

Sec. 8-2.1102 -Wireless telecommunication facilities

(a) Purpose

The purpose of this ~~section~~ Section is to ~~establish~~ implement permit requirements and development standards for wireless telecommunication facilities in the unincorporated area of Yolo County.

(b) Definitions

Eligible facilities request

“Eligible facilities request” shall mean any request for modification of an existing permitted tower or base station that does not substantially change the physical dimension of the tower or base station, involving: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

Radio

Radio is a generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes “radio” includes the popular terms “television” and “microwave”. The term “wireless” is interchangeable with “radio.”

Section 6409(a) modification

“Section 6409(a) modification” shall mean any eligible facilities request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), which mandates that a local government approve certain wireless broadband facilities siting requests for modifications and collocations of wireless transmission equipment on an existing tower or base station that does not result in a substantial change to the physical dimensions of the tower or base station.

Wireless facility modification, substantial change

A “substantial change to a wireless facility” shall be as defined by the Federal Communications Commission (FCC) in Title 47 Code of Federal Regulations (CFR) Section 1.6100(b)(7), including the following:

- (i) An increase in the height of a permitted tower, that is not in the public right of way, by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or, an increase in the height of a permitted support structure by more than 10 percent or more than 10 feet, whichever is greater.
- (ii) Adding an appurtenance to the body of a permitted tower, that is not in the public right of way, that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater; or, adding an appurtenance to the body of a permitted structure that would protrude from the edge of the structure by more than six feet.
- (iii) Installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets; or, for permitted towers and base stations in the public right of way, installation of any new equipment cabinets on the ground if there are no existing ground cabinets associated with the structure or

installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

- (iv) Excavation or deployment outside of the permitted facility site; for permitted towers not in the public right of way any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction (measurement excludes existing access or utility easements related to the site).
- (v) Modifications that would defeat the concealment elements of the permitted support structure.
- (vi) The modification does not comply with conditions associated with the siting approval of the construction or modification of the permitted facility.

Wireless telecommunication facility

“Wireless telecommunication facility” shall mean an un-staffed facility for the transmission and reception of radio signals, including, but not limited to cellular radiotelephone service facilities, specialized mobile radio service facilities, microwave service facilities, broadband Internet service, communication towers, personal communication service facilities, and commercial paging service facilities.

Wireless telecommunication facility, attached

“Attached wireless telecommunication facility” shall mean a telecommunication facility that is attached to an existing permitted structure whose tower height is no more than 80 feet.

Wireless telecommunication facility, small

“Small wireless telecommunication facility” shall mean a telecommunication facility whose tower height is ~~less than eighty (80)~~ 120 feet or less.

Wireless telecommunication facility, large

“Large wireless telecommunication facility” shall mean one whose tower height is ~~eighty (80)~~ greater than 120 feet or more.

(c) Permits required

(1) ~~Construction of a free-standing small wireless telecommunication facility on rural lands zoned for agricultural uses (including the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, the Agricultural Commercial (A-C) zone, and the Agricultural Industrial (A-I) zone) may be approved through the issuance of a Site Plan Review approval by staff, provided the facility is located on a parcel 20 acres or more in size. This approval is a ministerial, “over the counter” approval like a building permit, and does not require a public hearing, unless~~ may be installed and operated in the following zoning districts, provided the facility meets setback requirements and other standards, as provided in Section 8-2.1102(e), below, as shown in Table 8-2.1102; ~~the application fails to meet the minimum parcel size or any of the specific Development Standards set forth in Section 8-2.1102(e), below, in which case the application may be referred by staff to the Zoning Administrator or the Planning Commission for a hearing and decision to issue a Minor or Major Use Permit. Construction of a small wireless telecommunication facility on rural lands zoned for agricultural uses that are less than 20 acres in size shall be approved pursuant to Subsection (2), below.~~

Table 8-2.1102
Allowed Wireless Telecommunications Facility Uses and Permit Requirements

<u>A = Allowed use, subject to zoning clearance</u> <u>SP = Site Plan Review</u> <u>UP (m) = Minor Use Permit</u> <u>UP (M) = Major Use Permit</u> <u>N = Use Not Allowed</u>	<u>Land Use Permit Required by Zone</u>					
	<u>A-N, A-X, A-I, A-C, A-R</u>	<u>RR-5, RR-2, R-L, R-M, R-H</u>	<u>C-L, C-G, DMX, C-H</u>	<u>I-L, I-H, OPRD</u>	<u>PQP, POS, P-R</u>	<u>Specific Use Requirements or Performance Standards</u>

<u>Wireless Telecommunication Facility</u>						
<u>Small telecommunication facility (up to 120 ft)</u>	<u>SP</u>	<u>UP (m)</u>	<u>UP (m)</u>	<u>UP (m)</u>	<u>UP (m)</u>	<u>See Sec. 8-2.1102(e)</u>
<u>Large telecommunication facility (>120 ft)</u>	<u>UP (M)</u>	<u>N</u>	<u>N</u>	<u>UP (M)</u>	<u>UP (M)</u>	
<u>Attached telecommunication facility (up to 80 ft)</u>	<u>A</u>	<u>UP (m)</u>	<u>SP</u>	<u>A</u>	<u>SP</u>	
<u>Eligible facilities request</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>See definition in Sec. 8-2.1102(b) and Sec. 8-2.1102(f)</u>

- (2) If the an application for a proposed small wireless telecommunication facility in the agricultural zones fails to meet the minimum parcel size setback (equal to the height of the tower) or any of the specific Development- development Standards standards set forth in Section 8-2.1102(e), below, the application may-shall be referred to the Zoning Administrator or the Planning Commission for a hearing and decision to issue a Minor or Major Use Permit.
- (3) Construction of a small- wireless telecommunication facility that is attached to an existing structure (such as a barn on rural lands zoned for agricultural uses, or a warehouse on lands zoned for industrial uses) regardless of the size of the parcel, may be approved with the issuance of a building permit only, provided the overall height of the tower is no more than 80 feet.
- (4) An attached telecommunication facility may be permitted in the commercial and public and open space zones through Site Plan Review approval so long as the overall tower height is no more than 80 feet and the existing structure is setback from property lines equidistant to the tower height.
- (35) Construction of a small wireless telecommunication facility located on properties within non-agricultural or urban areas that are zoned for residential, commercial, and industrial uses are allowed through the issuance of a Minor or Major Use

Permit, depending on the application's consistency with all of the Design Standards set forth in Section 8-2.1102(e), below. Specifically, wireless facilities are permitted with approval of a Minor Use Permit, issued by the Zoning Administrator, on lots of two acres or more, and which meet all of the Development Standards set forth in Section 8-2.1102(e), below, in areas zoned for residential uses (in the Rural Residential (RR-5 and RR-1), Residential Low (R-L), Residential Medium (R-M), and Residential High (R-H) zones); commercial uses (in the Local Commercial (C-L), the General Commercial (C-G), the Downtown Mixed Use (DMX), and the Highway Commercial (C-H) zones); industrial uses (in the Heavy Industrial (I-H), the Light Industrial (I-L) and the Office Park/Research and Development (OPRD) zones); and open space and recreation uses (in the Public Open Space (POS), Park and Recreation (P-R), and Public Quasi-Public (PQP) zones). If the an application for a small telecommunication facility is proposed in the residential, commercial, industrial, or public and open space zones on a small lot of less than two acres, or if the application fails to meet the setback (equal to the height of the tower) or any of the Development development Standards standards set forth in 8-2.1102(e), below, the application may shall be referred by staff to the Planning Commission for a public hearing and issuance of a Major Use Permit.

- (46) Construction of large wireless telecommunication facilities on lands zoned for agricultural, industrial, open space and recreation uses, shall be approved through the issuance of a Minor Use Permit, provided the facility is located on a parcel 40 acres or more in size. Large wireless telecommunication facilities constructed on parcels less than 40 acres, on lands zoned for agricultural, industrial, open space and recreation uses, shall be approved in all cases through the issuance of a Major Use Permit. The application shall meet all of the Development development Standards standards set forth in Section 8-2.1102(e), below.
- (7) An applicant may submit in writing a request for modification to an existing permitted tower or base station. An eligible facilities request that does not substantially change the physical dimensions of the facility shall be approved in accordance with 47 CFR Section 1.6100, as described in subsection (f), below.

(d) Application

~~In addition to the application requirements set forth in this chapter, e~~ Each application for a wireless telecommunication facility permit application shall include the following:

- (1) A graphic depiction of the search ring used in determining facility location. The graphic shall identify all existing telecommunication tower sites within the search ring.
- (2) A propagation or signal map showing the proposed coverage area (with and without the proposed facility).
- (23) A photo simulation of the proposed developed site from four directions (north, south, east and west). ~~This requirement for photo simulations may be waived by staff for small wireless facility applications.~~

- (4) A written justification that identifies opportunities to collocate the proposed facility on an existing facility have either been exhausted or are not available in the area.

(e) Development standards

The following development standards shall be satisfied prior to the approval of a ~~Conditional Use Permit~~ for a wireless communications facility:

- (1) The site is ~~can provide all necessary infrastructure adequate~~ for the development of the proposed wireless communication facility. The minimum parcel size required for a large wireless telecommunication facility shall be two acres.
- (2) Opportunities to co-locate the subject facility on an existing facility have either been exhausted or are not available in the area.
- (3) The facility as proposed is necessary for the provision of an efficient wireless communication system.
- (4) The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource. Wireless communication facilities proposed to locate in a designated scenic corridor, including areas identified by the General Plan as providing scenic value, may require stealth design elements to mitigate visual impacts.
- (5) A wireless telecommunication facility shall be set back from property lines equidistant from the tower height.
- (6) The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.
- (7) The applicant agrees to accept proposals from future applicants to co-locate at the approved site.
- (78) The applicant agrees to reserve space and/or provide conduit available for County and emergency communications.

(f) Eligible Facilities Request for a Wireless Telecommunication Facility Modification

- (1) An application for a "Section 6409(a) Modification" on an existing wireless communication facility may be submitted to the Planning Division for processing. Federal law requires local government approval of any eligible facilities request for modification of an existing wireless tower or base station. An eligible facilities request is any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
- i. Collocation of new transmission equipment
 - ii. Removal of transmission equipment; or
 - iii. Replacement of transmission equipment.

- (2) A modification substantially changes the physical dimensions of an existing wireless communication facility if it meets the criteria listed in Sec. 8-2.1102(b) above.