



# County Board of Supervisors

May 17, 2011

11ORD-00000-00005 LUDC  
11ORD-00000-00006 MLUDC  
11ORD-00000-00007 Article II



# Reorganization Goals

- Board of Supervisors requests
  - Hearings for Tier 1 facilities (as currently defined)
  - Increase public noticing
  - Coverage and alternative siting
- Maintain tiers and development standards
- Federal requirements
  - “Shot Clock” processing requirements

# Federal Telecommunications Act of 1996

- General local zoning authority preserved “over decisions regarding placement, construction, and modification of personal wireless service facilities” 47 USCA § 253(b)
- Some limitations:
  - “Shall not unreasonably discriminate”
  - “Shall not prohibit or have the effect of prohibiting”
  - “Shall act...within a reasonable period of time”
  - “Shall not regulate...on basis of perceived health effects”

# FCC Declaratory Ruling

## November 18, 2009

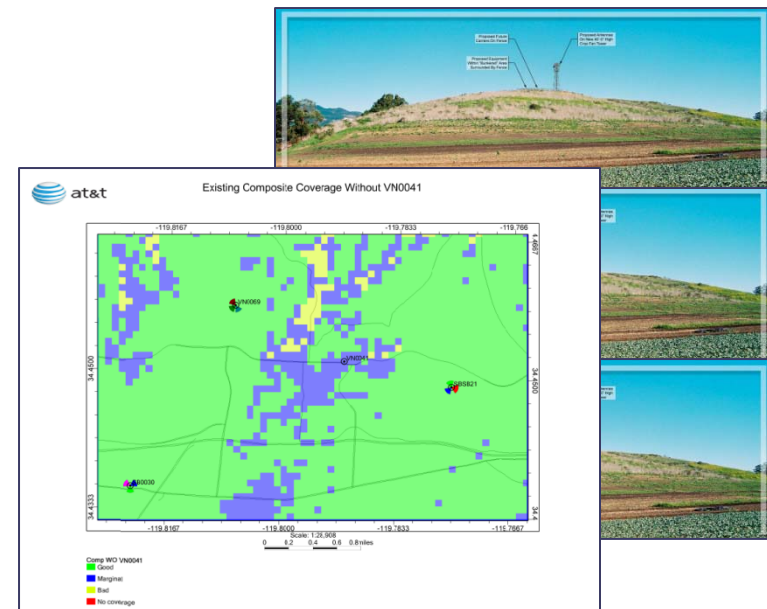
- ❖ Defined presumptive “reasonable time” as:
  - **90 days** to process collocation applications
  - **150 days** to process all other applications
- ➔ “collocation” defined as “the addition of an antenna to an existing tower or other structure”
- ❖ State or local government cannot deny an application solely because service is available from another provider
- ❖ Affirmed that local governments do not have the flexibility to deny or delay action on applications based on perceived health effects of RF emissions

<b>Tier 1</b> <i>Staff</i>	<b>Tier 2</b> <i>Director</i>	<b>Tier 3</b> <i>Zoning Admin.</i>	<b>Tier 4</b> <i>Planning Com.</i>
Temporary mobile facilities	Very small facilities	Facilities < 50 ft.	All other cellular facilities
Hub Sites	Tenant improvements	Radio/t.v. transmission facilities < 50 ft.	All other radio/t.v. transmission facilities
	Collocated facilities		
	Facilities within zone district height		

# Additional Findings

- Add finding to require demonstration of a need for service
- Add finding to require demonstration of alternative sites and/or designs assessed

➔ Application requirements





# Summary

The proposed amendments:

- Increase processing requirements
  - Noticing & public hearings
  - Application requirements
  - Additional findings
- Provide provisions for new facility types
- Retain development standards
- Retain compliance with Federal requirements

# Recommendations

- Recommend the Board of Supervisors:
  - Approve Case No. 11ORD-00000-00005 (LUDC)
  - Approve Case No. 11ORD-00000-00006 (MLUDC)
  - Approve Case No. 11ORD-00000-00007 (Article II)