

MEETING DATE: 08/07/19 (06)

**ORDINANCE NO. 10622 (NEW SERIES)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO SMALL CELL WIRELESS FACILITIES**

**The Board of Supervisors of the County of San Diego ordains as follows:**

Section 6980 is amended to read as follows:

6980 WIRELESS TELECOMMUNICATIONS FACILITIES

6981 CONFLICT RESOLUTION

Sections 6980 – 6993 are intended to be supplemental to the Zoning Ordinance. In case of conflict between the provisions represented in these sections and the provisions set forth in the Zoning Ordinance, the provisions of these sections shall apply.

6982 PURPOSE

[NO CHANGES]

6983 DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations contained in Sections 6980 through 6993, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural indicate the singular.

- a. Administrative Site Plan – A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

Antenna – Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

Antenna Height – The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

Antenna Support – Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

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Applicant – A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

- c. Camouflaged – Any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

Co-location – Locating wireless telecommunications equipment from more than one provider on a single site.

Commercial Zones - are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.

Community Character – Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.

- d. Decorative pole – Any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole or the public right-of-way in which the pole is located
- e. Equipment Building, Shelter or Cabinet – A cabinet or building used to house equipment used by telecommunication providers at a facility.
- f. Façade Mounted Antenna – An antenna architecturally integrated into the façade of a building or structure.

Facility – See Wireless Telecommunications Facility.

Faux Trees – A term used to refer to Monopalms, Monopines and other camouflaged monopoles made to resemble different types of trees.

- g. Grade – The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

Guyed Tower – A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

- h. High Visibility – The following shall be considered High Visibility facilities:
  - 1. Monopoles, lattice towers and guyed towers

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2. Non-camouflaged facilities
  3. Faux Trees
  4. Any and all wireless facilities not defined as invisible or low visibility.
  5. High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.
- i. Industrial Zones – are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.
- j. Invisible – Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.
- k. Lattice Tower – A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.
- l. Low Visibility – the following shall be considered Low Visibility facilities if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:
- m. Monopalm – a monopole camouflaged to resemble a palm tree.
- Monopine – a monopole camouflaged to resemble a pine tree.
- Monopole – A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.
- p. Panel Antenna - An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called directional antennas.
- Provider – Means a provider of wireless communications services that owns or controls all the elements necessary to sell and deliver services to an end user including radio spectrum allocation, wireless network infrastructure, back haul infrastructure, billing, customer care, provisioning computer systems and marketing and repair organizations.
- Public Safety Communications facilities: Telecommunications facilities operated and maintained by public agencies that support Public Safety Communications Systems, which provide wireless communications to law enforcement, fire services, emergency medical services, and other public safety/service agencies. These facilities are considered Essential Services pursuant to Section 1335.
- r. Residential Zones – for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.

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Roof Mounted Antenna – Any antenna with its support structure placed directly on the roof of any building or structure.

Rural Zones – are defined as consisting of the following zones: A70, A72, S81 and S92.

- s. School – An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a trade, vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

Service Area – The area served by a single telecommunications facility.

Service Network – The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Shot Clock – Means the review time requirements established by Federal or State regulations.

Special Purpose Zones - are defined as consisting of the following zones: S82, S86, S94 and Solid Waste Facility.

Small Cell Wireless Facility (SCW) – A wireless telecommunication facility and all related equipment, where the antenna is no more than three cubic feet in volume and all other related equipment on the structure is no more than 28 cubic feet in volume. This term also applies to any Micro Wireless Facility meaning a wireless telecommunications facility where it is not larger in dimension than 36" in length, 18" in width and 12" in height, does not have an exterior antenna which is longer than 11 ½", and are installed directly onto existing overhead cables owned by telecommunications providers.

Structure – A pole, tower, base station, or other building, whether or not it has an existing facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services) or other such facilities as defined in 47 C.F.R. § 1.6002(m).

- t. Telecommunications – The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Tower - Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Tower – See Telecommunications Tower

Travel Way – That portion of the right-of-way used for the movement of vehicles, people, equestrians, and goods, including travel lanes, curb and gutter, on-street parking spaces, bike lane facilities, travel lanes, turning lanes within the public ROW, sidewalks, shoulders, and pathways.

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- u. Utility pole – Any above-ground pole used to support electrical, telephone, cable, and internet wires.
- w. Whip Antenna – An antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than 3 inches in diameter and measure up to 6 feet in length, including the mounting. Also called omni-directional, stick or pipe antennas.

Wireless Community Master Plan – a Master Plan of preferred sites and designs for wireless facilities for a defined geographic area prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director; reviewed by the Director for such issues as aesthetics and community compatibility; and following public review, approved by the Director. A Community Master Plan can be applicable to all providers or to selected providers as defined in the Plan.

Wireless Telecommunications Facility – Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development. Also known as a wireless communications facility.

This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities, nor to Public Safety Communications facilities.

6984 WIRELESS FACILITY APPLICATION REQUIREMENTS — NON-SCW

[NO CHANGES]

6985 WIRELESS FACILITY APPLICATION PROCESSING — NON-SCW APPLICATIONS

Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

- A. Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:

**TIER 1 – ADMINISTRATIVE SITE PLAN**

Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:

**Industrial and  
Commercial Zones**

- Invisible facilities
- Facilities on:
  - CALTRANS structures, "cobra-style" streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:
    - The antennas do not project more than 24 inches above the structure,
    - No more than a total of two antennas are located on a site
    - The equipment cabinet is no larger than 6 cubic feet.
    - The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.
  - Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.
  - Facilities not subject to the "B", "D", "H" or "J" Designators and are:
    - Hidden from public view through the use of architectural treatments (cupolas, etc.); and
    - Consistent with the existing building and community character.

**Any Zone**

- Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.

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**TIER 2 – SITE PLAN WITH COMMUNITY REVIEW**

Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH COMMUNITY REVIEW:

**Commercial, Industrial and Special Purpose  
Zones**

- Low visibility facilities.

**All Zones**

- Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.

**TIER 3 – MINOR USE PERMIT**

Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:

- All facilities other than those meeting the criteria of Tiers 1, 2, or 4.

**TIER 4 – MAJOR USE PERMIT**

**Facilities meeting the following criteria shall be processed as a  
MAJOR USE PERMIT:**

- Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).
- All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.

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B. Exceptions

1. In addition to all other requirements in Sections 6980 through 6991, any proposed facility on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the modification of the permit in accordance with Section 7378 of this Ordinance for a Use Permit or by Minor Deviation in accordance with Section 7609 of this Ordinance when the facility is invisible.
2. Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission.

C. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones.
2. All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director if a finding is made that co-location of more facilities is consistent with community character.
4. Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring property).
5. No tower or equipment shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the property lines.
6. Noise from any equipment supporting the facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
7. The Director may grant an exemption from the requirement to process a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or where the Director finds the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan permit would normally be required will not be harmed by granting a Site Plan permit exemption. The Director's decision may be appealed pursuant to Section 7200 of this Ordinance.
8. All facilities located on a utility pole shall be promptly removed at the operator's expense at the time a utility is scheduled to be undergrounded.



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9. Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment cabinets and antenna structures shall be secured to disallow unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of 6 years for facilities valued at less than \$10,000; 10 years for facilities valued from over
12. \$10,000 to \$500,000; and 15 years for facilities valued at \$500,000 or more. This may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
13. As a condition of approval, prior to use of the facility, submit evidence, such as photos, to the satisfaction of the Director to show proof that the facility is in conformance with photo simulations provided pursuant to Section 6984 (B) of this Ordinance.
14. Applications will be processed pursuant to the shot clocks outlined in Federal and State regulations.

6986 PREFERRED SITES – NON-SCW APPLICATIONS

[NO CHANGES]

6987 DESIGN REGULATIONS – NON-SCW APPLICATIONS

[NO CHANGES]

6988 MAINTENANCE

[NO CHANGES]

6989 ABANDONMENT OR DISCONTINUATION OF USE

[NO CHANGES]

6990 REVOCATION

[NO CHANGES]

6991 AMORTIZATION OF HIGH VISIBILITY FACILITIES IN RESIDENTIAL AND RURAL ZONES

[NO CHANGES]

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## 6992 SMALL CELL WIRELESS FACILITY APPLICATION REQUIREMENTS

Wireless Telecommunication Facility permit applications which meet the Small Cell Wireless Facility (SCW) definition shall be processed according to the following standards:

### A. Development Standards

1. Location. To better assist applicants, minimize clutter, and limit other impacts to aesthetics and community character, subsection A.2. below sets out listed preferences for locations of SCWs. Applications that involve least preferred locations may be approved so long as the applicant demonstrates either: 1) no most preferred locations exist within 1,000 feet from the proposed site; or 2) any available most preferred locations within 1,000 feet from the proposed site would be technically infeasible.
2. Location Preferences.
  - i. Most Preferred Locations include:
    1. Industrial Zones
    2. Commercial Zones (except C34 & C35)
    3. Special Purpose Zones
  - ii. Least Preferred Locations include:
    1. Rural Zones
    2. Commercial Zones C34 & C35
    3. Residential Zones
3. In order to reduce clutter and maintain the aesthetic quality and community character of certain civic and community uses, SCWs in the right-of-way shall not be located within 300 feet of schools, child care centers, hospitals, religious facilities, fire stations, or sheriff stations unless the applicant demonstrates that compliance with this requirement would be technically infeasible. Distance, without regard to intervening structures, shall be a straight line measured from the closest property lines.
4. In addition to the location preferences above, SCWs are encouraged to locate in the public right-of-way.
5. SCWs with a proposed location in the public right-of-way shall be classified by the same zoning district as that of the nearest adjacent parcel. Form Based Code or Fallbrook Village Code Zoning Districts shall follow the most similar zoning district from subsection A.2.ii, based on the approved uses.
6. When located on private property, SCWs shall comply with all minimum zoning setback requirements.
7. Configuration. To better assist applicants, minimize clutter, and limit other impacts to aesthetics and community character, subsection A.8. below sets out listed preferences for

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configurations of SCWs. Applications that involve configurations in subsections 8.i.4., 8.i.5., or 8.i.6. may be approved so long as the applicant demonstrates either: 1) no preferred configurations in subsections 8.i.1., 8.i.2., 8.i.3. exist within 1,000 feet from the proposed site; or 2) any available structures in subsections 8.i.1., 8.i.2., or 8.i.3. within 1,000 feet from the proposed site would be technically infeasible.

8. Configuration Preferences.
  - i. Wherever possible, a SCW shall be installed in one of the following configurations, ordered from most to least preferred.
    1. Co-location with an existing facility
    2. Existing or replacement utility poles
    3. Existing or replacement structure, or roof-mounted in Industrial & Commercial Zones only
    4. County-owned street light poles
    5. County-owned traffic signals
    6. New utility poles
  - ii. SCWs shall not be placed on decorative poles.
  - iii. SCWs permitted on existing structures shall be co-located where possible, provided, however, that no more than two (2) SCWs shall be co-located on the same structure. SCWs shall be constructed and sited to accommodate the future co-location of up to one (1) additional facilities.
9. Visual Separation Requirements for New Structures. Wherever possible, no two SCWs owned by the same provider shall be located within 500 feet of one another in Most Preferred Locations, or within 1,000 feet of one another in Least Preferred Locations in order to minimize clutter and other impacts to aesthetics and community character within the right of way.
10. New or replacement structures required to support SCWs and related fixed equipment shall not be located within the recommended clear recovery zone alongside County roadways.
11. New structures and related fixed equipment shall not impede sight distance at intersections or driveways for all roadway users based on County Public Road Standards.
12. SCWs on new and related structures shall not impair pedestrian use of sidewalks or pathways, shall be designed and sited in compliance with all Americans with Disabilities Act (ADA) accessibility requirements, and shall not inhibit equestrian activities on designated public or private trail systems.
13. All SCWs shall be built in compliance with the Americans with Disabilities Act (ADA).

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14. Height:

i. When a SCW is attached or mounted on a structure, the least restrictive of the following height requirements shall apply:

1. The combined height of the structure and SCW shall not exceed 50 feet (including antennas).
2. The combined height of the structure and SCW can be no more than 10 percent greater in height than other structures located within 100 feet.
3. The combined height of the structure and SCW shall not increase the height of the original structure by more than 10 percent.

ii. Any SCW shall not increase the height of an existing facility.

15. Undergrounding. With the exception of antennas, electrical meters, and any other equipment that must be placed above ground to function, all SCW equipment must be undergrounded unless the applicant can demonstrate that undergrounding is technically infeasible.

16. Design.

- i. SCWs shall be designed to visually and operationally blend into the surrounding area and shall be the same or similar color as the facility or structure to which they are attached. New structures are required to visually blend in and match existing poles in a neighborhood.
- ii. SCWs shall comply with the Design Regulations contained in Section 6987 of this Zoning Ordinance, Subsections C, D, E, F, G, H, J, and M.

B. Operational and Maintenance Standards

1. SCWs shall be placed in operation only after receipt of post-inspection approval.
2. Noise. Noise from any equipment supporting the SCW shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
3. Plant Disturbance. The applicant shall avoid disturbance to the natural landscape and existing vegetation. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.
4. Signage. SCWs must include signage that accurately identifies the site owner or operator, the owner or operator's site name or identification number and a toll-free number to the owner or operator's network operations center. Signage must also include information advising of the nature of the potential hazard (e.g. RF emissions) and how to avoid the potential hazard. SCWs may not bear any other signage or advertisements unless expressly approved by the County, required by law or recommended under Federal Communications Commission (FCC), Occupational Safety and Health Administration

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(OSHA) or other United States governmental agencies for compliance with RF emissions regulations. Signs shall be no smaller than 4 inches wide and 6 inches tall and no larger than 18 inches wide and 24 inches tall, be mounted at least 10 feet above the ground to not impair pedestrian and equestrian use of sidewalks or pathways, and not conflict with other standard colors in the road right-of-way such as orange, fluorescent green, and red in order to not create a visual distraction for drivers.

5. Compliance with Law. All SCWs must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, General Plan and any applicable specific plan, the County of San Diego Administrative Code and Regulatory Code, the Federal Communications Commission Rules and Regulations, and any conditions or restrictions in any permit or other governmental approving issued by any public agency with jurisdiction over the facility.
6. Continuous Compliance. Wireless communications service providers and their operational SCWs must comply at all times with conditions of approval, this code, and all other applicable standards and laws. Failure to comply with a condition, standard or law is grounds for possible revocation pursuant to this code.
7. All SCW installations shall be physically installed and aligned so as to ensure that FCC Limits for Maximum Permissible Exposure (MPE) for radiofrequencies (RF) are not exceeded, per 47 C.F.R. § 1.1310.
8. Removal. The removal of an existing SCW shall comply with Section 6989 of this ordinance. In addition, SCWs removed by the County shall be stored for no less than fifteen (15) days and thereafter may be disposed of by public auction, if deemed to be of value by the County, or otherwise permitted by law. The SCW provider shall provide the County with a copy of the discontinuation notice sent to the California Public Utilities Commission (CPUC) or FCC.

C. Small Cell Wireless Permit Application Contents

All SCW application requirements listed below shall be evaluated and signed by one or more of the following, if applicable: Licensed Architect, Licensed Contractor, Licensed Engineer, and/or Licensed Surveyor.

1. Scope of Work: Applicant shall submit a scope of work with sufficient detail to determine compliance with the requirements set forth below.
2. Structural Evaluation: Applicant shall submit a structural pole evaluation completed by a Licensed Civil Engineer or Licensed Contractor prior to placing a SCW on any County-owned utility pole, street light, or traffic signal.
3. Site Agreement: Applicant shall submit a written authorization signed by the structure owner authorizing the applicant to place a SCW on the structure.

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4. Traffic Control Plan: Applicant shall submit a traffic control plan completed by a Licensed Civil Engineer or Licensed Contractor prior to installing an aboveground SCW on any County-maintained road.
5. Environmental Review Questionnaire: Applicant shall submit a completed environmental review questionnaire completed by a Licensed Civil Engineer or Licensed Contractor prior to installing an aboveground SCW on any County-maintained road.
6. Fire Service: Applicant shall submit evidence of compliance with Fire Policy FP-2 or a service letter from the applicable fire district.
7. RF Emissions: Applicants shall submit a radiofrequency radiation study (prepared by a licensed engineer qualified to evaluate radiofrequency emissions) which estimates the proposed project's radiofrequency emissions, demonstrating compliance of the proposed facility with applicable FCC policies, standards, and guidelines for MPE to radiofrequency radiation emissions.
8. Notice: Any application for a new or co-located SCW shall include evidence of compliance with the following notice requirements:
  - i. A notice of intent to request a permit for a new SCW shall be provided to all property owners within 500 feet of the proposed facility within 10 days of the submittal of a request.
  - ii. A notice of intent to request a permit for a new SCW shall be provided to any applicable community planning or sponsor group where the proposed facility within 10 days of the submittal of a request.

6993 SCW APPLICATION PROCESSING

- A. Any SCW Permit application that proposes to co-locate on an existing approved Tier 1, Tier 2, Tier 3, or Tier 4 facility described below shall not require any further discretionary review if it complies with the application requirements of Section 6992.
- B. Applications will be processed pursuant to the shot clocks outlined in Federal and State regulations.
- C. Any permit issued under this section is subject to the validity of the FCC Declaratory Ruling and Third Report and Order adopted September 26, 2018 (FCC 18-133). All SCWs shall be deactivated within 30 days from the date the FCC Ruling is repealed or overturned and shall be removed within 12 months.
- D. Any permit issued under this section shall expire and become null and void if the work authorized by the permit is not completed within 90 days from the approval date. Upon permit expiration, the permit automatically terminates. An expiration extension may be issued for an additional 90 days with evidence that substantial progress has been made.

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- E. Prior to July 1 of every calendar year, each SCW provider shall submit documentation identifying the location of each SCW in the right-of-way of the unincorporated County. The documentation shall include SCWs that are approved, but not yet built, SCWs that are currently operating, and locations containing non-operating SCWs. As part of this annual report, an RF emissions report must be provided for all approved, built, and operating SCWs.

Approved as to form and legality  
County Counsel

By: Randall Sjoblom,  
Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 7<sup>th</sup> day of August, 2019.



DIANNE JACOB  
Chairwoman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 7<sup>th</sup> day of August, 2019.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
Joana Santiago, Deputy



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