

EXHIBIT H

REGIONAL PLANNING POLICY MEMO (2010)

DEPARTMENT OF REGIONAL PLANNING

Memorandum

July 26, 2010

TO: DRP Staff

FROM: Richard Bruckner
Director



**Subject: Subdivision & Zoning Ordinance Policy No. 01-2010
Wireless Telecommunications Facilities**

This memo establishes policies and guidelines regarding permits for the siting and maintenance of wireless telecommunications facilities (hereinafter titled *wireless facilities*). Currently, Regional Planning processes applications for a wireless facility, as conditional use permit (CUP) applications because they are deemed to be similar to radio and television towers, which are specifically identified as a type of use in the Zoning Ordinance, and which require a CUP. Rather than establishing an ordinance to deal specifically with wireless facilities while the FCC decision and there are potential court cases which may impact local land use decision cases, it is necessary to establish policies and guidelines to help interpret the broad and general parameters of the burden of proof set forth in the Zoning Ordinance for obtaining a CUP and to identify necessary application materials when reviewing and processing wireless facility applications. Guidelines allow for flexibility to change at a later time, pending the outcome of the decision challenges.

This memo is necessary for planners to accurately and consistently advise applicants regarding the processing and recommended development guidelines of wireless facilities. This memo provides definitions, permit requirements, additional application materials and development guidelines, including guidelines for wireless facilities within right-of-ways.

These guidelines shall apply to all proposals for new facilities and upon expiration of a conditional use permit for a wireless facility that was issued prior to this memorandum, the facilities shall be subject to these guidelines.

Definitions

Antenna - One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (dish), but excluding any support structure.

Camouflage - Concealment of a wireless facility through incorporation into architectural design of a building or structure or by utilizing design and siting techniques that disguise the wireless facility as a structure or object other than a wireless facility. The structure or object shall either be already present in the area or blend in with the existing environment. Examples of

camouflage techniques include, but are not limited to, bell or clock towers, bell steeples, monument signs, water tanks, light poles and flag poles. The use of monopines, monopalms or other monotree types shall not be considered appropriate camouflage unless integrated into the surrounding landscape with the use of live trees, new or existing structures or other design features.

Co-location - The placement of portions of two or more wireless facilities on the same building, tower, pole, freestanding sign, or other structure.

Ground-mounted - The placement of a wireless facility or its antennas upon the ground, or on a lattice tower, mono-pole, utility pole, tower or other structure such as, but not limited to, a freestanding sign, which is erected on the ground. Ground-mounted includes structures built solely or primarily for the purpose of housing or locating a wireless facility, or upon a foundation or platform that is three feet or less above ground.

Monopalm or monopine - A structure containing a wireless facility or antenna(s), disguised as a palm tree or a pine tree.

Monopole means a freestanding structure composed of a single pole without guy wires and ground anchors and used primarily to support a wireless facility.

Monorock means a wireless facility disguised to resemble one or a grouping of rocks.

Monotree - Any type of artificial tree used for disguising a wireless facility. Monotrees include monoshrubs, which are a wireless facility or antenna(s) disguised to resemble one or a grouping of shrubs or bushes.

Public right-of-way or right-of-way - Any street, local street or highway, currently laid out or dedicated, and the space on, above or below it, under the jurisdiction of the County.

Screen or screened - Concealment of a wireless facility from view at ground level from adjacent properties and the right-of-way. The placement of a stucco wall in front of a wireless facility generally shall not be considered an appropriate screen unless architecturally integrated into an existing structure as determined by the Hearing Officer or Planning Commission.

Structure-mounted - The placement of a wireless facility upon the roof or side of a building, or upon the top, side or inside of a fully enclosed structure such as, but not limited to, a steeple, tower, monument sign, or water tank. For purposes of this definition, the term "structure" shall exclude a foundation or platform that is three feet or less above ground or a structure built solely or primarily for the purpose of housing or locating a wireless facility - these are considered ground-mounted facilities.

Support structure - Any type of structure or pole on which a wireless facility, or a portion thereof, is mounted.

Wireless facility - A ground-mounted or structure-mounted antenna, with any necessary appurtenance, such as an equipment box, cabinet, pedestal or vault. The facility is used to send or receive radio frequency transmissions for mobile or fixed telephone or data transmission service to provide wireless telecommunication services to the public; as may be described in the

Communications Act of 1934, as amended by the Telecommunications Act of 1996, or as otherwise authorized by the Federal Communications Commission.

Permit Required

A wireless facility requires approval of a conditional use permit (CUP) in all zones and within the public right-of-way. A CUP requires public notification and a public hearing before the Hearing Officer or Planning Commission. The Director shall make the determination if the application will be heard by the Hearing Officer or Planning Commission.

Additional Application Materials

Section 22.56.030.A.11 of the Zoning Ordinance allows the Director to request application materials deemed necessary in addition to those listed in section 22.56.030. For wireless facilities, in addition to all application requirements for a CUP, the applicant shall provide a written explanation, and documentation of, the following:

- A. That the proposed wireless facility is necessary to close a significant gap in coverage in the applicant's service;
- B. Except where the wireless facility is proposed to be co-located with one or more existing authorized wireless facilities that the applicant has undertaken and completed a good-faith effort to inventory all wireless facilities within one-quarter mile of the proposed site and to co-locate the proposed facility on the site of another such facility;
- C. That the proposed site is the least intrusive site that is available in the coverage area that is capable of closing the significant coverage gap in terms of visual and aesthetic impacts; and
- D. Documentation that the wireless facility as proposed is expected to comply with FCC limits and guidelines on RF emissions.

Development Guidelines

Height

- A. A structure-mounted wireless facility shall not exceed the maximum height allowed in the applicable zone, or 16 feet above the building roof line, whichever is higher.
- B. If the proposed wireless facility is located in a CSD, the height shall not exceed the applicable height limit for the CSD, and any CSD area height standards that apply to the subject property. If the proposed facility is not within a CSD, Height A shall apply.
- C. A ground-mounted wireless facility, not located on a public right-of-way, shall not exceed the maximum height allowed in the applicable zone. The maximum permitted height is 75 feet.
- D. For wireless facilities located within public rights-of-ways, see Development Guidelines for Highways and Rights-of-Way below.

Setback Requirements for Structure-Mounted Facilities

- A. Unless screened, the wireless facility and equipment boxes are to be set back from the roof's edges and parapet walls to the maximum extent possible to minimize their visual impact from public rights-of-way and adjacent properties.

Roof Coverage Limits for Structure-Mounted Facilities

- A. Unless screened and not visible from ground level, the total of all structure-mounted wireless facilities (antennae and equipment) located on one roof shall not cover more

than 10 percent of the total area of the roof.

Design

- A. All wireless facilities shall use camouflage techniques to minimize visual impacts and provide appropriate screening.
- B. Depending on the proposed site and surroundings, certain camouflage techniques may be deemed by the Director as ineffective or inappropriate and alternate techniques may be required.
- C. The following is a menu of camouflage techniques that should be considered; this list is not all inclusive: monopole, flagpole, monotree, monorock, bell or clock tower, steeple, penthouse, monument sign, finish, and underground placement of appurtenant equipment. A wireless facility that proposes to use one of these techniques as listed below shall comply with the following design standards:
 1. *Monopole*: A monopole installation shall be situated so as to utilize existing natural or man-made features including topography, vegetation, buildings or other structures to provide the greatest amount of visual screening.
 2. *Flagpole*: A wireless facility may be mounted upon a flagpole that bears the national, state, and/or local government flags. Flagpole wireless sites that fly the national flag shall comply with United States Code Title 4, Chapter 1 as to flag maintenance and lighting. All other flags, signs, pennants, banners, streamers, balloons, graphic markings, and other attention-getting devices on a wireless facility shall be prohibited, with the exception of public safety devices required by law.
 3. *Monotree*: It shall be of a type of tree compatible with those existing in the immediate area of the installation. If no trees exist within the immediate area, the applicant shall create a landscape setting that integrates the monotree with added trees of similar height and type. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark. Additional camouflage may be required, depending on the type and design of mono-tree proposed.
 4. *Monorock*: The proposed screen shall match in color and scale other rock outcroppings in the general vicinity of the proposed project site. A monorock screen may not be considered appropriate in areas that do not have natural rock outcroppings.
 5. *Finish*: The finished surface of the wireless facility shall not be glossy or reflective in nature unless such a finish is necessary to blend into existing design features. The finish shall be graffiti-resistant and shall have a color that blends in with the immediately surrounding environment.
- D. *Structure-Mounted*: A structure-mounted wireless facility may be required to be integrated into the building's or structure's architecture through design, color, and texture and/or be fully screened.
- E. *Ground-Mounted*: Appurtenant equipment boxes shall be screened or camouflaged.

Underground Requirement

- A. Wireless facilities located along a scenic highway, in an SEA, within 250 feet of an SEA, or on a significant ridgeline are discouraged, however if they are to be placed in these locations, they shall be placed underground, unless the applicant provides documentation to the Director that undergrounding is infeasible. If undergrounding is infeasible, the facility shall be fully screened with landscaping and/or other camouflaging techniques and designed in a way not to impact biotic resources in the area.

Co-Location

- A. Newly installed monopoles and towers shall be constructed so as to physically and structurally allow co-location of at least one other wireless facility.
- B. On co-located wireless facilities, the electric meters for all of the facilities shall be placed on one pedestal or at one location, whenever possible.
- C. Co-locations shall use screening methods similar to those used on the existing wireless facility.

Security

- A. Provide fencing, gates, and/or locks to secure the wireless facility from access by all persons other than authorized personnel.

Fencing and Walls

- A. All fencing or walls used for screen or securing a wireless facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain links, chain link with slats, barbed and other types of wire fencing are prohibited.
- B. When the wireless facility's fences or walls are visible from the public right-of-way, landscaping shall be provided to screen the fence or wall from the street. A minimum planter width of five feet shall be provided.

Lighting

- A. Any exterior lighting for wireless facilities shall be fully shielded.
- B. Antenna lighting is prohibited.
- C. Beacon lights are prohibited unless required by the FAA.

Sensitive Use

- A. Any wireless facility located on school grounds, a day care facility, or in a park or recreational area, shall be isolated from and not intrusive on the educational or recreational activities at such location. Whenever practicable, the facility shall be located the furthest distance from the center of activity of the use on the lot.
- B. The applicant shall provide the name, address, and telephone number of the service provider, which shall be displayed on the grounds of the property of the sensitive use where the wireless facility is located.

Displacement of Required Parking

- A. Placement of a wireless facility in a parking lot or parking structure may not cause a reduction in the required parking spaces to below the number required for the existing use on the subject property.

Maintenance

- A. All wireless facilities shall be maintained in good condition and repair, and shall remain

- free of general dirt and grease, chipping, fading, peeling or cracked paint, and free of cracks, dents, blemishes and discoloration.
- B. Rust and corrosion shall not be visible on any unpainted metal areas.
- C. All landscaping provided as screening shall be maintained at all times and shall be promptly replaced if needed.

Graffiti

- A. The wireless facility shall remain free of graffiti. Any and all graffiti shall be removed by the operator or property owner within 48 hours.

Removal

- A. The operator of a wireless facility shall remove such facility within six months after its lawful operation has ceased, and restore the site as nearly as practicable to its original condition.

Compliance Reports

- A. The applicant shall submit on an annual basis, reports to the Department to show compliance with the maintenance and removal conditions.

Federal Communications Commission (FCC)

- A. Upon completion of construction of all wireless facilities, the applicant shall submit written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity.

Development Guidelines in Highways and Public Right-of-Ways

In addition to the development standards listed above, wireless facilities located on, under, or projecting onto any highway or public right-of-way shall also comply with the following:

Ground-Mounted Facility

- A. When installed in a parkway or other landscaped area, the wireless facility owner shall install drought-tolerant landscaping immediately surrounding the installation or restore any existing landscaping and irrigation system disturbed by the installation.
- B. The installed or restored landscaping shall be consistent with the existing landscaping in the immediate vicinity.

Underground Requirement

- A. All appurtenant wireless facility equipment that is not structure-mounted shall be placed underground, unless the applicant provides documentation to the Director that undergrounding is infeasible.
- B. If the underground requirement is waived due to infeasibility:
 - 1. For wireless facilities in non-urban areas - the equipment shall be fully screened with or camouflaged to resemble locally existing natural materials.
 - 2. For wireless facilities in urban areas - concrete pads for the appurtenant equipment shall be a color that is consistent with adjacent surrounding sidewalks. Where there is no existing sidewalk, concrete pads shall be earth-tone color that is consistent with existing surrounding earth.

Height

- A. The height of a wireless facility shall not exceed 50 feet, regardless of the height of any existing structure located within the public right-of-way.

Placement

- A. The placement of wireless facilities shall not interfere with the public's unobstructed use of highways, sidewalks or trails, or unobstructed access from private property to highways and other public access.

Encroachment Permit

- A. In addition to obtaining a conditional use permit from the Department of Regional Planning for a wireless facility, the applicant shall obtain an encroachment permit from the Department of Public Works.

Relocation

- A. The Department of Public Works may require wireless facilities to relocate due to street improvement projects and undergrounding of utilities. The cost of relocation of wireless facilities due to such projects shall be fully borne by the owner, operator, or permittee of the wireless facilities involved.

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