Attachment B – What’s Changed Since the August 14 Wireless Communications Facilities draft?

Since August 21, the draft has been further modified to address comments:

- **Section 16.1.1 – Intent and Purpose.**
  - First paragraph - Replaces language “in consideration of the public health, safety, and general welfare…” with that from subsection A stating: “…that accommodates the communication needs of residents and businesses, protects the public health, safety, and general welfare of the community, and minimizes adverse impacts,” (deletes similar language from subsection A).
  - In A, Purpose sections 6, 8 - clarifies that the purpose and this language applies to all “WCFs” not just towers.
  - In A, Purpose section 10 - clarifies that “small cell facilities” not all WCFs may be in the right-of-way.
  - In B.1, Applicability - removes “macro cell facilities” which are a subset of towners and alternative tower structures and not in the definitions.
  - In Section C.1, Permit Required – adds “or right-of-way permit” as a possible requirement.
  - In Section D, Severability – adds, “or by federal or state statute or regulation…”

- **Section 16.1.2 – Where Allowed.**

- **Section 16.1.3 – Operational Standards for WCFs.**
  - Section A, Federal “and State” Requirements – adds “state” requirements so that all federal and state regulations apply. Adds a note requiring applicants to comply with federal ADA requirements.
  - Section D, Abandonment and Removal – Slightly modifies language noting that county may not approve a new application until the applicant has removed an abandoned WCF or made payment. This section is otherwise consistent with later submittal requirements.

- **Section 16.1.4 – Design Standards.**
  - Section A.c – Note: keeps the 30% setback requirement for all other property adjacencies to incentivize collocation on structures but could remove it if Planning Commission thinks it will be challenging in commercial districts.
  - Section B.1.a. – Adds “growth management area” to section noting camouflage design importance.
  - Section B.6, Fire Protection (new) - adds standards reflecting feedback from a fire district regarding standards for fire-detection and extinguishing systems and defensible space, access, and possible approved water supply in a wildfire hazard area.
  - Section B.8, Residential Buildings – carries forward a similar provision from current code prohibiting WCFs on buildings used principally for residential purposes. (Note: definitions for structures and principal residential purpose exist in current Code.)
  - Section C.5.b, Design Standards for Small Cell Facilities in the Right-of-Way - notes that the Master License Agreement includes preferred locations for siting facilities on streets, support structures, and their general placement. (See Attachment D.)

- **Section 16.1.5 – Administrative Waiver.** No changes suggested.
- **Section 16.1.6 – Review Procedures.**
  o Table 16.B
    - adds a row for “Building Permit Only” for “eligible facilities requests” which had included under the Site Plan process.
    - Public Site Plan – Adds a “30% threshold” for concerned neighbors to send item to Board of County Commissioners (BCC) and clarifies a longer timeline if going to BCC.
    - Adds a row for the Master License Agreement (MLA)
    - Notes that building permit is required in addition to planning approval.
  o Section A.1, Pre-Application Conference – clarifies it is not required but helps answer questions and ensure the correct process and application.
  o Section A.2, Application and Completeness - Clarifies application approach and completeness to be consistent with Section 12.1.A of the Code.
  o Section A.5, Appeal – Clarifies that written application for appeal must be submitted within 10 days of a decision in order to meet shot clock requirements. Cross references Section 22.2.2 of the Code.
  o Section C, Review Procedures for Eligible Facilities Requests – add… “or change the land use classification of the structure.”
  o Section C.4, Tolling – clarifies the timeline relative to complete application and reset pursuant to FCC guidelines.

- **Section 16.1.7 - Application Requirements.**
  o Section C - notes that “other requirements may be identified on the current application form,” so this section doesn’t have to be amended when new needs are identified.
  o Section C.4 – includes an exception for small cell facilities for photo simulations.
  o Section C. 8, Radio Frequency Emissions Letter – adds that WCFs “shall be monitored to ensure ongoing compliance.”
  o New Section C.15 – adds that properties in floodplain/wetlands require a drainage report submission.
  o New Section C.16 – adds that for properties with federally or significant historic or environmental features, they must satisfy NEPA requirements.
  o New Section C.17 – adds that building permit application will be submitted concurrently. This is to meet shot clock requirements.

- **Section 16.1.8 – Definitions.**
  o Adds definitions for Master License Agreement and Microcell