas may be allowed as follows:

a. In all commercial, industrial and research and development zones [listed under Chapter 130.22 (Commercial Zones) and Chapter 130.23 (Industrial and Research and Development Zones)], except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be allowed subject to approval of an Administrative Permit when the following requirements are met: Those facilities not meeting the requirements under Subsections B.2.c, B.2.d, and B.2.f (Building Façade Mounted Antennas) above in this Section and the following requirement shall be subject to a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title:

(1) Facilities located on the roof of the building shall be located towards the center of the roof, if technologically feasible, or screened to minimize visual impact from ground level viewers.

(2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.

b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

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4. Co-location on Existing Non-building Structures or Public Facilities. In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, **light standards**, and similar structures may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with [Section 130.52.020](#) (Minor Use Permits) in [Article 5](#) (Planning Permit Processing) of this Title ~~when the following requirements are met. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title;~~

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less;
- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the **tele**communication facility, or on the ground screened from public view; and
- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

5. Co-location on Existing Approved Monopoles or Towers. In all zones, the placement of antennas on an existing approved monopole or tower may be allowed **by-right as an eligible facilities request per 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100 or Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012.** ~~This placement may be allowed under anor subject to an~~ Administrative Permit ~~when the all of the following requirements are met. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.~~

- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
- b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing antenna array is ~~encouraged~~**required**;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the **tele**communication facility, or on the ground screened from public view;
- d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and

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e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased beyond the parameters set forth in Section D.9 Modifications to Telecommunication Facilities, shall be considered a new tower and shall be subject to the provisions of Subsection DB.67 (New Towers or Monopoles) below in this Section.

6. By Right Process for Co-location Facilities. Co-location facilities may be subject to by right processing, when consistent with California Government Code 65850.6, as amended and superseded, and subsequent amendments, when the following requirements are met:

a. The wireless telecommunications facility on which the co-location facility is proposed was subject to a discretionary permit and an environmental impact report (EIR) was certified, or a negative declaration or mitigated negative declaration was adopted in compliance with the California Environmental Quality Act (CEQA);

b. If the wireless telecommunications facility on which the co-location facility is proposed was permitted on or after January 1, 2007 then it must comply with all discretionary permit requirements including those related to height, location, bulk, and size; State and local requirements; and CEQA requirements.

67. New Towers or Monopoles. The construction or placement of telecommunication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be allowed as set forth below:

a. In all commercial, industrial, and research and development zones (listed under Chapter 130.22 - Commercial Zones and Chapter 130.23 - Industrial and Research and Development Zones), except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be allowed subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.

b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone (listed under Chapter 130.24 - Residential Zones), new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

8. Emergency Standby Generators. An emergency standby generator, as defined by CA Government Code 65850.75, as amended and superseded, may be subject to by right processing (e.g. Building or grading permits) when proposed to serve an existing macro cell tower site., subject to the following requirements:

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~~a. The emergency standby generator is rated below 50 horsepower, compliant with air quality regulations, has a double-wall storage tank not to exceed 300 gallons, and is mounted on a concrete pad.~~

~~b. The macro cell tower site at which the emergency standby generator is proposed to be installed is an existing site that was previously permitted.~~

~~c. The emergency standby generator complies with all applicable regulations, including building and fire safety codes.~~

~~d. The physical dimensions of the emergency standby generator and storage tank and are cumulatively not more than 250 cubic feet in volume.~~

~~e. The emergency standby generator is located 100 feet or less from the physical structure of the macro cell tower or base station.~~

~~9. Modifications to Wireless-Telecommunication Facilities. Modifications to an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base station may shall be permitted by right if in accordance with 47 Code of Federal Regulations Section 1.6100(b)(7) or any successor statute thereto. Table 1 outlines relevant facility types and applicable state and federal regulations. Substantial changes include the following:~~

~~a. The installation of more than the standard number of new equipment cabinets for the technology involved or more than four cabinets, whichever is less.~~

~~b. Outside the public right-of-way:~~

~~(1). An increase in height of 20 feet or 10 percent, whichever is greater.~~

~~(2). An extension of the edge of the tower or base station of more than 20 feet, or more than the width of the tower structure or base station at the level of the proposed modification, whichever is greater.~~

~~c. Within the public right-of-way:~~

~~(1). An increase in height of 10 feet or 10 percent, whichever is greater.~~

~~(2). An extension of the edge of the tower or base station of more than 6 feet.~~

~~10. Temporary Facilities. A carrier may approach the County for a temporary site permit under the following circumstances. By Federal law, these facilities are limited to two years:~~

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a. Natural disaster emergency coverage: The carrier may temporarily add a facility to urgently provide sufficient coverage during a natural disaster (flood, fire, etc.). Often, these facilities are constructed on jurisdictionally owned parcels.

b. Special events: Certain widely attended special events (concerts, fairs, parades, etc.) may necessitate the construction of temporary telecommunications facilities to provide sufficient coverage. These facilities cannot be constructed more than four (4) weeks in advance of the event and must be removed a maximum of one (1) week after the event.

c. Substitute Facilities to Maintain Service Area Coverage: A temporary facility may be necessary to avoid severe impacts due to an outage and/or facility failure in an existing service area. This temporary site prevents the loss of existing service while the new/updated site is permitted through the Conditional Use permit process.

1107. Other Types of Facilities Not Listed Above. Unless otherwise described within this Section, Telecommunication Facilities are subject to the permit type within the specified zone as described in Chapter 130.20 of Article 2 (Development and Use Approval Requirements) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title. Other Types of Facilities Not Listed Above. Application proposals that do not conform to the above requirements of Subsections DB.2-1 through DB.5-9 above in this Section will be subject to Commission approval of a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, ~~as determined by the Director.~~ Uses described within this Section are summarized in Table 1. Wireless-Telecommunication Facility Types.

1248. Speculative Towers. Towers for which no licensed communication carriers have committed to utilize shall be prohibited.

Table 1. ~~Proposed~~ Communication Facility Types

<i>Communications Facility Type</i>	<i>Relevant State/Federal Legislation/Existing Regulations</i>	<i>Recommended Permit</i>
Small Cell Wireless TeleC ommunication Facilities	FCC Declaratory Ruling and Third Report and Order (FCC 18-133)	A
Building Façade Mounted Antennas	<u>Meeting Existing El Dorado MunicipalCounty Code (EDMC) Regulations</u>	A
Roof Mounted Antennas	<u>Meeting Existing MC-EDC Regulations</u>	A
Co-location on Existing Non-Building Structures or Public Facilities	<u>Meeting Existing MC-EDC Regulations</u>	MUP
Co-location on Existing Approved Monopoles or Towers	<u>Meeting Existing MC-EDC Regulations</u>	P*/A
Co-location Facilities (by right processing)	Meeting criteria of CA Government Code 65850.6	P

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Table 1. Wireless Communication Facility Types		
<u>Communications Facility Type</u>	<u>Relevant State/Federal Legislation/Existing Regulations</u>	<u>Recommended Permit</u>
New Towers or Monopoles	Meeting Existing EDMC Regulations	MUP/CUP
Emergency Standby Generators	Meeting criteria of CA Government Code 65850.75	P
Modifications (non-substantial)	That do not constitute a substantial change per <u>Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act") 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100</u>	P
Temporary Facilities		A
Other Types of Facilities Not Listed Above		A/MUP/CUP
Note: P = Allowed use A = Administrative permit required (130.52.010) CUP = Conditional use permit required (130.52.021) MUP = Minor use permit required (130.52.020)		

* Per 47 U.S.C. § 1445(a), 47 C.F.R. § 1.6100, collocations by a new carrier that qualify as an eligible facilities request should be permitted by-right.

EC. Visual. Visual simulations of the wireless tele~~com~~unications facility, including all support facilities, shall be submitted as part of the application. A visual simulation ~~can~~ consists of either a physical mockup of the facility, balloon simulation, computer simulation or other means a photo simulation showing the existing and post-project condition. The applicant shall also submit a map showing the location of the project site and the visual vantage points. Vantage points shall emphasize public views of the project sites.

FD. Development Standards and Design Guidelines. All facilities shall be conditioned, where applicable, to meet the below criteria. Projects may be subject to additional standards deemed appropriate through discretionary permit processing to address site-specific conditions. below:

1. Screening. All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area, or stealth design. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, existing trees (both type and size), or vegetation of the site.
2. Setbacks. Compliance with the applicable zone setbacks is required. Setbacks shall be measures measured from the part of the facility closest to the applicable lot line or structure. For towers (including monopoles) only, when the proposed facility is on a site that is adjacent to a site with an

PUBLIC REVIEW DRAFT - SEPTEMBER 2024

Subject to the provisions described in EDC Code 8.09.070(E)(5)

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~~existing residential use or a site that is zoned for residential uses, thea minimum fall over setback shall be equal to the above ground height of the overall heightone (1) times the overall height of the facilitytelecommunications tower or other facility. Setback waivers shall may be considered by the discretionary permit authority, as needed, to allow flexibility in landscaping and siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 130.52.020 (Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.~~

3. Maintenance. All improvements associated with the telecommunication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained in good condition at all times, free from trash, debris, graffiti, and any form of vandalism. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.

4. Location Preferences. Wireless telecommunication facilities are encouraged to locate on existing buildings and structures to the extent feasible based coverage requirements. Additionally, to minimize the aesthetic and visual impacts, all new wireless telecommunication facilities shall take into consideration the aesthetic impact of the proposed telecommunication facility as seen from roadways and other public properties should any adverse affects be noted. should be located according to the following preferences, ordered from most-preferred to least-preferred:

- ~~a. Parcels owned or controlled by the County;~~
- ~~b. Parcels owned or controlled by other governmental entities;~~
- ~~c. Parcels or rights-of-way in agricultural, rural, and resources zones;~~
- ~~d. Parcels or rights-of-way in industrial and research & development zones;~~
- ~~e. Parcels or rights-of-way in commercial zones; and,~~
- ~~f. Parcels or rights-of-way in residential zones.~~

5. Historic Resources. No facilities shall be allowed on any building or structure, or in any district, that is listed on any federal, State or local historic register unless it is determined that the facility will have no adverse effect on the building's visual integrity, structure or eligibility for historic designation. Facilities located on any historic building or structure, or within any historic district must comply with the Historical Resource Regulations, the U.S. Secretary of Interior Standards and Guidelines, and local historic guidelines.

6. Accessibility. Wireless telecommunication facilities shall not be constructed to create a barrier under federal and state Americans with Disabilities Act (ADA).

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7. Written Approval of Owner. A wireless telecommunication facility shall not encroach onto any private or other property outside the public right-of-way unless the owner has provided with the owner's written consent.

8. Underground Equipment. Underground equipment shall be located entirely underground and flush with existing sidewalk or ground surface.

9. Site Security Measures. Wireless telecommunication facilities may incorporate reasonable and appropriate site security measures, such as locks and anti-climbing devices, to prevent unauthorized access, theft, or vandalism.

10. Signage. All wireless telecommunication facilities must include signage that accurately identifies the facility owner/operator, the owner/operator's site name or identification number, and a toll-free number to the owner/operator's network operations center. No other signage or advertisements may appear on a wireless telecommunication facility unless approved by the Director, required by law or recommended under FCC, Occupational Safety and Health Administration, or other United States governmental agencies for compliance with Radio Frequency (RF) emissions regulations.

11. Compliance with Health and Safety Regulations. All wireless telecommunication facilities shall be designed, constructed, operated, and maintained in compliance with all generally applicable health and safety regulations, which includes without limitation all applicable regulations for human exposure to RF emissions, ADA, California Building Standards Code, and County Code.

12. Lighting. All wireless telecommunication facilities shall not include any lights that would be visible from publicly accessible areas, except as otherwise required in compliance with the Federal Aviation Administration or the Airport Land Use Commission area standards, and except when authorized personnel are present at night, and for exempt facilities listed in section B. Exempt Facilities.

13. Aesthetics. All review shall consider aesthetic impacts and the scale of the proposed wireless telecommunication facility. Subject to the restrictions of Section A, the height of facilities shall not exceed fifteen15 feet ofabove the existing tree line, skyline, or nearby structures.

GE. RF Requirements. The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site. Facilities must not be placed or operated in a manner that violates FCC's standards for human exposure to RF emissions.

HF. Availability. All existing telecommunication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.

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I.G. Unused Facilities. The facility owner shall notify the Department no less than 60 days prior to the final day of use of any telecommunication facilities. All obsolete or unused telecommunication facilities shall be physically removed by the facility owner within six months-180 days after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition, as much as is reasonable and practical, by the facility owner.

J.H. Permit Application Requirements. In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5Section 130.51.050 (Public Notice Requirements and Procedures), the following notification shall occur for discretionary permit applications:

1. School District Notification. If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.

2. Homeowners Association Notification. For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property and homeowners associations that are adjacent to or within 500 feet the property. Any that are identified shall be notified during the initial consultation.

K. Additional Sites and Needs Analysis. The application for a discretionary permit shall contain a site justification letter that includes an alternative sites analysis, a discussion of alternative sites that would accomplish the project goals, and a description of the need for the proposed facility based on the adequacy of existing coverage. The letter shall detail meaningful outreach to owners of alternative sites. The analysis shall provide specific comparative analysis of how different sites would impact aesthetic and environmental values, as applicable.

L. Fees. For each initial application, or for the renewal of an application, the applicant shall pay an initial deposit and any associated recurring fees, including maintenance and right-of-way access permit fees, consistent with the County's current Community Development Agency Consolidated Fee Schedule.

M. Airport Operations. Wireless telecommunication facilities shall not be sited in locations where they will interfere with airport operations. The siting of wireless towers and related facilities within the airport planninginfluence area of any public airport shall be referred to the El Dorado County Airport Land Use Commission review for a determination of consistency with airport area standardsAirport Land Use Compatibility Plan.

N. Five-Year Review. Every five years following approval of a Conditional Use Permit for a wireless telecommunications facility, the County shall review the facility for compliance with the approved conditions of approval. Review of wireless telecommunications facility Conditional Use Permits shall be staff level. This section shall take precedent over existing conditions of approval.

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1. Notification. All five-year reviews shall be noticed to nearby property owners in accordance with Table 130.51.050.2.

2. If complaints or concerns are received from a noticed party, the review shall be set with the Planning Commission.

NO. Revocation. Failure to comply with any condition of approval or standard in this ordinance shall constitute grounds for possible revocation of use pursuant to County Code Section 130.53.090 (Revocation or County Mandated Modification of a Permit).

OP. Severability. If any sections, subsections, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision or legislation of any court of competent jurisdiction, or by reason of preemptive legislation, such decision or legislation shall not affect the validity of the remaining portions of the policy. The Board declares that it would have approved this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the sections, subsections, sentences, clauses, or phrases thereof is declared invalid or unconstitutional.

Chapter 130.80–Glossary

Adjacent: Near or by the Adjoining the proposed location, but not more than 500 feet away or separated only by a street, highway, public easement, or waterway.

Base Station. A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or -authorized wireless communications between user equipment and a communications network. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Co-location. The placement of ~~multiple an~~ antennae on an existing single structure, pole, or tower ~~by different communication providers for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, whether or not there is an existing antenna on the structure.~~ (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

SGA stationary generator used for the generation of electricity that meets the criteria set forth in paragraph (29) of subdivision (a) of Section 93115.4 of Title 17 of the California Code of Regulations.

Façade. Also referred to as a “Building Façade”, means all walls, or portions thereof, of a building’s exterior which is exposed to public view, excepting alleys.

Macro Cell Tower Site. The place where wireless telecommunications equipment and network components, including towers, transmitters, base stations, and emergency powers necessary for providing wide area outdoor service, are located. A macro cell tower does not include rooftop, small cell, or outdoor and indoor distributed antenna system sites. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

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Modifications to Wireless Telecommunication Facilities. Modifications to an existing wireless tower or base station that do not substantially change the physical dimensions of the tower or base as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, as amended and superseded. Includes, but is not limited to, antenna modifications, fiber optic line additions, generator additions, collocations on an existing wireless facility, and the placement of the first wireless facility on an existing building or structure. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Small Cell Wireless Communication Facility. ~~As of~~ A Small Cell Wireless Communication Facility is defined in 47 Code of Federal Regulations and as ~~may be~~ amended and superseded. ~~Small cell wireless communication facilities are mounted on structures that meet the following requirements:~~

The facilities:

Are 50 feet or less in height, including their antennas; or

Are mounted on structures no more than 10% taller than other adjacent structures; or

They do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10%, whichever is greater.

Each associated antenna, excluding antenna equipment, is not more than 3 cubic feet in volume.

All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is not more than 28 cubic feet in volume.

The facilities do not require antenna structure registration.

The facilities are not located on Tribal lands.

The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards.

Standby Generator. A stationary generator used for the generation of electricity that meets the criteria set forth in paragraph (29) of subdivision (a) of Section 93115.4 of Title 17 of the California Code of Regulations. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Stealth Design. A design or treatment that minimizes adverse aesthetic and visual impacts. Stealth Design facilities visually and operationally blend into the surrounding area in a manner consistent with existing development and the natural environment by means of camouflaging, disguising, and/or screening. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

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TeleCommunication Facilities (Use Type). See wireless communication facilities. Communication facilities, not including home televisions and radio receiving antennas, satellite dishes, or communication facilities for community services provide by a public agency are wireless communication facilities including transmission and relay towers, dishes, antennas, and other similar facilities. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Telecommunications Tower. Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas. Also known as towers. (See also Section 130.40.130: Communication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Wireless Telecommunication Facilities. Equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services. Also, known as wireless communication facilities. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, in 47 C.F.R., Part 97 of the Commission's Rules ~~not~~ to TV and radio transmission facilities, ~~not~~ to Public Safety Communications Facilities. (See also Section 130.40.130: Telecommunication Facilities, in Article 4: Specific Use Regulations, of this Title.)

Wireless Telecommunications Co-location Facility. A wireless telecommunications facility that includes co-location facilities. (See also Section 130.40.130: Telecommunication Facilities, in Article 4: Specific Use Regulations, of this Title.)