

Title 16 Small Cell Facilities Ordinance – As Proposed Summary

Applicability. All small cell wireless communication facilities (SCF) located in the public right of way (highways).

Definitions. Definitions are proposed for 12 terms associated with SCF and Eligible Facilities Requests (EFR).

Permit. A permit from the Department of Public Works' Road Commissioner is required to install, replace, maintain, modify, or remove an SCF or for an EFR for an SCF within the highway. The permit may be granted when the Road Commissioner is satisfied that the permit application is complete with all required documentation and that the facility meets all standards and conditions in this ordinance.

Application. A complete application is required and shall contain all information in Chapter 16.08 of the Highway Code and documentation, including a permit checklist, that the SCF will meet all standards in this ordinance. Design guidelines and permit conditions and checklists will be issued by the Road Commissioner. Installation on county infrastructure (streetlight or traffic signals) will require submittal of engineered plans. Emergency work requires an application which may be submitted up to one business day after emergency work is commenced. Processing of applications will comply with all Federal Communications Commission (FCC) orders, including the maximum number of days allowed for review and action on applications (called "shotclocks").

Other requirements.

- Additional permits from the county or another public agency may be required.
- SCFs on new structures in sensitive locations, such as a scenic highway, the Coastal Zone, Significant Ecological Area, or on or near a significant ridgeline may require land use approvals by Regional Planning.
- Pre-existing SCFs may not need to comply with this ordinance, until any agreement or authorization expires. Renewals will subject the SCF to this ordinance.
- The County has first priority over the use of the highway.
- SCF must comply with all other local, state, and federal regulations, and any written agreement or master license agreement with the County.

Preference. The order of preference for SCF on a support structure is as follows:

1. Existing support structure other than a traffic signal
2. Replacement support structures
3. Traffic signals
4. New support structure or tower

Standards. In addition to the design guidelines and checklist, SCF shall comply with the following:

1. Concealment. Use stealth design to look like something other than a wireless facility. All equipment shall be concealed on or within the support structure.
2. Location. SCF shall be located in a way that does not obstruct or interfere with the primary use of the highway or the primary use of the support structure. Temporary SCF shall be located at least 6 feet from other facilities or county equipment.

3. Structural integrity. SCF shall comply with applicable utility facility construction standards, including CPUC requirements. If an existing support structure cannot support the SCF, the applicant shall replace the support structure with a new one that will meet all requirements.
4. Height. Height shall be the lesser of either: per FAA's limit, per the height of other support structure in the area, or per the zone (for new structures). SCF must be placed at least 8 feet above ground.
5. Placement.
 - Streetlights. SCF shall not block or impede any illumination of lighting to the ground.
 - Utility poles. Any necessary side-arm to support the SCF shall not extend further than 4 feet from the pole in any direction, or a cross-arm shall not exceed 8 feet.
 - Radio equipment. SCF shall be separate from any radio equipment on county infrastructure by 5 feet.
 - Power supply. No co-mingling or sharing of circuits are allowed.
6. Power generators. No generators are allowed within the highway.
7. Lighting. SCF shall not have lighting.

Waivers. Requests for a waiver from one or more development standards shall be submitted in writing. The Road Commissioner may consider the waiver only to the extent that the waiver will mitigate the following issue without compromising public safety:

- Prohibit or effectively prohibit the provision of personal wireless services,
- Otherwise violate applicable laws or regulations, or
- Require a technically infeasible design or installation of a wireless facility.

The Road Commissioner may deny a waiver under the following conditions:

- The request does not satisfy any condition for the waiver
- A waiver from one or more development standards would result in a violation of applicable legal requirements, or
- The development standard is needed to maintain public safety or public use.

Authority to use Support Structures.

- County infrastructure: Requests to place SCF on county infrastructure (i.e. streetlight, traffic signal) require a written agreement or master license agreement with the County, which includes additional terms and conditions specific to the support structure.
- Other support structures: Authorization by the non-county entity to use its structures (i.e. utility pole) shall be required.

Violations, unpermitted facilities, revocations and relocations.

- Violations of this ordinance or agreement shall be subject to penalties.
- Unpermitted facilities shall be ordered to be removed within 90 days and/or be restored to its original condition. A new permit will be required for the removal.
- Revocations. If a permit or agreement is revoked, the SCF shall be removed within 90 days at the owner's expense.
- Relocations. If a County needs the highway for other purposes (realignments, construction, street closure, etc.), the SCF shall be relocated within 90 days at the owner's expense.