

# COUNTY OF EL DORADO

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June 27, 2017

The Honorable Ben Hueso  
Member, California State Senate  
State Capitol, Room 4035  
Sacramento, CA 95814

**RE: Senate Bill 649 - OPPOSE**

Dear Senator Hueso:

On behalf of the County of El Dorado, I write to respectfully inform you of our opposition to your Senate Bill 649, which would allow wireless providers unfettered access to public property for placement of "small cell" structures without regard to the aesthetic and environmental impacts of these facilities. Under SB 649, these not-so-small "small cell" structures must be allowed on public property in *any* zone in a city or county.

The County of El Dorado is a rural northern California county located within the six-county Sacramento Region. Many of our residents, especially in the more rural areas of our County, do not have access to regular and/or reliable broadband service. Our County is firmly committed to exploring and securing partnerships and opportunities that will support our efforts to expand the infrastructure necessary to provide broadband access to all of our businesses and residents. However, the provisions contained with SB 649 will not only impede our progress but also threatens to affect our ability to safeguard our environment and protect the aesthetics of our small communities through the loss of our discretion over the placement of wireless structures and the related infrastructure.

Specifically, the County of El Dorado is concerned with the following aspects of SB 649:

- Allows wireless providers to control the aesthetics of local neighborhoods by pre-empting local decision-making related to the placement of "small cell" structures on any public property, such as light fixtures in residential neighborhoods;
- Requires the Board of Supervisors to adopt a resolution showing "substantial evidence" that the county needs to utilize public property in order to reserve space for county communication needs, or it must be leased to the wireless providers;
- Lacks a wireless deployment requirement, and expressly prohibits a county from negotiating increased broadband services as a condition of a "small cell" permit;

- Forces local governments to rent space for “small cells” on public property at a capped rate far below fair market value, incentivizing increased wireless deployment in more urbanized and high property value areas of the State, and further exacerbating the digital divide between those with economic opportunity and the economically disadvantaged;
- Allows for “feasible design and colocation standards” as a condition of “small cell” installation. This language is ambiguous and will cause complications in implementation;
- Provides that the definition of “small cells” is not inclusive of ALL infrastructure necessary to support 5G technology. In addition to the 21 cubic feet of associated equipment, and the six cubic feet of antennas, there are no limitations on the following: electric meters and any required demarcation box, concealment elements, any telecommunications demarcation box, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs; and,

Given that many jurisdictions may not have even processed a “small cell” permit yet, or only handled a small number of such permits, the County of El Dorado is unclear on the objective of this bill. If the goal is to provide a more streamlined statewide process, it may be more beneficial to require the Office of Planning and Research to develop a model ordinance or guidance for both jurisdictions and providers to use, rather than passing legislation at this time.

The wireless industry continues to push legislation every year to further remove local government’s discretion over wireless structures. A better approach would be one that encourages coordination and up-front planning to ensure that wireless technology can be deployed as quickly as possible but with consideration for aesthetics, public safety, and the environment. SB 649 does not create jobs, but instead erodes local control of community aesthetics and devalues taxpayer invested public property.

For these reasons and others, the County of El Dorado has adopted an oppose position to your SB 649.

Respectfully,

Shiva Frentzen  
Chair, Board of Supervisors  
County of El Dorado

cc: Members, Assembly Committee on Local Government  
Angela Mapp, Consultant, Local Government Committee  
The Honorable Ted Gaines, California State Senate  
The Honorable Frank Bigelow, California State Assembly  
Rural County Representatives of California  
California State Association of Counties