

Draft Communications Facilities Ordinance Update (Title 130, Section 130.40.130)

Amendment Summary Table - Planning Commission, October 24, 2024		
Amendment Location (Section 130.40.130)	Issue	Revision
Definitions, Subsections C and D	Consistency with State and Federal Law	Updated definitions (Chapter 130.80), including “small cell” facilities. Streamlined colocations and non-substantial modifications (Subsections C, D). Allowed standby generators (Subsection D.8).
Subsections D.4, F.5, L	Clarify the entitlement process for co-location of facilities on structures within the public right of way	Described a detailed process for co-location on structures within public ROW, including historic considerations, and permit fees.
Subsections F.2, F.4	New facilities within residential zones – visual impacts and setbacks	Increased residential setbacks (equal to height of proposed structures). Added additional site selection and visual considerations.
(New) Table 1	Create a matrix to clarify ministerial and discretionary procedures for different facilities	Added Table 1 to Chapter.
Subsections F.1, F.2., F.4, F.12, F.13	Aesthetics	Existing ordinance includes purpose statement to minimize visual impact (Section A). The proposed revisions include this objective (Subsection F.13), while also increasing residential setbacks and height restrictions.
Subsection F.4	Site Preference	Board provided direction to include site preferences for new facilities to protect residential and agricultural areas from visual impact.
Subsection F.4, K	Site Selection and Alternatives	Proposed revisions require a justification letter from the applicant regarding the proposed site, and a discussion of alternative sites considered (including any outreach to property owners of alternatives sites).

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Subsection E	Visual simulations	This section has been expanded to describe the required visual simulations, including pre and post project conditions, and a map of vantage points, emphasizing public views of the project site. Board did not recommend use of a third-party preparer. However, in response to Board concerns, proposed landscaping, including trees, should be simulated at 10-year growth.
Subsection D.10	Temporary Facilities	Existing ordinance has no provision for temporary facilities. Proposed revision would add temporary facilities as a regulated facility type. Such facilities may be necessary due to emergencies (including natural disasters), large temporary events that exceed existing cellular capacity, and temporary facilities to maintain service while permanent facilities are in the entitlement process. Specific requirements apply to each of these three scenarios.
Subsection J	Notification	Existing ordinance requires notice of School Districts within 1,000 feet of site and an adjacent HOA in addition to normal County noticing procedures. Revisions would increase HOA notification to 500 feet of the proposed site. Section 130.51.050 of the County Code generally requires notice up to 1,000 feet for discretionary approvals (such as minor use permits and conditional use permits). Board did not recommend additional noticing requirements.

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Subsection N	Five-Year Conditional Use Permit (CUP) Review	Currently, future review requirements for approved CUPs are done on a case-by case basis. Board agreed with a staff recommendation to incorporate the five-year review requirement into the ordinance. The five-year review shall be noticed as per the original CUP. Review is conducted at staff level unless a complaint or concern is received from a noticed party, in which case Commission shall review.