

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 21.4  
(ID # 14561)**

**MEETING DATE:**

Tuesday, March 02, 2021

**FROM:** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public hearing on ORDINANCE NO. 348.4947, associated with CHANGE OF ZONE NO. 2000007 – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide – REQUEST: Change of Zone No. 2000007 is an amendment to the County’s Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority. All Districts. [\$9,000 Total Cost - General Fund 100%] (Continued from 02/02/2021 BOS Hearing)

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **FIND** that Ordinance No. 348.4947, in association with Change of Zone No. 2000007, is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) based on the findings and conclusions incorporated in the staff report; and

Continued on Page 2

**ACTION: Policy**

---

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and that Ordinance 348.4947 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt  
Nays: None  
Absent: None  
Date: March 2, 2021  
xc: Planning, COB

Kecia R. Harper  
Clerk of the Board

By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**RECOMMENDED MOTION:** That the Board of Supervisors:

2. **ADOPT** Ordinance No. 348.4947, in association with Change of Zone No. 2000007, amending Ordinance No. 348 to revise Article XIXg, Wireless Facilities, and revising other sections of Ordinance No. 348 to amend the entitlement appeal and reporting process, based on the findings and conclusions incorporated into the staff report.

Continued on Page 3

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Previous Fiscal Year:</b>	<b>Current Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 9,000	\$ 9,000	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 9,000	\$ 9,000	\$ 0
<b>SOURCE OF FUNDS:</b> General Fund 100%			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Years:</b> 19/20 and 20/21	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Project Summary:**

Ordinance No. 348.4947, associated with CHANGE OF ZONE NO. 2000007, is an amendment to Ordinance No. 348 (Land Use), updating Article XIXg, Wireless Facilities. The update addresses new Federal and State legislation related to wireless facilities. The update also clarifies the wireless facilities permitting process, updates definitions, and discusses likely levels of environmental analysis to ensure internal consistency. Separately, this amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission ("PC") have approval authority, clarifying and making consistent when the appeal period starts and ends, and also updating the final reporting process to the Board of Supervisors.

**Update:**

This project was heard at the February 2<sup>nd</sup>, 2021 Board of Supervisor's hearing where staff provided a presentation and the Board took public testimony. At the conclusion, the Board of Supervisors continued the project to the March 2<sup>nd</sup>, 2021 hearing, in order for staff to conduct additional outreach with the wireless carriers, including Verizon and AT&T, to further discuss their submitted comments.

Staff met with Verizon and AT&T on February 19<sup>th</sup>, 2021 to discuss their outstanding concerns, which are outlined with staff responses below.

The chief concerns that Verizon maintains in response to the proposed draft ordinance are as follows, in order of priority:

- 1) Section 19.404(A)-(B); Concerning Director level determination of applicability of the California Environmental Quality Act ("CEQA"), rather than presumption of "categorical exemption".

**Staff Response:** Most types of new wireless facilities are a "project" under CEQA. Every project requires a determination regarding the appropriate level of environmental analysis. In many circumstances, new wireless facilities can appropriately rely on a categorical exemption, which does not require preparation of an Initial Study ("IS"). However, in some cases, such as when a wireless facility is located in an area with a

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

potentially sensitive biological habitat, within a criteria cell, or has some other unique characteristic, an IS may be required to be prepared to determine the appropriate level of environmental review and the potential need for mitigation. We are unable to presumptively state that all wireless facilities will be exempt. However, the proposed ordinance has been revised to more clearly state that the "Planning Director" has the discretion, based upon the specific facts of setting and location of the proposed wireless facility, to make the determination.

- 2) Any provision intending to limit permits to 10-year terms could prove onerous and cost-prohibitive to our network deployments.

**Staff Response:** The currently applicable version of the wireless ordinance contains a 10-year lifespan for new wireless facilities, and this has been removed in the proposed revisions to the ordinance, with the facility lifespan becoming a condition of approval instead. If, after 10 years, the wireless facility is in good standing, with no enforcement action or verified complaints, then the project could be called back in for review and further conditioning if necessary; otherwise, the lifespan would be automatically extended for an additional time period and no entitlement action is required.

For wireless facilities that become constructed resulting from a deemed approved determination only, the proposed ordinance still includes a 10-year lifespan. The ordinance has been revised to further clarify that the site could continue operating after that 10-year period, provided the applicant timely files an application and obtains Plot Plan approval that allows for that facility to remain.

- 3) Unqualified height limitations based on zoning classification should take "technical infeasibility" into account in order to avoid prohibition of service in such areas.

**Staff Response:** Under this proposed ordinance, the existing height limits for wireless facilities have not changed from the currently applicable version of the ordinance. In the event a facility needs additional height beyond what Ordinance No. 348 allows, a Variance application may be applied for to deviate from the maximum allowable height. Should the Variance be denied and if the applicant can justify that the additional height, or change in other standard, is necessary in order to prevent the effective prohibition of personal wireless services or otherwise avoid the violation of law or a technically infeasible design, then an appeal to the Board of Supervisors can be made to determine this and potentially allow for additional height or other design feature to the minimum extent required to avoid the prohibition, violation, or technically infeasible design.

A few other items with which AT&T would still like some improvement in the code are as follows:

- 1) The 10-year limit on deemed approved applications - this aims to undercut state and federal laws that mandate approvals.



**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**Staff Response:** This has been addressed in the first response.

- 2) We disagree with the timing for which construction needs to occur and hope that the County will be lenient with requested time extensions and many facilities will take longer than the allotted 6 months to construct.

**Staff Response:** Under the deemed approved section of the proposed Ordinance, applicants are afforded 1 year after a determination is made, to initiate construction. Once construction is commenced, the facility is required to obtain final construction approvals within 90 days and be in operation.

- 3) The County's requirement for undergrounding utilities will be unnecessary in many contexts and will make many sites cost prohibitive.

**Staff Response:** It is a typical requirement to underground utilities for all projects. For wireless facilities, the only wireless facilities that are deemed approved require undergrounding. For all other wireless facilities, if the applicant can provide a justification as to why undergrounding is not feasible, staff can make a determination to deviate from this requirement and work to apply other solutions. However, if the wireless facility is deemed approved, County staff and decision makers will not be given the opportunity to make decisions on a case-by-case basis to evaluate the justification, and therefore only that section omits the potential for considering infeasibility.

- 4) The county's requirement for the \$20k litigation deposit requirement, which is unlike any other jurisdiction we're aware of, should be eliminated.

**Staff Response:** The \$20k deposit is ONLY collected after a project has exhausted all appeal options and becomes litigated. This deposit amount applies to all entitlement applications, not just wireless facilities. It's intended to initially cover the cost of County Counsel and Planning staff's time, related to the litigation process.

In summary, staff has revised some portions of the proposed ordinance pursuant to the comments above, which is provided as an attachment to this report. Other portions, which did not require any changes, were clarified during the meeting, and agreed upon.

**Background on the history of the proposed revisions to Article XIXg, Wireless Facilities:**

Due to recent Federal and State legislation, coupled with the need to address internal inconsistencies in Ordinance No. 348, the Board of Supervisors initiated a request for staff to amend Ordinance No. 348, revising Article XIXg, Wireless Facilities. This initiation, which was approved on the February 4, 2020, Board of Supervisors ("BOS") hearing, tasked staff with reporting back to BOS recommendations for amending the Ordinance. Planning staff, in conjunction with County Counsel, provided a report for the BOS, which was heard on the April 21, 2020, BOS hearing and outlined a course of action. The report detailed specific areas within

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

the Wireless Facilities Ordinance that would be addressed, and suggested that a complete update to Article XIXg, should be implemented. Staff then proceeded forward with County Counsel to work on revising the Ordinance. The result of this effort is a comprehensive update to Article XIXg Wireless Facilities. The following summarizes the more substantive changes:

- 1) The definitions section has been reworded for clarity, consistency with state and federal terminology, and expanded upon to ensure not just consistency, but also to address uncertainty. Specifically, "Concealed" and "Disguised" wireless facility type definitions have been clarified to reduce ambiguity in their application. Also, definitions related to "Eligible Facilities Requests" and "Temporary Wireless Facilities" have been included to ensure that all types of Wireless Facilities are addressed and defined.
- 2) The current version of Article XIXg includes discussions pertaining to CEQA and what types of Wireless Facilities are considered projects requiring some level of environmental analysis. This portion of the Ordinance is outdated, inconsistent, and does not accurately reflect the requirements under CEQA. It has been amended to more appropriately define what types of Wireless Facilities are subject to CEQA, what types are likely exempt from CEQA, and what types are not subject to CEQA. The revised section provides guidance on the likely CEQA process for certain types of wireless facilities, but retains in the decision-maker the ability to determine the type of appropriate CEQA review for the specific wireless facility being proposed in its specific location, given the actual circumstances of the project, the project site, and the surrounding area.
- 3) The amendment broadens the set of entitlement findings for wireless facilities, by providing categories for types of facilities, such as "Temporary Facilities" and "Collocations," as well as "Concealed or "Disguised." Most substantively however, is the addition of Conditions of Approval for wireless facilities that are "Deemed Approved." Any wireless facility of any type, that becomes deemed approved, approved by operation of law, or approved under a court order, is subject to each of the provisions under Section 19.404.G., because otherwise the facility could be deemed approved without conditions. Section 19.404.G. therefore establishes a set of criteria for design and operations of deemed approved wireless facilities. This section ONLY applies to facilities that are deemed approved. There are separate sections containing provisions for design and operations for all other non-deemed approved Wireless Facilities. Non-deemed-approved Wireless Facilities will continue to have conditions of approval, similar to those required of Wireless Facilities under the current version of Ordinance No. 348, that are individually tailored for each project. Because they can be specifically tailored for each project, they will generally be different in multiple ways from the Section 19.404.G. conditions.
- 4) Section 19.405 clarifies where Wireless Facilities may be located by addressing Zoning. Through a broader implementation of generalizing zoning categories to simply include residential and non-residential, it is now clearer where all types of Wireless Facilities may be located.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

- 5) Development standards related to the overall height and design of Wireless Facilities have not changed. However, language within the standards has been added to provide a greater implementation flexibility, due to certain site specific conditions. As an example, if a Wireless Facility is proposed to locate where there is no source of water, additional landscaping may not be required; however, all other design standards related to aesthetics would be required to be achieved.
  
- 6) Under the current version of the Wireless Facilities Ordinance, there is a provision that grants a 10-year approval period for all new, entitled facilities. Prior to the expiration, an applicant is required to submit an application requesting additional operation time for the facility. These requests have generally been processed like an extension of time. Staff would check on the condition of the facility to ensure the original Conditions of Approval have been upheld and then schedule for a public hearing, applying an additional 10-year grant of time. This Amendment removes the 10-year minimum time frame as a requirement of the ordinance, enabling an approval to be good for the life of the facility's operation, but a revised lifespan will continue to be required via conditions of approval. Should the facility not comply with the approved Conditions of Approval or become a nuisance, compliance and abatement shall be enforced through the efforts of Code Enforcement and the Planning Department. For Wireless Facilities that are "Deemed Approved," however, the 10-year lifespan remains in effect in the ordinance. Upon conclusion of the 10 years, the "Deemed Approved" Wireless Facility would be required to seek entitlement approval. As long as an application for the entitlement is submitted prior to the expiration of that 10-year period and that entitlement is ultimately approved, the Wireless Facility would not need to be removed at the end of the 10 years, however.
  
- 7) In addition to the overall Wireless Facilities changes, the appeal process has also been amended. Due to the Federal Communications Commission ("FCC") requirements under the Shot Clock legislation that vastly limit the amount of time for action on a wireless entitlement application, an appeal of approvals on Wireless Facilities will now go directly to the Board of Supervisors. Should a resident or community group feel aggrieved from a Director's Hearing ("DH") decision that approved a Wireless Facility, and an appeal is timely filed with the required application fee, the project will be scheduled for an upcoming Board of Supervisors hearing, rather than Planning Commission where a DH appeal decision would otherwise normally be heard.

**Appeals and Report of Actions:**

Ordinance No. 348 provides for an appeal process, related to actions taken at DH and PC. Both hearing bodies have authority to approve certain types of entitlement applications, which are specified in Ordinance No. 348 and are generally characterized as non-legislative. Ordinance No. 348, as currently written, requires certain types of entitlement applications and certain types of uses, including wireless facilities, to be Received and Filed ("R&F") at the next highest hearing body. Upon agendaizing the R&F item, the appeal period starts. This R&F process and

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

specifically when the appeal period starts is inconsistent throughout Ordinance No. 348, whereby some application types and uses are required to go through the Receive and File process, while others are not.

Wireless Facilities which are approved either with a Plot Plan or Conditional Use Permit are currently subject to the R&F process. This Ordinance amendment revises the Wireless Facilities section pursuant to the above changes and also removes the requirement for an R&F. Through the process of amending the Wireless Facilities R&F requirement, staff felt it would be appropriate to address the entire appeal process and R&F requirements throughout Ordinance No 348, to provide consistency and certainty. As a result, and as proposed under this Ordinance amendment, an action that is taken at DH or PC starts the 10-day appeal process, rather than when a project is Received and Filed. All actions taken at a DH or PC hearing will then be agendaized for a Board of Supervisors hearing, as a single report of actions rather than individual items. This revised process ensures consistency with appeals for all projects, provides certainty for applicants, and provides the Board of Supervisors with a consolidated report of all hearing actions, rather than an individual R&F item. To further ensure transparency, staff will update the Planning Department's DH and PC agenda pages the day of the hearing, to include information about the action taken (Approved, Denied, Continued, etc.).

Ordinance No. 348 includes the processing requirements for most land use entitlements. However, the processing of subdivisions, including Tentative Parcel and Tract Maps, are addressed in Ordinance No. 460 and also specifically require an R&F process. A separate effort to amend Ordinance No. 460 is underway and is anticipated to result in implementing this same change, for consistency with all application types.

**Planning Commission:**

On November 18, 2020, the PC considered the revised Wireless Ordinance and other revisions to Ordinance No. 348 described above. After considering public testimony on the proposed Project, the PC voted 4-0 to recommend that the BOS find the Project exempt from CEQA under Section 15061(b)(3) and approve Change of Zone No. 2000007.

Since the PC hearing, a small number of changes have been made to the proposed language of Article XIXg. These changes including updating formatting, the removal of an internal inconsistency regarding the number of days before a wireless facility would be deemed abandoned, to remove redundant language regarding electrical metering, the removal of certain specifics regarding a non-preferred option for rooftop facilities (still leaving the Section 19.408 third option), and the addition of a clarification regarding how the wireless services provider can take action after receiving a notice of abandonment to prevent the facility from being finally deemed abandoned. Because these changes merely provide minor clarifications to existing provisions and remove internal inconsistencies to result in continued reliance on existing provisions, these changes do not entail a substantial modification that requires additional review by the PC.



**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

**Subsequent Actions:**

As noted above, this project was heard at the February 2<sup>nd</sup>, 2021 Board of Supervisor's hearing, at which the Board of Supervisors continued the project to the March 2<sup>nd</sup>, 2021 hearing, in order for staff to conduct additional outreach with the wireless carriers. In response to the discussions resulting from that outreach, minor changes were made to proposed section 19.404 to add further clarifications to some of wording describing the processes set forth therein, but not making any substantial modifications that would require additional review by the PC.

**Impact on Residents and Businesses:**

This project amends Article XIXg Wireless Facilities of Ordinance No. 348. The amendment will result in addressing conflicting and inconsistent provisions within the Ordinance, clarifies how wireless facilities are projects under CEQA, revises definitions, and adds new State and Federal wireless facilities processing requirements language. This amendment provides better transparency and certainty for the development community and removes interpretation ambiguity. This amendment also updates the entitlement appeal and report of actions processes, by implementing a consistent process for each entitlement application type. This also results in providing certainty for the development community and staff, ensuring that all entitlements are processed similarly. Because the changes merely revise County administrative processes, remove inconsistencies, and incorporate legal changes that have occurred since the last time the article was updated, it can be seen with certainty that the proposed changes will not result in any significant environmental impacts.

**Additional Fiscal Information:**

This project, an amendment to Ordinance No. 348 (Land Use), includes amending Article XIXg Wireless Facilities, to clarify the wireless facilities permitting process, update definitions, and discuss levels of environmental analysis to ensure internal consistency. This project was initiated by the Board of Supervisors on February 4th, 2020. The project was budgeted by the Board of Supervisors for \$9,000 and is funded through general funds, including fiscal years 19/20.

**ATTACHMENTS:**

- Exhibit A – Ordinance No. 348.4947
- Exhibit B – Planning Commission Staff Report
- Exhibit C – Comment Letters
- Exhibit D – Board of Supervisors Motion 02-02-2021

  
Jason Farin, Principal Management Analyst      2/26/2021





1 mounted on a mast, is mounted no higher than needed to receive or transmit  
2 an acceptable quality signal and in no event higher than twelve (12) feet  
3 above roofline.

4 2. An antenna designed to receive over-the air broadcast signals, no higher than  
5 needed to receive or transmit an acceptable quality signal and in no event  
6 higher than twelve (12) feet above roofline.

7 3. A broadband radio service antenna one meter or less in diameter or diagonal  
8 measurement and that, if mounted on a mast, is mounted no higher than  
9 needed to receive or transmit an acceptable quality signal and in no event  
10 higher than twelve (12) feet above roofline.

11 B. AMATEUR RADIO ANTENNAS:

12 1. That are completely enclosed within a permitted building; or

13 2. That consist of a single wire not exceeding one-fourth inch in diameter. Such  
14 wire antennas may be located in setback areas provided the antenna does not  
15 extend above the maximum building height in the district; or

16 3. That consist of a single ground-mounted vertical pole or whip antenna not  
17 exceeding fifty (50) feet in height in residential zone classifications or one  
18 hundred and five (105) feet in height in non-residential zone classifications,  
19 measured from finish grade at the base of the antenna, and not located in any  
20 required setback area. Support structures or masts for pole or whip antennas  
21 shall conform to standards set out in the California Building Standards Code.

22 A building permit may be required for the support structure or mast.

23 C. LIKE KIND EQUIPMENT REPLACEMENTS.

24 Like kind equipment replacements or adding or changing equipment in an existing  
25 cabinet, vault, or shroud that does not increase pre-existing visual or noise impacts  
26 and has the same or less radio frequency (RF) emissions. The existing equipment  
27 must have been approved by the County and the equipment must be in compliance  
28 with all permit conditions. Qualifying like kind equipment replacements that do not

1 require County approval consist of upgrades or exchanges of equipment that are  
2 substantially similar in appearance and the same or less in size, dimensions, weight,  
3 and RF emissions to the then-existing and approved equipment. This exemption does  
4 not apply to generators.

5 D. CERTAIN TEMPORARY FACILITIES.

6 The following temporary wireless facilities that will be placed for less than fourteen  
7 (14) consecutive days, provided any necessary building permit or other approval is  
8 obtained and the landowner's written consent is provided to the County:

- 9 1. Facilities installed and operated for large-scale events; and
- 10 2. Facilities needed for coverage during the temporary relocation of an existing  
11 and already-approved facility.

12 E. LEGALLY EXISTING WIRELESS FACILITIES.

13 Any wireless facility already legally constructed and in operation as of the date of  
14 this ordinance's effective date shall remain subject to the provisions of the version  
15 of the ordinance in effect prior to this revision, unless and until a revised permit,  
16 substantial conformance, or other modification is approved on such facility, at which  
17 time the provisions of the revised ordinance shall apply in full force going forward  
18 as to such facility.

19 SECTION 19.402. DEFINITIONS.

20 The following terms shall have the following meanings for the purposes of this article:

- 21 A. Antenna. A device used for the purpose of transmitting or receiving wireless  
22 communication signals or both.
- 23 B. Base Station. A structure or equipment at a fixed location that enables FCC-licensed  
24 or authorized wireless communications between user equipment and a  
25 communications network as defined in 47 C.F.R. section 1.6100(b)(1), or any  
26 successor provision.
- 27 C. CPUC. California Public Utilities Commission.
- 28 D. CEQA. The California Environmental Quality Act, Public Resources Code section

1 21000 et seq. and State CEQA Guidelines section 15000 et seq.

2 E. Collocation. The mounting or installation of transmission equipment on a legally  
3 existing base station or tower as defined: (a) for the purposes of any eligible facilities  
4 request, the same as defined by the FCC in 47 C.F.R. section 1.6100(b)(2), as may  
5 be amended, which defines that term as '[t]he mounting or installation of  
6 transmission equipment on an eligible support structure for the purpose of  
7 transmitting and/or receiving radio frequency signals for communications purposes.'  
8 As an illustration and not a limitation, the FCC's definition means to add transmission  
9 equipment to an existing facility and does not necessarily refer to two or more  
10 different facility operators in the same location; and (b) for all other purposes, the  
11 same as defined in 47 C.F.R. section 1.6002(g)(1) and (2), as may be amended, which  
12 defines the term collocation as (1) mounting or installing an antenna facility on a pre-  
13 existing structure, and/or (2) modifying a structure for the purpose of mounting or  
14 installing an antenna facility on that structure.

15 F. Concealed Wireless Facilities. Facilities blended into the environment by being  
16 placed entirely within an existing or new structure or so as not to be recognized as a  
17 wireless facility. Concealed Wireless Facilities include, but are not limited to,  
18 architecturally screened roof-mounted facilities, facade-mounted design feature  
19 facilities, clock tower facilities and entry statement signage facilities. These may  
20 consist of concealed wireless facilities on a new structure or concealed wireless  
21 facilities on an existing structure, and the distinction may affect how the associated  
22 permit is processed.

23 G. Disguised Wireless Facilities. Facilities designed and sited so as to be minimally  
24 visually intrusive, which incorporate concealment elements that screen or otherwise  
25 alter the appearance of the wireless facility to integrate it into the surrounding  
26 environment and support structure or base station. Disguised wireless facilities  
27 include, but are not limited to, faux trees including but not limited to monopalms and  
28 monopines, facilities integrated into flagpoles, facilities integrated onto water towers

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

or other architecturally designed structures, facilities integrated onto street lights, facilities integrated into electric utility poles, and strand mounted antennas

- H. Eligible Facilities Request. Any request for modification of a legally existing tower or base station that does not substantially change the physical dimensions of such tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor provision.
- I. Equipment Enclosure. Any freestanding or mounted structure, shelter, cabinet, or vault used to house and protect Supporting Equipment.
- J. FAA. The Federal Aviation Administration or its lawful successor.
- K. FCC. The Federal Communications Commission or its lawful successor.
- L. Non-Residential Zone Classifications. Any of the following zones: R-D, I-P, M-SC, M-M, M-H, M-R, M-R-A, MU, N-A, A-1 (lots larger than two and one-half (2 and ½) acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E, R-VC, C-1/C-P, C-T, C-P-S, C-O, C-C/V.
- M. Other Wireless Facilities. New wireless facilities or modifications to existing wireless facilities that are not otherwise exempt from this article and that do not qualify as small cell facilities, collocations, eligible facilities requests, disguised facilities, or concealed facilities.
- N. Personal Wireless Services. Services as defined in 47 U.S.C. section 332(c)(7)(C)(i) or any successor provision, current examples of which include but are not limited to commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.
- O. Personal Wireless Services Facility. A wireless facility used for the provision of personal wireless services
- P. Planning Director. The Planning Director of Riverside County or his or her designee.
- Q. RCIT. Riverside County Information Technology.
- R. Residential Zone Classifications. Any of the following zones: A-1 (lots two and one-half (2 and ½) acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O,



1 R-A, R-1, R-1-A, R-2, R-2-A, R-4, R-6, R-T.

2 S. Small Cell Facility. The term as defined in 47 C.F.R. 1.6002(l), or any successor  
3 provision.

4 T. Support Structure. A pole, tower, base station, or other building, whether or not it  
5 has an existing antenna facility, that is used or to be used for the provision of personal  
6 wireless service, whether on its own or comingled with other types of services, as  
7 defined in 47 C.F.R. 1.6002(m) or any successor provision,

8 U. Supporting Equipment. The equipment necessary for processing wireless  
9 communication signals and any ancillary equipment including, but not limited to, air  
10 conditioners, emergency generators, and other back-up power suppliers.

11 V. Temporary Wireless Facility. A wireless facility intended or used to provide wireless  
12 services on a temporary or emergency basis, such as a large-scale special event in  
13 which more users than usual gather in a single location or following a duly  
14 proclaimed local or state emergency as defined in Government Code section 8558  
15 requiring additional service capabilities. Temporary facilities include without  
16 limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred  
17 as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless  
18 facilities: (1) that will be in place for no more than six months, or such other longer  
19 time as the County may allow in light of the event or emergency; (2) for which  
20 required notice is provided to the FAA; (3) that do not require marking or lighting  
21 under FAA regulations; (4) that will not exceed the height limit in the applicable  
22 zone; and (5) that will either involve no excavation or involve excavation only as  
23 required to safely anchor the facility, where the depth of previous disturbance  
24 exceeds the proposed construction depth (excluding footings and other anchoring  
25 mechanisms) by at least two (2) feet.

26 W. Tower. Any structure built for the sole or primary purpose of supporting any FCC-  
27 licensed or authorized antennas and their associated facilities, including structures  
28 that are constructed for personal wireless services including, but not limited to,

1 private, broadcast, and public safety services, as well as unlicensed wireless services  
2 and fixed wireless services such as microwave backhaul, and the associated site. This  
3 definition does not include Utility Poles.

4 X. Utility Pole. A structure designed to support electric, telephone, and similar utility  
5 lines. A Tower is not a utility pole.

6 Y. Wireless Facility, Wireless Communication Facility or Facility. Transmitters,  
7 antenna structures and other types of installations used for the provision of wireless  
8 services at a fixed location, including, without limitation, any associated tower(s),  
9 support structure(s), and base station(s).

10 SECTION 19.403. ADMINISTRATION.

11 A. REVIEWING AUTHORITY. The Planning Director is responsible for  
12 administering this article. As part of such administration, except as otherwise  
13 determined by the Board, the Planning Director may:

- 14 1. Interpret all provisions of this article relating to wireless communications, as  
15 long as such interpretation is not contrary to state or federal law;
- 16 2. Develop and implement standards governing the placement and modification  
17 of wireless facilities consistent with the requirements of this ordinance,  
18 including regulations governing collocation and resolution of conflicting  
19 applications for placement of wireless facilities;
- 20 3. Develop and implement acceptable design standards for wireless facilities,  
21 taking into account the applicable built environment(s);
- 22 4. Develop forms and procedures for submission of applications for placement  
23 or modification of wireless facilities, and proposed changes to any support  
24 structure consistent with this article;
- 25 5. Take such other steps as may be required to timely act upon applications for  
26 placement of wireless facilities, including issuing written decisions, entering  
27 into agreements to mutually extend the time for action on an application, and  
28 denying an application if all of the information required for approval to be

1 granted, taking into account legal deadlines for County action on the  
2 application, has not been submitted.

3 SECTION 19.404. PROCESSING REQUIREMENTS.

4 A. CEQA REVIEW AND WIRELESS FACILITIES.

5 The classification of the types of wireless facilities identified in this subsection are  
6 for guidance purposes only and to alert interested parties of the potential level of  
7 environmental review that may be appropriate for an identified type of wireless  
8 facility. The Planning Director retains the discretion to determine the appropriate  
9 level of environmental review to ensure CEQA compliance given the facts of each  
10 application and its location.

11 1. WIRELESS FACILITIES AND CEQA EXEMPTIONS.

12 a. For the following types of facilities: (i) small cell facilities, (ii)  
13 collocations, (iii) temporary wireless facilities, (iv) disguised wireless  
14 facilities of any type to be located in a non-residential zone  
15 classification, and (v) concealed wireless facilities on a legally  
16 existing structure, an application shall be submitted to the Planning  
17 Director for a plot plan made in accordance with the requirements of  
18 this ordinance. Unless the facts relating to a specific application  
19 demonstrate otherwise, the project shall be processed as one exempt  
20 from CEQA, shall be categorized under and processed pursuant to  
21 Section 18.30.A.1. of this ordinance, and no public hearing on the  
22 application shall be required. All of the relevant procedural  
23 provisions of this ordinance for processing a plot plan shall apply to  
24 the application.

25 b. If the wireless facility is proposed to be located in a criteria cell within  
26 the Western Riverside County Multiple Species Habitat Conservation  
27 Plan or a conservation area within the Coachella Valley Multiple  
28 Species Habitat Conservation Plan, contains or has a high potential to

1 contain one or more listed species, contains historic or cultural  
2 resources onsite, is otherwise within a particularly sensitive  
3 environment including a sensitive viewshed, is within an airport  
4 influence area, may result in damage to scenic resources, would have  
5 a significant impact on the environment due to unusual circumstances,  
6 would result in a cumulative impact due to successive projects of the  
7 same type in the same place over time, or is otherwise determined by  
8 the Planning Director, in his or her discretion, to require an initial  
9 study, the plot plan application shall be reclassified as a plot plan  
10 categorized under and processed pursuant to Section 18.30.A.3. of  
11 this ordinance. The decision of the Planning Director shall be final  
12 unless appealed to the Board of Supervisors in accordance with the  
13 requirements of this ordinance.

14 2. WIRELESS FACILITIES AND PLOT PLANS SUBJECT TO CEQA.

15 a. For the following types of facilities: (i) concealed wireless facilities  
16 on a new structure, (ii) disguised wireless facilities of any type to be  
17 located in a residential zone classification, (iii) other wireless  
18 facilities, (iv) wireless facilities determined by the Planning Director  
19 to require an initial study, or (v) wireless facilities that are not listed  
20 above as a likely CEQA-exempt wireless facility type, an application  
21 shall be submitted to the Planning Director for a plot plan in  
22 accordance with this ordinance. The application shall be categorized  
23 under and processed pursuant to Section 18.30.A.3. of this ordinance  
24 and require a public hearing as ordinarily processed, with the public  
25 hearing notice sent to all property owners in accordance with this  
26 ordinance.

27 b. Despite the classification of a wireless facility as a plot plan subject  
28 to CEQA, the Planning Director retains the discretion to determine,

1 based on the facts related to a specific application, that a particular  
2 wireless facility is nevertheless exempt from CEQA. The decision of  
3 the Planning Director shall be final unless appealed to the Board of  
4 Supervisors in accordance with the requirements of this ordinance.

5 B. MODIFICATIONS TO LEGALLY EXISTING WIRELESS FACILITIES.

- 6 1. Modifications Qualifying as an Eligible Facilities Request. An application  
7 for modification of a legally existing permitted wireless facility qualifying as  
8 an eligible facilities request shall be made to the Planning Director and  
9 include all information necessary to demonstrate that the proposed  
10 modification qualifies as an eligible facilities request. Upon written  
11 confirmation from the Planning Director that the proposed modification  
12 qualifies as an eligible facilities request, no additional use permit or revision  
13 to an existing permit is required, and the Office of Building and Safety may  
14 issue a building permit as appropriate and necessary.
- 15 2. Substantial Conformance Review for Other Types of Modifications to  
16 Wireless Facilities. An application for modification of an existing permitted  
17 wireless facility that does not qualify as an eligible facilities request but that  
18 meets the qualifications for a substantial conformance shall be made to the  
19 Planning Director and processed for substantial conformance review in  
20 accordance with the requirements of this ordinance.
- 21 3. Revised or New Permit Review for All Other Modification Requests for  
22 Wireless Facilities. An application for modification of an existing permitted  
23 wireless facility that does not qualify as an eligible facility request or a  
24 substantial conformance shall be made to the Planning Director and  
25 processed as a plot plan for an Other Wireless Facility in accordance with this  
26 ordinance.

27 C. WIRELESS FACILITY APPLICATION FORM.

28 All applications for a wireless facility permit shall use the form published by the



1 Planning Director, which may be updated from time to time. In addition to any  
2 requirements required by the Planning Director and any requirements for all  
3 applications for plot plans, modifications for approved permits, variances, or any  
4 other permit or land use approval, the wireless facility application requires  
5 submission of the following:

- 6 1. A fully executed copy of the lease or other agreement entered into with the  
7 owner of the underlying property. The lease or other agreement shall include  
8 a provision indicating that the Personal Wireless Services provider, or its  
9 successors and assigns, shall remove the wireless facility completely upon its  
10 abandonment. The lease or other agreement shall also include a provision  
11 notifying the property owner that if the Personal Wireless Services provider  
12 does not completely remove a facility upon its abandonment, the County may  
13 remove the facility at the property owner's expense and lien the property for  
14 the cost of such removal. The lease or other agreement shall not include a  
15 provision limiting collocations to a specific wireless carrier or carriers.  
16 Proprietary information in the lease may be redacted. If a lease or other  
17 agreement is not available, a letter shall be submitted, signed by all property  
18 owners and the applicant, acknowledging and agreeing to the provisions in  
19 this paragraph.
- 20 2. Proof of compliance, as proposed for use, with FCC regulations governing  
21 radiofrequency emissions.
- 22 3. For a temporary wireless facility, an appropriate plan for removal of the  
23 facility and restoration of property affected by it.

24 D. SPHERE OF INFLUENCE.

25 When a proposed wireless facility would be located within the sphere of influence of  
26 any city within the County, planning staff shall transmit the application to the  
27 affected city for review and comment if a public hearing is required by this article.  
28 When a proposed wireless facility has the potential to impact federal or state lands,

1 tribal lands, or special districts, planning staff may also transmit the application to  
2 the appropriate federal agency, state agency, tribe(s), or special district for review  
3 and comment.

4 E. FINDINGS.

5 1. GENERAL FINDINGS FOR APPROVAL FOR ALL WIRELESS  
6 FACILITIES REQUIRING A PLOT PLAN.

7 No plot plan for the installation of wireless facilities shall be approved unless,  
8 on the basis of the application and other materials or evidence provided in  
9 review thereof, the Planning Director finds the following:

- 10 a. The facility complies with all applicable requirements of this  
11 ordinance, including all requirements for a plot plan; all application  
12 requirements; and all applicable design, location, and development  
13 standards, or has a variance or waiver thereof; and will not to  
14 unreasonably interfere with pedestrian or vehicular traffic; and  
15 b. The facility meets applicable requirements and standards of federal  
16 and state law, including all applicable general orders of the CPUC,  
17 including, but not limited to General Order 95.

18 2. FINDINGS FOR APPROVAL OF CONCEALED WIRELESS  
19 FACILITIES.

20 No plot plan shall be approved for a concealed wireless facility unless, on the  
21 basis of the application and other materials or evidence provided in review  
22 thereof, the following findings are made in addition to the general findings  
23 for all wireless facilities: that the facility meets all requirements for a  
24 concealed wireless facility as set forth in this article.

25 3. FINDINGS FOR APPROVAL OF DISGUISED WIRELESS FACILITIES.

26 No plot plan shall be approved for a disguised wireless facility unless, on the  
27 basis of the application and other materials or evidence provided in review  
28 thereof, the following findings are made in addition to the general findings

1 for all wireless facilities:

- 2 a. The facility meets all requirements for a disguised wireless facility set  
3 forth in this ordinance;
- 4 b. The facility is designed and sited so that it is minimally visually  
5 intrusive; and
- 6 c. Supporting equipment is located entirely within an equipment  
7 enclosure that is architecturally compatible with the surrounding area  
8 or is screened from view.

9 4. FINDINGS FOR APPROVAL OF SMALL CELL FACILITIES.

10 No plot plan shall be approved for a small cell facility unless, on the basis of  
11 the application and other materials or evidence provided in review thereof,  
12 the following finding is made in addition to the general findings for all  
13 wireless facilities: that the facility meets all requirements for a small cell  
14 facility set forth in this article.

15 5. FINDINGS FOR APPROVAL OF COLLOCATION FACILITIES.

16 No plot plan shall be approved for a disguised wireless facility unless, on the  
17 basis of the application and other materials or evidence provided in review  
18 thereof, the following finding is made, in addition to the general findings for  
19 all wireless facilities: that the facility meets all requirements for a collocation  
20 set forth in this article.

21 6. FINDINGS FOR APPROVAL OF OTHER WIRELESS FACILITIES.

22 No plot plan shall be approved for a facility that qualifies as an Other  
23 Wireless Facility unless, on the basis of the application and other materials  
24 or evidence provided in review thereof, the following findings are made in  
25 addition to the general findings for all wireless facilities:

- 26 a. The facility is not located within a sensitive viewshed; and
- 27 b. Supporting equipment is located entirely within an equipment  
28 enclosure that is architecturally compatible with the surrounding area

1 or is screened from view.

2 7. FINDINGS FOR APPROVAL OF TEMPORARY FACILITIES.

3 No plot plan shall be approved for a temporary wireless facility unless, on  
4 the basis of the application and other materials or evidence provided in review  
5 thereof, the following findings are made:

- 6 a. The facility qualifies as a temporary facility;
- 7 b. There is an adequate need for the facility (e.g., wireless facility  
8 relocation or large-scale event).

9 F. CONDITIONS OF APPROVAL FOR SPECIFIC TYPES OF WIRELESS  
10 FACILITIES.

11 1. CONDITIONS OF APPROVAL FOR ELIGIBLE FACILITIES  
12 REQUESTS. In addition to the conditions provided in the previous  
13 subsections, if applicable, all permits for an eligible facility request shall be  
14 subject to the following additional conditions:

- 15 a. Permit subject to conditions of underlying permit. Any permit or  
16 wireless facility permit granted in response to an application  
17 qualifying as an eligible facilities request shall be subject to the terms  
18 and conditions of the underlying permit to the extent allowed by law.
- 19 b. No permit term extension. The County's grant or grant by operation  
20 of law of an eligible facilities request permit constitutes a federally  
21 mandated modification to the underlying permit or approval for the  
22 subject tower or base station. Notwithstanding any permit duration  
23 established in another permit condition, the County's grant or grant  
24 by operation of law of a eligible facilities request permit will not  
25 extend the permit term for the underlying permit or any other  
26 underlying regulatory approval, and its term shall be coterminous  
27 with the underlying permit or other regulatory approval for the subject  
28 tower or base station or ten (10) years, whichever is shorter.

1                   2.     CONDITIONS OF APPROVAL FOR TEMPORARY WIRELESS  
2                   FACILITIES.

3                   The conditions of approval for a temporary wireless facility shall specify the  
4                   maximum time period that the facility may remain in place.

5                   G.     CONDITIONS OF APPROVAL FOR ANY WIRELESS FACILITY DEEMED  
6                   APPROVED.

7                   The Planning Department shall keep a set of standard Wireless Facilities Conditions  
8                   of Approval and Advisory Notification Document on file at the Planning  
9                   Department. All wireless facilities shall comply with either those conditions of  
10                  approval, as modified by the Planning Director or the Board of Supervisors as  
11                  necessary for a particular wireless facilities permit or be subject to revocation, or the  
12                  conditions in this section. Any wireless facility, of any type, that is deemed  
13                  approved, approved by operation of law, or approved under a court order shall be  
14                  subject to the standard Wireless Conditions of Approval and Advisory Notification  
15                  Document and the conditions set forth in this subsection. For any wireless facility  
16                  that is deemed approved by operation of law, or approved under a court order, to the  
17                  extent the standard Wireless Facilities Conditions of Approval and Advisory  
18                  Notification Document conflict with the requirements of this section, this section  
19                  shall control.

20                 1.     Entitlement Life for Wireless Facilities Deemed Approved. A wireless  
21                 facility that has been deemed approved by operation of law or approved under  
22                 court order shall be valid for a period of ten (10) years, unless pursuant to  
23                 another legal provision or these conditions, it expires sooner or is terminated.  
24                 Unless an application for a plot plan has been submitted prior to the end of  
25                 that ten (10) years, the Personal Wireless Services provider must remove the  
26                 facility within sixty (60) days following the expiration of that ten-year period.  
27                 No extension may be approved for such an expired wireless facility. The  
28                 approval of any collocation or other modification shall not extend the



1 wireless facility duration. If an application for a plot plan for the wireless  
2 facility is submitted prior to the expiration of the ten (10) years, the  
3 application shall be considered as a new application for a new facility, and,  
4 if approved, the wireless facility need not be removed and shall be operated  
5 pursuant to that permit. If such application is denied, the wireless facility  
6 must be removed within sixty (60) days from the date of denial or the  
7 rejection of any timely appeal of such denial, whichever is later.

8 2. Timing of Installation. The installation of a wireless facility shall begin  
9 within one (1) year after its approval, or it shall be deemed expired. The  
10 installation and construction authorized by a wireless facility permit shall  
11 conclude, including any necessary post-installation repairs and/or restoration  
12 to the installation site, within ninety (90) days following the day construction  
13 commenced. If the wireless facility is to be installed adjacent to residences,  
14 construction and maintenance of the facility shall be limited to the hours of  
15 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the  
16 wireless facility may occur at any time.

17 3. Commencement of Operations. The operation of the approved facility shall  
18 commence no later than one (1) month after the completion of installation, or  
19 the wireless facility shall be deemed expired.

20 4. Undergrounding. All utilities shall be installed underground.

21 5. Inspections; Emergencies. The County or its designee may enter onto the  
22 facility area to inspect the facility upon 48 hours prior notice to the permittee.  
23 The permittee shall cooperate with all inspections and may be present for any  
24 inspection of its facility by the County. The County reserves the right to enter  
25 or direct its designee to enter the facility and support, repair, disable, or  
26 remove any elements of the facility in emergencies or when the facility  
27 threatens imminent harm to persons or property. The County shall make an  
28 effort to contact the permittee prior to disabling or removing any facility

1 elements, but in any case shall notify permittee within 24 hours of doing so.

2 6. Contact. The permittee shall at all times maintain accurate contact  
3 information for all parties responsible for the facility, which shall include a  
4 phone number, street mailing address and email address for at least one  
5 natural person. The FCC Antenna Structure Registration site number, County  
6 wireless facility permit number, primary leaseholder's and facility manager's  
7 contact information shall be kept current and prominently displayed on the  
8 facility where it can be easily viewed from ground level.

9 7. Insurance. Permittee shall obtain and maintain throughout the term of the  
10 wireless facility permit commercial general liability insurance with a limit of  
11 \$1,000,000 per occurrence for bodily injury and property damage and  
12 \$1,000,000 general aggregate including premises operations, contractual  
13 liability, personal injury, and products completed operations. The relevant  
14 policy or policies shall name the County, its elected/appointed officials,  
15 commission members, officers, representatives, agents, and employees as  
16 additional insureds. Permittee shall use its best efforts to provide thirty (30)  
17 days' prior notice to the County of to the cancellation or material  
18 modification of any applicable insurance policy.

19 8. Indemnities. The permittee and the owner of the property upon which the  
20 wireless facility is installed shall defend, indemnify and hold harmless the  
21 County, its agents, officers, officials, and employees (i) from any and all  
22 damages, liabilities, injuries, losses, costs, and expenses, and from any and  
23 all claims, demands, law suits, writs of mandamus, and other actions or  
24 proceedings brought against the County or its agents, officers, officials, or  
25 employees to challenge, attack, seek to modify, set aside, void or annul the  
26 County's approval of the wireless facility permit, including any challenge to  
27 a decision made by the County concerning the project, including, but no  
28 limited to, decisions made in response to California Public Record Act

1 requests, and (ii) from any and all damages, liabilities, injuries, losses, costs,  
2 and expenses, and any and all claims, demands, law suits, or causes of action  
3 and other actions or proceedings of any kind or form, whether for personal  
4 injury, death or property damage, arising out of or in connection with the  
5 activities or performance of the permittee or, if applicable, the property owner  
6 or any of each one's agents, employees, licensees, contractors,  
7 subcontractors, or independent contractors. In the event the County becomes  
8 aware of any such actions or claims the County shall promptly notify the  
9 permittee and, if applicable, the property owner and shall reasonably  
10 cooperate in the defense. The County shall have the right to approve the legal  
11 counsel providing the County's defense, and the property owner and/or  
12 permittee (as applicable) shall reimburse County for any costs and expenses  
13 directly and necessarily incurred by the County in the course of the defense.  
14 Payment for County's costs related to any litigation on the above shall be  
15 made on a deposit basis. Within thirty (30) days of receipt of notice from  
16 County that litigation has been initiated against the Project, the permittee  
17 shall initially deposit with the Planning Department the total amount of  
18 Twenty Thousand Dollars (\$20,000). The permittee shall deposit with  
19 County such additional amounts as County reasonably and in good faith  
20 determines, from time to time, are necessary to cover costs and expenses  
21 incurred by the County, including but not limited to, the Office of County  
22 Counsel, Riverside County Planning Department and the Riverside County  
23 Clerk of the Board associated with the litigation. To the extent such costs are  
24 not recoverable under the California Public Records Act from the records  
25 requestor, permittee agrees that deposits under this section may also be used  
26 to cover staff time incurred by the County to compile, review, and redact  
27 records in response to a Public Records Act request made by a petitioner in  
28 any legal challenge to the Project when the petitioner is using the Public

1 Records Act request as a means of obtaining the administrative record for  
2 litigation purposes. Within ten (10) days of written notice from County,  
3 permittee shall make such additional deposits.

4 9. Performance Bond. Prior to issuance of a wireless facility permit, the  
5 permittee shall file with the County, and shall maintain in good standing  
6 throughout the term of the approval, a performance bond or other surety or  
7 another form of security for the removal of the facility in the event that the  
8 use is abandoned or the permit expires, or is revoked, or is otherwise  
9 terminated. The security shall be in the amount equal to the percentage of  
10 the cost of physically removing the facility and all related facilities and  
11 equipment on the site, based on the higher of two contractor's quotes for  
12 removal that are provided by the permittee. The permittee shall reimburse  
13 the County for staff time associated with the processing and tracking of the  
14 bond, based on the hourly rate adopted by the Board of Supervisors.  
15 Reimbursement shall be paid when the security is posted and during each  
16 administrative review.

17 10. Adverse Impacts on Adjacent Properties. Permittee shall undertake all  
18 reasonable efforts to avoid undue adverse impacts to adjacent properties  
19 and/or uses that may arise from the construction, operation, maintenance,  
20 modification, and removal of the facility.

21 11. Noninterference. Permittee shall not move, alter, temporarily relocate,  
22 change, or interfere with any existing structure, improvement, or property  
23 without the prior consent of the owner of that structure, improvement, or  
24 property. No structure, improvement, or property owned by the County shall  
25 be moved to accommodate a permitted activity, unless the County determines  
26 that such movement will not adversely affect the County or any surrounding  
27 businesses or residents, and the Permittee pays all costs and expenses related  
28 to the relocation of said structure, improvement, or property. Prior to

1 commencement of any work pursuant to a wireless facility permit, the  
2 Permittee shall provide the County with documentation establishing to the  
3 County's satisfaction that the Permittee has the legal right to use or interfere  
4 with any other structure, improvement, or property within the highway or  
5 County utility easement to be affected by Permittee's facilities.

6 12. RF Exposure Compliance. All facilities must comply with all standards and  
7 regulations of the FCC and any other state or federal government agency with  
8 the authority to regulate RF exposure standards. After transmitter and antenna  
9 system optimization, but prior to unattended operations of the facility,  
10 permittee or its representative must conduct on-site post-installation RF  
11 emissions testing to demonstrate actual compliance with the FCC OET  
12 Bulletin 65 RF emissions safety rules for general population/uncontrolled RF  
13 exposure in all sectors. For this testing, the transmitter shall be operating at  
14 maximum operating power, and the testing shall occur outwards to a distance  
15 where the RF emissions no longer exceed the uncontrolled/general  
16 population limit.

17 13. Testing. Testing of any equipment shall take place on weekdays only, and  
18 only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is  
19 prohibited on holidays that fall on a weekday.

20 14. Abandonment. If a facility is not operated for a continuous period of ninety  
21 (90) days, the wireless facility shall be deemed abandoned. No later than  
22 ninety (90) days from the date the facility is determined to have been deemed  
23 abandoned or the permittee has notified the Planning Director of its intent to  
24 vacate the site, the permittee shall remove all equipment and improvements  
25 associated with the use and shall restore the site to its original condition to  
26 the satisfaction of the Planning Director. The permittee shall provide written  
27 verification of the removal of the facilities within thirty (30) days of the date  
28 the removal is completed. If the facility is not removed within thirty (30)



1 days after the permit has been discontinued pursuant to this subsection, the  
2 site shall be deemed to be a nuisance, and the County may cause the facility  
3 to be removed at permittee's expense or by calling any bond or other financial  
4 assurance to pay for removal. If there are two (2) or more users of a single  
5 facility or support structure, then this provision shall apply to the specific  
6 elements or parts thereof that were abandoned, but will not be effective for  
7 the entirety thereof until all users cease use thereof.

8 15. Records. The permittee must maintain complete and accurate copies of all  
9 permits and other regulatory approvals issued in connection with the facility,  
10 which includes without limitation this approval, the approved plans and photo  
11 simulations incorporated into this approval, all conditions associated with this  
12 approval and any permits or approvals issued in connection with this  
13 approval. In the event that the permittee does not maintain such records as  
14 required in this condition or fails to produce true and complete copies of such  
15 records within a reasonable time after a written request from the County, any  
16 ambiguities or uncertain-ties that would be resolved through an inspection of  
17 the missing records will be construed against the permittee.

18 16. Attorney's Fees. In the event the County determines that it is necessary to take  
19 legal action to enforce any of these conditions, or to revoke a wireless facility  
20 permit, and such legal action is taken, the Permittee shall be required to pay  
21 any and all costs of such legal action, including reasonable attorney's fees,  
22 incurred by the County, even if the matter is amicably resolved or otherwise  
23 not prosecuted to a final judgment, unless the County should otherwise agree  
24 with permittee to waive said fees or any part thereof.

25 SECTION 19.405. LOCATION AND DESIGN STANDARDS.

26 All wireless facilities shall be located and designed as follows and in accordance with the  
27 design standards published and updated from time to time by the Planning Director, if any.

28 A. LOCATION AND TYPES OF FACILITIES: All wireless facilities shall be located

1 in accordance with the following standards, depending upon the type of wireless  
2 facility sought.

- 3 1. CONCEALED WIRELESS FACILITIES. Concealed wireless  
4 communication facilities may be located in any zone classification.
- 5 2. ELIGIBLE FACILITIES REQUESTS AND COLLOCATED WIRELESS  
6 FACILITIES. Eligible facilities requests and collocated wireless facilities  
7 may be located in any zone classification.
- 8 3. SMALL CELL FACILITIES AND TEMPORARY WIRELESS  
9 FACILITIES. Small cell facilities and temporary wireless facilities may be  
10 located in any residential or non-residential zone classification.
- 11 4. DISGUISED WIRELESS FACILITIES. Disguised wireless communication  
12 facilities may be located in any residential zone classification or non-  
13 residential zone classification.
- 14 5. OTHER WIRELESS FACILITIES. Any type of wireless facility may be  
15 located in non-residential zone classifications.

16 B. DESIGN STANDARDS.

- 17 1. ALL WIRELESS FACILITIES. No above-ground power or communication  
18 lines shall be extended to the site, unless an applicant demonstrates that  
19 undergrounding such lines would result in substantial environmental impacts  
20 or a letter is received from the power company indicating it is unable to  
21 underground the wires. All underground utilities shall be installed in a  
22 manner to minimize disturbance of existing vegetation and wildlife habitats  
23 during construction. Removal of underground equipment upon the  
24 abandonment of a facility is not recommended unless leaving the equipment  
25 underground would pose a threat to health, safety or sensitive resources. All  
26 cables and wiring must be within the structure, or if not feasible, within a  
27 conduit on the exterior of the structure. The conduit must be a color that  
28 matches the support structure and of the smallest size technically feasible.

1                   2.     SMALL CELL FACILITIES. Small cell facilities must use flat rate electric  
2                   metering, if available, so that no meter is required in any case where a meter  
3                   otherwise would be ground-mounted or pole-mounted. Where a ground-  
4                   mounted or pole-mounted meter is used, the smallest form factor metering  
5                   device available shall be used.

6                   3.     DISGUISED WIRELESS FACILITIES, FAUX TREES. If a faux tree is  
7                   proposed for the disguised wireless facility, it shall be of a type of tree  
8                   compatible with those existing in the immediate areas of the installation. If  
9                   no trees exist within the immediate areas, a landscape setting shall be used  
10                  that integrates the faux tree with added species of a similar height and type.  
11                  Antennas shall be painted, coated, or covered to match their background and  
12                  shall not extend beyond the monotree branches or fronds. There shall be  
13                  ample branch coverage to hide the antennas from view as effectively as  
14                  possible. There shall be no exterior wiring, visible footpegs, portals, cabling,  
15                  cable shrouds, or other unnatural appearing features on the faux tree.  
16                  Additional camouflage of the faux tree may be required depending on the  
17                  type and design of faux tree proposed.

18                 4.     OTHER FACILITIES MOUNTED ON A DISGUISED TOWER.

19                 a.     Facilities mounted to a disguised tower, including, but not limited to,  
20                 the attached antennas, shall be designed to be the minimum functional  
21                 height and width required to adequately support the proposed facility  
22                 and meet FCC requirements. The applicant shall provide  
23                 documentation satisfactory to the Planning Director establishing  
24                 compliance with this paragraph. In any event, facilities mounted to a  
25                 disguised tower shall not exceed the applicable height limit for a  
26                 wireless facility in the applicable zone classification.

27                 b.     Aside from the antenna and tower themselves, no additional  
28                 equipment may be visible. All cables, including, but not limited to,

1 electrical and utility cables, shall be run within the interior of the  
2 tower and shall be camouflaged or hidden to the fullest extent feasible  
3 without jeopardizing the physical integrity of the tower.

4 c. Installations shall be situated so as to utilize existing natural or man-  
5 made features including topography, vegetation, buildings, or other  
6 structures to provide the greatest amount of visual screening.

7 5. ROOFTOP-MOUNTED FACILITIES. Rooftop-mounted facilities shall be  
8 concealed wireless facilities and shall comply with one of the following, in  
9 this order of preference:

10 a. The wireless facilities may be completely concealed and  
11 architecturally integrated into the rooftop-mounted structure with no  
12 visible impacts from any publicly accessible areas at ground level.  
13 Permissible examples of this include, but are not limited to, antennas  
14 behind existing parapet walls or facades replaced with RF-transparent  
15 material and finished to mimic the replaced materials;

16 b. If meeting the requirements of the prior subsection is not technically  
17 feasible, then wireless facilities may be completely concealed on new  
18 structures or appurtenances designed to mimic the support structure's  
19 original architecture and proportions so that the support structure  
20 remains consistent in size and design with the areas within which it is  
21 located. Examples of such structure and appurtenances include, but  
22 are not limited to, cupolas, steeples, chimneys, and water tanks. A  
23 particular change will be assessed using standards that apply for  
24 similar discretionary modifications that do not involve wireless  
25 facilities.

26 6. FAÇADE-MOUNTED WIRELESS FACILITIES. Facade-mounted wireless  
27 facilities shall be concealed or disguised wireless facilities. Façade-mounted  
28 wireless facilities should be integrated architecturally into the structure to

1 which the equipment will be attached. Where integration is not possible, a  
2 facade-mounted wireless facility should be behind screen walls as flush to  
3 the building facade as practicable and designed to conceal the facility so that  
4 it appears to be part of the facade design. Pop-out screen boxes do not meet  
5 this standard, unless such design is architecturally consistent with the original  
6 support structure. An exposed, facade-mounted facility will not be approved  
7 unless it is shown that, because of the size or design of the facility, or the  
8 design or location of the structure to which it is to be attached, the proposed  
9 facility would have no adverse visual impacts.

10 SECTION 19.406. DEVELOPMENT STANDARDS FOR ALL WIRELESS  
11 FACILITIES. All wireless facilities shall comply with the following development  
12 standards:

- 13 A. Height limitations. Wireless facilities to be located in residential zone classifications  
14 shall not exceed fifty (50) feet. Wireless facilities to be located in non-residential  
15 zone classifications shall not exceed one hundred and five (105) feet. Eligible  
16 facilities requests may be up to twenty (20) percent taller, as measured by the original  
17 approved height of the underlying wireless facility, or as otherwise provided in 47  
18 C.F.R. section 1.6100(b)(3), or any successor provision, provided there are no safety  
19 issues with such increased height and they meet the requirements of this ordinance  
20 relating to setback from habitable dwellings or setback from residential property  
21 lines and the development standards for the relevant type of wireless facility.
- 22 B. Landscaping. All wireless facilities shall have landscaping around the perimeter of  
23 the leased area or equivalent and shall match or augment the natural landscaping in  
24 the area, where feasible. Wireless facilities constructed to look like trees shall have  
25 other similar tree species planted adjacent to or around the facility to enhance the  
26 concealing effect. If a water source is not available and there are no other trees in the  
27 area, new trees may not be required, but indigenous plants may be required and  
28 manually watered until established. If landscaping is deemed necessary in native



1 habitats, only native plant species shall be used in order to avoid introduction of  
2 exotic invasive species. All landscaping shall be irrigated unless a water source is  
3 unavailable within the parcel on which the facility is located. If the equipment  
4 enclosure is not readily visible to the general public and a water source is not  
5 available, the Planning Director may lessen or waive the landscaping requirements.

6 C. Lighting. Outside lighting, other than temporary lightning for maintenance purposes,  
7 is prohibited unless required by the FAA or the California Building Code, including  
8 the appendix and standards adopted by the California Building Standards  
9 Commission. All Wireless Facilities that require a warning light to comply with FAA  
10 regulations shall use the minimum amount possible. All security lighting and  
11 maintenance lighting shall meet the requirements of Ordinance No. 655. Any  
12 lighting system installed shall also be shielded to the greatest extent possible so as to  
13 minimize the negative impact of such lighting on adjacent properties and so as not to  
14 create a nuisance for surrounding property owners or a wildlife attractant.

15 D. Parking. Within close proximity of the wireless facility, a parking space shall be  
16 provided for maintenance vehicles.

17 E. Setbacks. Concealed wireless facilities shall meet the setback requirements of the  
18 zone classification in which they are located. Disguised wireless facilities in non-  
19 residential zone classifications shall meet the setback requirements of the zone  
20 classification in which they are located and shall be setback from habitable dwellings  
21 a distance equal to one hundred and twenty-five (125) percent of the facility height.  
22 Disguised wireless facilities in or adjacent to residential zone classifications shall  
23 meet the setback requirements of the zone classification in which they are located  
24 and shall be setback from habitable dwellings a distance equal to two hundred (200)  
25 percent of the facility height or shall be setback from residential property lines a  
26 distance equal to one hundred (100) percent of the facility height, whichever is  
27 greater. Other wireless facilities shall meet the setback requirements of the zone  
28 classification in which they are located and shall be setback from habitable dwellings

1 a distance equal to one thousand (1,000) feet. All eligible facilities requests and  
2 collocations must meet the same setback from habitable dwellings requirements as  
3 the underlying wireless facility.

- 4 F. Support Facilities. Any appurtenant equipment boxes, cabinets, or freestanding  
5 equipment enclosures shall not exceed thirteen (13) feet in height.

6 SECTION 19.407. ABANDONED SITES.

- 7 A. Any wireless communication facility that is not continuously operated for a period  
8 of ninety (90) days, or the period set forth in its conditions of approval, whichever is  
9 shorter, shall be deemed abandoned.

- 10 B. The Personal Wireless Services provider shall have sixty (60) days after a notice of  
11 abandonment is mailed by the County to make the facility operable, replace the  
12 facility with an operable facility, or remove the facility.

- 13 C. If, within ninety (90) days of the date the notice of abandonment is mailed, the  
14 Personal Wireless Services provider fails to make the wireless communication  
15 facility operable, legally replace the facility with an operable facility, or remove the  
16 facility, the County may remove the wireless communication facility at the  
17 underlying property owner's expense and shall place a lien on the property for the  
18 cost of such removal.

- 19 D. The owner of the property shall, within one hundred and twenty (120) days of the  
20 County's removal, return the site to its approximate natural condition. If the owner  
21 fails to do so, the County can restore and revegetate the site at the property owner's  
22 expense.

- 23 E. If there are two (2) or more users of a single facility, the facility shall not be deemed  
24 abandoned until all users abandon it.

25 SECTION 19.408. EXCEPTIONS TO REQUIREMENTS.

- 26 A. The Board of Supervisors, as applicable, may grant exceptions to the requirements  
27 for wireless facilities in this article, if a variance cannot be obtained and it is  
28 determined that the applicant has established that denial of an application or strict

1 adherence to the location and design standards would:

- 2 1. Prohibit or effectively prohibit the provision of personal wireless services,  
3 within the meaning of federal law; or
- 4 2. Otherwise violate applicable laws or regulations; or
- 5 3. Require a technically infeasible design or installation of a wireless facility.

6 B. If that determination is made, said requirements may be waived, but only to the  
7 minimum extent required to avoid the prohibition, violation, or technically infeasible  
8 design or installation.”

9 Section 2. Subsection B. of Section 18.20 of Ordinance No. 348 is amended to read as

10 follows:

11 “B. Structures necessary for the maintenance and operation of a building and  
12 flagpoles, chimneys or similar structures that exceed the prescribed height  
13 limits may exceed the prescribed height limits where such structures do not  
14 provide additional floor space. This exception shall not apply to wireless  
15 facilities subject to Article XIXg of this ordinance.”

16 Section 3. Subsection E. of Section 18.26 of Ordinance No. 348 is amended to read as

17 follows:

18 “E. PUBLIC HEARINGS AND NOTICE OF DECISION.

19 The hearing body or officer shall hear relevant testimony from interested persons and  
20 make its decision within a reasonable time after the close of the public hearing. A  
21 notice of the decision shall be mailed to the applicant and to any person who has  
22 made a written request for a copy of the decision. In a reasonable time the Planning  
23 Director shall report to the Board of Supervisors all final decisions made at a public  
24 hearing either at Planning Commission or by the Planning Director or the Planning  
25 Director’s designee. The Planning Director shall report in the same way on the  
26 inability of the Planning Commission to make a decision on a public hearing item,  
27 which shall be considered a denial of the application.”

28 Section 4. Subsection F. of Section 18.26 of Ordinance No. 348 is amended to read as

1 follows:

2 "F. PROCEEDING BEFORE THE BOARD OF SUPERVISORS.

3 The decision of the hearing body is considered final and no action by the Board of  
4 Supervisors is required unless, within ten (10) calendar days from the date of the  
5 decision, either: an appeal therefrom is filed, accompanied by the fee set forth in  
6 County Ordinance No. 671, with the Clerk of the Board; or a member of the Board  
7 of Supervisors submits a request to the Planning Director that the decision be set for  
8 public hearing before the Board of Supervisors. The Clerk of the Board shall set the  
9 matter for public hearing before the Board not less than thirteen (13) nor more than  
10 sixty (60) days thereafter and shall give notice of the time and place of the public  
11 hearing in the same manner as notice was given of the public hearing before the  
12 hearing body."

13 Section 5. Subsection B. of Section 18.28b. of Ordinance No. 348 is amended to read as

14 follows:

15 "B. DECISION AND NOTICE OF DECISION.

16 Upon acceptance of an application as complete, the Planning Department shall  
17 transmit a copy of the application to the Environmental Health Department and  
18 Animal Control Services and Licensing Division of the Health Services Agency for  
19 review and comment.

- 20 1. Not less than thirty (30) days after acceptance of an application as  
21 complete, the Planning Director shall schedule the time and date on  
22 which the Planning Director's decision on the application is to be  
23 made. Not less than ten (10) days prior to the date on which the  
24 decision is to be made, the Planning Director shall give notice of the  
25 proposed use by mail or delivery to all owners shown on the last  
26 equalized assessment roll and any updates as owning real property  
27 within a 600-foot radius of the exterior boundaries of the proposed  
28 project. Notice of the proposed use shall also be given by publication

1 in a newspaper of general circulation in the County. The notice shall  
2 include the statement that no public hearing will be held unless a  
3 public hearing is requested in writing before the date scheduled for  
4 the decision to be made.

5 2. No public hearing on the application shall be held before a decision  
6 is made unless a public hearing is requested in writing by the applicant  
7 or other interested person, or if the Planning Director determines that  
8 a public hearing should be required. The Planning Director shall give  
9 notice of the decision to the applicant and to any other person who  
10 requests notice of the decision.

11 3. If a public hearing is required under the provisions of this Subsection,  
12 notice of the time, date and place of the public hearing before the  
13 Planning Director, and a general description of the location of the real  
14 property which is the subject of the public hearing, shall be given at  
15 least ten (10) days prior to the public hearing as follows:

16 a. Mailing or delivering to the owner of the subject real property  
17 or the owner's duly authorized agent.

18 b. Mailing or delivering to all owners of real property which is  
19 located within a 600-foot radius of the exterior boundaries of  
20 the subject property, as such owners are shown on the last  
21 equalized assessment roll and any updates.

22 c. The Planning Director may require that additional notice be  
23 given in any other matter the Planning Director deems  
24 necessary or desirable.

25 d. At the public hearing, the Planning Director shall hear relevant  
26 testimony from interested persons and make a decision within  
27 a reasonable time after the close of the public hearing.”  
28



1                    Section 6.      Subsection E. of Section 18.28b. of Ordinance No. 348 is amended to read  
2 as follows:

3                    “E.      APPEAL.

4                    An applicant or any interested person may appeal a decision by the following  
5 procedure:

6                    1.      Initial Appeal. The decision of the Planning Director is considered  
7 final and no further action is required unless, within ten (10) calendar  
8 days from the date of the decision, either: an appeal therefrom is filed,  
9 accompanied by the fee set forth in County Ordinance No. 671, with  
10 the Clerk of the Board; or a member of the Board of Supervisors or  
11 Planning Commission submits a request to the Planning Director that  
12 the decision be set for public hearing before the Planning  
13 Commission. The appeal shall be set for public hearing before the  
14 Planning Commission not less than thirteen (13) nor more than sixty  
15 (60) days thereafter. If the permit did not require a public hearing,  
16 the Planning Director shall mail notice of the public hearing to the  
17 applicant and the appellant. If the permit required a public hearing,  
18 notice of the appeal shall be given in the same manner that notice was  
19 given for the original public hearing.

20                    2.      Appeal from Planning Commission. The decision of the Planning  
21 Commission is considered final and no further action is required  
22 unless, within ten (10) calendar days from the date of the Planning  
23 Commission’s decision, either: an appeal therefrom is filed,  
24 accompanied by the fee set forth in County Ordinance No. 671, with  
25 the Clerk of the Board; or a member of the Board of Supervisors  
26 submits a request to the Planning Director that the decision be set for  
27 public hearing before the Board of Supervisors. The Clerk of the  
28 Board shall set the public hearing before the Board of Supervisors not

1 less than five (5) days nor more than sixty (60) days thereafter. If the  
2 permit did not require a public hearing, the Planning Director shall  
3 mail notice of the public hearing on the appeal to the applicant and  
4 the appellant. If the permit required a public hearing, notice of the  
5 appeal shall be given in the same manner that notice was given for the  
6 original public hearing. The Board of Supervisors shall render its  
7 decision within thirty (30) days following the close of the public  
8 hearing on the appeal. The decision of the Board of Supervisors shall  
9 be final.”

10 Section 7. Subsection E. of Section 18.30 of Ordinance No. 348 is amended to read as

11 follows:

12 “E. APPEALS - (PLOT PLANS NOT INCLUDING WIRELESS FACILITIES).

13 An applicant or any other interested party may appeal from a decision on a plot plan  
14 not including wireless facilities by the following procedure:

- 15 1. Initial Appeal. The decision of the Planning Director is considered  
16 final and no further action is required unless, within ten (10) calendar  
17 days from the date of the decision, either: an appeal therefrom is filed,  
18 accompanied by the fee set forth in County Ordinance No. 671, with  
19 the Clerk of the Board; or a member of the Board of Supervisors or  
20 Planning Commission submits a request to the Planning Director that  
21 the decision be set for public hearing before the Planning  
22 Commission. The appeal shall be set for public hearing before the  
23 Planning Commission not less than thirteen (13) nor more than sixty  
24 (60) days thereafter. If the permit did not require a public hearing,  
25 the Planning Director shall mail notice of the public hearing on the  
26 appeal to the applicant and the appellant. If the permit required a  
27 public hearing, notice of the appeal shall be given in the same manner  
28 that notice was given for the original public hearing.

1 2. Appeal from Planning Commission. The decision of the Planning  
2 Commission is considered final and no further action is required  
3 unless, within ten (10) calendar days from the date of the Planning  
4 Commission’s decision, either: an appeal therefrom is filed,  
5 accompanied by the fee set forth in County Ordinance No. 671, with  
6 the Clerk of the Board; or a member of the Board of Supervisors  
7 submits a request to the Planning Director that the decision be set for  
8 public hearing before the Board of Supervisors. The Clerk of the  
9 Board shall set the appeal for public hearing before the Board of  
10 Supervisors not less than five (5) days nor more than sixty (60) days  
11 thereafter. If the plot plan did not require a public hearing, the  
12 Planning Director shall mail notice of the public hearing on the appeal  
13 to the applicant and the appellant. If the plot plan required a public  
14 hearing, notice of the appeal shall be given in the same manner that  
15 notice was given for the original public hearing. The Board of  
16 Supervisors shall render its decision within thirty (30) days following  
17 the close of the public hearing on the appeal. The decision of the  
18 Board of Supervisors shall be final.”

19 Section 8. Subsection F. of Section 18.30 of Ordinance No. 348 is amended to read as

20 follows:

21 “F. APPEALS – (WIRELESS FACILITY PLOT PLANS)

22 An applicant or any other interested party may appeal from a decision on a wireless  
23 facility plot plan by the following procedure:

24 1. Appeal to the Board of Supervisors. The decision of the Planning  
25 Director is considered final and no further action is required unless,  
26 within ten (10) calendar days from the date of the Planning Director’s  
27 decision, either: an appeal therefrom is filed, accompanied by the fee  
28 set forth in County Ordinance No. 671, with the Clerk of the Board;

1 or a member of the Board of Supervisors submits a request to the  
2 Planning Director that the decision be set for public hearing before  
3 the Board of Supervisors. The Clerk of the Board shall set a public  
4 hearing before the Board of Supervisors not less than five (5) nor  
5 more than sixty (60) days thereafter. If the permit did not require a  
6 public hearing, the Planning Director shall mail notice of the public  
7 hearing on the appeal to the applicant and the appellant. If the permit  
8 required a public hearing, notice of the appeal shall be given in the  
9 same manner that notice was given for the original public hearing.  
10 The Board of Supervisors shall render its decision within thirty (30)  
11 days following the close of the public hearing on the appeal. The  
12 decision of the Board of Supervisors shall be final.”

13 Section 9. CONFLICTING REGULATIONS. Section 18.1 of Ordinance No. 348 shall  
14 control in the case of any conflict between this ordinance and any other provision in Ordinance No. 348 or  
15 between this ordinance and any other applicable ordinance.

16 Section 10. SEVERABILITY. If any provision of this ordinance or the application  
17 thereof to any person or circumstance is held invalid, the remainder of the ordinance and application of such  
18 provision or provisions to other persons or circumstances shall not be affected.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Section 11. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

By: Karen S. Spiegel  
Chair, Board of Supervisors

ATTEST:  
CLERK OF THE BOARD  
Kecia Harper

By: [Signature]  
Deputy

(SEAL)

APPROVED AS TO FORM  
February 24, 2021

By: [Signature]  
MELISSA R. CUSHMAN  
Deputy County Counsel

G:\Property\Visita\CZ ZONING ORD & FORM11\FORMAT.348\4947.docx



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STATE OF CALIFORNIA        )  
  )  
COUNTY OF RIVERSIDE        )        ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on March 2, 2021, the foregoing ordinance consisting of 11 Sections was adopted by the following vote:

AYES:                   Jeffries, Spiegel, Washington, Perez and Hewitt  
NAYS:                   None  
ABSENT:                 None

DATE:            March 2, 2021

KECIA R. HARPER  
Clerk of the Board

BY:   
Deputy

SEAL

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**21.1**  
(MT 14221)

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Planning Department regarding ORDINANCE NO. 348.4947, associated with CHANGE OF ZONE NO. 2000007 – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide – REQUEST: Change of Zone No. 2000007 is an amendment to the County’s Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority, is continued to Tuesday, March 2, 2021 at 9:30 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on March 2, 2021 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors  
Dated: March 2, 2021  
Kecia R. Harper, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By: *[Signature]* Deputy

AGENDA NO.  
21.1

xc: Planning, COB

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 21.1  
(ID # 14221)**

**MEETING DATE:**  
Tuesday, February 02, 2021

**FROM :** TLMA-PLANNING:

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public hearing on ORDINANCE NO. 348.4947, associated with CHANGE OF ZONE NO. 2000007 – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide – REQUEST: Change of Zone No. 2000007 is an amendment to the County’s Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority. All Districts. [\$9,000 Total Cost - General Fund 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **FIND** that Ordinance No. 348.4947, in association with Change of Zone No. 2000007, is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) based on the findings and conclusions incorporated in the staff report; and
2. **ADOPT** Ordinance No. 348.4947, in association with Change of Zone No. 2000007, amending Ordinance No. 348 to revise Article XIXg, Wireless Facilities, and revising other sections of Ordinance No. 348 to amend the entitlement appeal and reporting process, based on the findings and conclusions incorporated into the staff report.

**ACTION:**Policy

Charissa Leach, Interim TLMA Director

1/26/2021

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

---

**MINUTES OF THE BOARD OF SUPERVISORS**

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Previous Fiscal Year:</b>	<b>Current Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 9,000	\$ 9,000	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 9,000	\$ 9,000	\$ 0
<b>SOURCE OF FUNDS:</b> General Fund 100%			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Years:</b> 19/20 and 20/21	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary:**

Ordinance No. 348.4947, associated with CHANGE OF ZONE NO. 2000007, is an amendment to Ordinance No. 348 (Land Use), updating Article XIXg, Wireless Facilities. The update addresses new Federal and State legislation related to wireless facilities. The update also clarifies the wireless facilities permitting process, updates definitions, and discusses likely levels of environmental analysis to ensure internal consistency. Separately, this amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission ("PC") have approval authority, clarifying and making consistent when the appeal period starts and ends, and also updating the final reporting process to the Board of Supervisors.

**Wireless Facilities:**

Due to new Federal and State legislation, coupled with the need to address internal inconsistencies in Ordinance No. 348, the Board of Supervisors initiated a request for staff to amend Ordinance No. 348, revising Article XIXg, Wireless Facilities. This initiation, which was approved on the February 4, 2020, Board of Supervisors ("BOS") hearing, tasked staff with reporting back to BOS recommendations for amending the Ordinance. Planning staff, in conjunction with County Counsel, provided a report for the BOS, which was heard on the April 21, 2020, BOS hearing and outlined a course of action. The report detailed specific areas within the Wireless Facilities Ordinance that would be addressed, and suggested that a complete update to Article XIXg, should be implemented. Staff then proceeded forward with County Counsel to work on revising the Ordinance. The result of this effort is a comprehensive update to Article XIXg Wireless Facilities. The following summarizes the more substantive changes:

- 1) The definitions section has been reworded for clarity and expanded upon to ensure not just consistency, but also to address uncertainty. Specifically, "Concealed" and "Disguised" wireless facility type definitions have been clarified to reduce ambiguity in their application. Also, definitions related to "Eligible Facilities" and "Temporary Wireless

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

Facility" have been included to ensure that all types of Wireless Facilities are addressed and defined.

- 2) The current version of Article XIXg includes discussions pertaining to the California Environmental Quality Act ("CEQA"), and what types of Wireless Facilities are considered projects requiring some level of environmental analysis. This portion of the Ordinance is outdated, inconsistent, and does not accurately reflect the requirements under CEQA. It has been amended to more appropriately define what types of Wireless Facilities are subject to CEQA, what types are likely exempt from CEQA, and what types are not subject to CEQA. The revised section provides guidance on the likely CEQA process for certain types of wireless facilities, but retains in the decision-maker the ability to determine the type of appropriate CEQA review for the specific wireless facility being proposed in its specific location, given the actual circumstances of the project, the project site, and the surrounding area.
- 3) The amendment broadens the set of entitlement findings for wireless facilities, by providing categories for types of facilities, such as "Temporary Facilities" and "Collocations", as well as "Concealed or "Disguised." Most substantively however, is the addition of Conditions of Approval for wireless facilities that are "Deemed Approved." Any wireless facility of any type, that becomes deemed approved, approved by operation of law, or approved under a court order, is subject to each of the provisions under Section 19.404.G., because otherwise the facility could be deemed approved without conditions. Section 19.404.G. therefore establishes a set of criteria for design and operations of deemed approved wireless facilities. This section ONLY applies to facilities that are deemed approved. There are separate sections containing provisions for design and operations for all other non-deemed approved Wireless Facilities. Non-deemed-approved Wireless Facilities will continue to have conditions of approval, similar to those required of Wireless Facilities under the current version of Ordinance No. 348, that are individually tailored for each project. Because they can be specifically tailored for each project, they will generally be different in multiple ways from the Section 19.404.G. conditions.
- 4) Section 19.405 clarifies where Wireless Facilities may be located by addressing Zoning. Through a broader implementation of generalizing zoning categories to simply include residential and non-residential, it is now clearer where all types of Wireless Facilities may be located.
- 5) Development standards related to the overall height and design of Wireless Facilities have not changed. However, language within the standards has been added to provide a greater implementation flexibility, due to certain site specific conditions. As an example, if a Wireless Facility is proposed to locate where there is no source of water, additional landscaping may not be required; however, all other design standards related to aesthetics would be required to be achieved.



**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

- 6) Under the current version of the Wireless Facilities Ordinance, there is a provision that grants a 10-year approval period for all new, entitled facilities. Prior to the expiration, an applicant is required to submit an application requesting additional operation time for the facility. These requests have generally been processed like an extension of time. Staff would check on the condition of the facility to ensure the original Conditions of Approval have been upheld and then schedule for a public hearing, applying an additional 10-year grant of time. This Amendment removes the 10-year minimum time frame, enabling an approval to be good for the life of the facility's operation. Should the facility not comply with the approved Conditions of Approval or become a nuisance, compliance and abatement shall be enforced through the efforts of Code Enforcement and the Planning Department. For Wireless Facilities that are "Deemed Approved," the 10-year lifespan remains in effect. Upon conclusion of the 10-years, the "Deemed Approved" Wireless Facility would be required to seek entitlement approval. As long as an application for the entitlement is submitted prior to the expiration of that 10-year period and that entitlement is ultimately approved, the Wireless Facility would not need to be removed at the end of the 10 years, however.
- 7) In addition to the overall Wireless Facilities changes, the appeal process has also been amended. Due to the Federal Communications Commission ("FCC") requirements under the Shot Clock legislation that vastly limit the amount of time for action on a wireless entitlement application, an appeal of approvals on Wireless Facilities will now go directly to the Board of Supervisors. Should a resident or community group feel aggrieved from a Director's Hearing ("DH") decision that approved a Wireless Facility, and an appeal is timely filed with the required application fee, the project will be scheduled for an upcoming Board of Supervisors hearing, rather than Planning Commission where a DH appeal decision would otherwise normally be heard.

**Appeals and Report of Actions:**

Ordinance No. 348 provides for an appeal process, related to actions taken at DH and PC. Both hearing bodies have authority to approve certain types of entitlement applications, which are specified in Ordinance No. 348 and are generally characterized as non-legislative. Ordinance No. 348, as currently written, requires certain types of entitlement applications and certain types of uses, including wireless facilities, to be Received and Filed ("R&F") at the next highest hearing body. Upon agendaizing the R&F item, the appeal period starts. This R&F process and specifically when the appeal period starts is inconsistent throughout Ordinance No. 348, whereby some application types and uses are required to go through the Receive and File process, while others are not.

Wireless Facilities which are approved either with a Plot Plan or Conditional Use Permit are currently subject to the R&F process. This Ordinance amendment revises the Wireless Facilities section pursuant to the above changes and also removes the requirement for an R&F. Through

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

the process of amending the Wireless Facilities R&F requirement, staff felt it would be appropriate to address the entire appeal process and R&F requirements throughout Ordinance No 348, to provide consistency and certainty. As a result, and as proposed under this Ordinance amendment, an action that is taken at DH or PC starts the 10-day appeal process, rather than when a project is Received and Filed. All actions taken at a DH or PC hearing will then be agendaized for a Board of Supervisors hearing, as a single report of actions rather than individual items. This revised process ensures consistency with appeals for all projects, provides certainty for applicants, and provides the Board of Supervisors with a consolidated report of all hearing actions, rather than an individual R&F item. To further ensure transparency, staff will update the Planning Department's DH and PC agenda pages the day of the hearing, to include information about the action taken (Approved, Denied, Continued, etc.).

Ordinance No. 348 includes the processing requirements for most land use entitlements. However, the processing of subdivisions, including Tentative Parcel and Tract Maps, are addressed in Ordinance No. 460 and also specifically require an R&F process. A separate effort to amend Ordinance No. 460 is underway and is anticipated to result in implementing this same change, for consistency with all application types.

**Planning Commission:**

On November 18, 2020, the PC considered the revised Wireless Ordinance and other revisions to Ordinance No. 348 described above. After considering public testimony on the proposed Project, the PC voted 4-0 to recommend that the BOS find the Project exempt from CEQA under Section 15061(b)(3) and approve Change of Zone No. 2000007.

Since the PC hearing, a small number of changes have been made to the proposed language of Article XIXg. These changes including updating formatting, the removal of an internal inconsistency regarding the number of days before a wireless facility would be deemed abandoned, to remove redundant language regarding electrical metering, the removal of certain specifics regarding a non-preferred option for rooftop facilities (still leaving the Section 19.408 third option), and the addition of a clarification regarding how the wireless services provider can take action after receiving a notice of abandonment to prevent the facility from being finally deemed abandoned. Because these changes merely provide minor clarifications to existing provisions and remove internal inconsistencies to result in continued reliance on existing provisions, these changes do not entail a substantial modification that requires additional review by the PC.

**Impact on Residents and Businesses:**

This project amends Article XIXg Wireless Facilities of Ordinance No. 348. The amendment will result in addressing conflicting and inconsistent provisions within the Ordinance, clarifies how wireless facilities are projects under CEQA, revises definitions, and adds new State and Federal wireless facilities processing requirements language. This amendment provides better

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

transparency and certainty for the development community and removes interpretation ambiguity. This amendment also updates the entitlement appeal and report of actions processes, by implementing a consistent process for each entitlement application type. This also results in providing certainty for the development community and staff, ensuring that all entitlements are processed similarly.

**Additional Fiscal Information:**

This project, an amendment to Ordinance No. 348 (Land Use), includes amending Article XIXg Wireless Facilities, to clarify the wireless facilities permitting process, update definitions, and discusses levels of environmental analysis to ensure internal consistency. This project was initiated by the Board of Supervisors on February 4th, 2020. The project was budgeted by the Board of Supervisors for \$9,000 and is funded through general funds, including fiscal years 19/20.

**ATTACHMENTS:**

- Exhibit A – Planning Commission Staff Report
- Exhibit B – Ordinance No. 348.4947



Jason Farin, Principal Management Analyst 1/26/2021



Gregory V. Priamos, Director County Counsel 1/26/2021

1 ORDINANCE NO. 348.4947

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 AMENDING ORDINANCE NO. 348

4 RELATING TO ZONING

5  
6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Article XIXg of Ordinance No. 348 is amended to read as follows:

8 “ARTICLE XIXg WIRELESS FACILITIES

9 SECTION 19.400. PURPOSE AND INTENT.

10 The purpose of this article is to do each of the following:

- 11 A. Enhance the ability of telecommunication service providers to effectively and  
12 efficiently provide new wireless communication services in the unincorporated area  
13 of Riverside County;
- 14 B. Encourage the design and placement of wireless facilities in a way that minimizes  
15 their impact to the visual character, health, economic vitality and biological resources  
16 of Riverside County;
- 17 C. Encourage and maximize the use of existing and approved wireless facilities,  
18 buildings and other structures while taking into account the use of concealment  
19 technology in order to reduce the number of facilities needed to serve businesses and  
20 residents in Riverside County;
- 21 D. Ensure continuous maintenance of new and existing wireless facilities; and,
- 22 E. Ensure the timely removal of any unused or outdated wireless facilities.

23 SECTION 19.401. EXCLUSIONS.

24 The following facilities are exempt from the requirements of this article but may be governed  
25 by other laws and other portions of this ordinance.

- 26 A. CONSUMER-END ANTENNAS. Consumer-end antennas shall be exempt from  
27 the provisions of this article if they meet the following requirements, as applicable:
- 28 1. A satellite dish less than one meter (39.37 inches) in diameter and that, if

1 mounted on a mast, is mounted no higher than needed to receive or transmit  
2 an acceptable quality signal and in no event higher than twelve (12) feet  
3 above roofline.

4 2. An antenna designed to receive over-the air broadcast signals, no higher than  
5 needed to receive or transmit an acceptable quality signal and in no event  
6 higher than twelve (12) feet above roofline.

7 3. A broadband radio service antenna one meter or less in diameter or diagonal  
8 measurement and that, if mounted on a mast, is mounted no higher than  
9 needed to receive or transmit an acceptable quality signal and in no event  
10 higher than twelve (12) feet above roofline.

11 B. AMATEUR RADIO ANTENNAS:

12 1. That are completely enclosed within a permitted building; or

13 2. That consist of a single wire not exceeding one-fourth inch in diameter. Such  
14 wire antennas may be located in setback areas provided the antenna does not  
15 extend above the maximum building height in the district; or

16 3. That consist of a single ground-mounted vertical pole or whip antenna not  
17 exceeding fifty (50) feet in height in residential zone classifications or one  
18 hundred and five (105) feet in height in non-residential zone classifications,  
19 measured from finish grade at the base of the antenna, and not located in any  
20 required setback area. Support structures or masts for pole or whip antennas  
21 shall conform to standards set out in the California Building Standards Code.

22 A building permit may be required for the support structure or mast.

23 C. LIKE KIND EQUIPMENT REPLACEMENTS.

24 Like kind equipment replacements or adding or changing equipment in an existing  
25 cabinet, vault, or shroud that does not increase pre-existing visual or noise impacts  
26 and has the same or less radio frequency (RF) emissions. The existing equipment  
27 must have been approved by the County and the equipment must be in compliance  
28 with all permit conditions. Qualifying like kind equipment replacements that do not



1 require County approval consist of upgrades or exchanges of equipment that are  
2 substantially similar in appearance and the same or less in size, dimensions, weight,  
3 and RF emissions to the then-existing and approved equipment. This exemption does  
4 not apply to generators.

5 D. CERTAIN TEMPORARY FACILITIES.

6 The following temporary wireless facilities that will be placed for less than fourteen  
7 (14) consecutive days, provided any necessary building permit or other approval is  
8 obtained and the landowner's written consent is provided to the County:

- 9 1. Facilities installed and operated for large-scale events; and
- 10 2. Facilities needed for coverage during the temporary relocation of an existing  
11 and already-approved facility.

12 E. LEGALLY EXISTING WIRELESS FACILITIES.

13 Any wireless facility already legally constructed and in operation as of the date of  
14 this ordinance's effective date shall remain subject to the provisions of the version  
15 of the ordinance in effect prior to this revision, unless and until a revised permit,  
16 substantial conformance, or other modification is approved on such facility, at which  
17 time the provisions of the revised ordinance shall apply in full force going forward  
18 as to such facility.

19 SECTION 19.402. DEFINITIONS.

20 The following terms shall have the following meanings for the purposes of this article:

- 21 A. Antenna. A device used for the purpose of transmitting or receiving wireless  
22 communication signals or both.
- 23 B. Base Station. A structure or equipment at a fixed location that enables FCC-licensed  
24 or authorized wireless communications between user equipment and a  
25 communications network as defined in 47 C.F.R. section 1.6100(b)(1), or any  
26 successor provision.
- 27 C. CPUC. California Public Utilities Commission.
- 28 D. CEQA. The California Environmental Quality Act, Public Resources Code section



1 21000 et seq. and State CEQA Guidelines section 15000 et seq.

2 E. Collocation. The mounting or installation of transmission equipment on a legally  
3 existing base station or tower as defined: (a) for the purposes of any eligible facilities  
4 request, the same as defined by the FCC in 47 C.F.R. section 1.6100(b)(2), as may  
5 be amended, which defines that term as '[t]he mounting or installation of  
6 transmission equipment on an eligible support structure for the purpose of  
7 transmitting and/or receiving radio frequency signals for communications purposes.'  
8 As an illustration and not a limitation, the FCC's definition means to add transmission  
9 equipment to an existing facility and does not necessarily refer to two or more  
10 different facility operators in the same location; and (b) for all other purposes, the  
11 same as defined in 47 C.F.R. section 1.6002(g)(1) and (2), as may be amended, which  
12 defines the term collocation as (1) mounting or installing an antenna facility on a pre-  
13 existing structure, and/or (2) modifying a structure for the purpose of mounting or  
14 installing an antenna facility on that structure.

15 F. Concealed Wireless Facilities. Facilities blended into the environment by being  
16 placed entirely within an existing or new structure or so as not to be recognized as a  
17 wireless facility. Concealed Wireless Facilities include, but are not limited to,  
18 architecturally screened roof-mounted facilities, facade-mounted design feature  
19 facilities, clock tower facilities and entry statement signage facilities. These may  
20 consist of concealed wireless facilities on a new structure or concealed wireless  
21 facilities on an existing structure, and the distinction may affect how the associated  
22 permit is processed.

23 G. Disguised Wireless Facilities. Facilities designed and sited so as to be minimally  
24 visually intrusive, which incorporate concealment elements that screen or otherwise  
25 alter the appearance of the wireless facility to integrate it into the surrounding  
26 environment and support structure or base station. Disguised wireless facilities  
27 include, but are not limited to, faux trees including but not limited to monopalms and  
28 monopines, facilities integrated into flagpoles, facilities integrated onto water towers

1 or other architecturally designed structures, facilities integrated onto street lights,  
2 facilities integrated into electric utility poles, and strand mounted antennas

3 H. Eligible Facilities Request. Any request for modification of a legally existing tower  
4 or base station that does not substantially change the physical dimensions of such  
5 tower or base station as defined in 47 C.F.R. section 1.6100(b)(3), or any successor  
6 provision.

7 I. Equipment Enclosure. Any freestanding or mounted structure, shelter, cabinet, or  
8 vault used to house and protect Supporting Equipment.

9 J. FAA. The Federal Aviation Administration or its lawful successor.

10 K. FCC. The Federal Communications Commission or its lawful successor.

11 L. Non-Residential Zone Classifications. Any of the following zones: R-D, I-P, M-SC,  
12 M-M, M-H, M-R, M-R-A, MU, N-A, A-1 (lots larger than two and one-half (2 and  
13 ½) acres), A-P, A-2, A-D, W-2, W-2-M, W-1, W-E, R-VC, C-1/C-P, C-T, C-P-S, C-  
14 O, C-C/V.

15 M. Other Wireless Facilities. New wireless facilities or modifications to existing  
16 wireless facilities that are not otherwise exempt from this article and that do not  
17 qualify as small cell facilities, collocations, eligible facilities requests, disguised  
18 facilities, or concealed facilities.

19 N. Personal Wireless Services. Services as defined in 47 U.S.C. section 332(c)(7)(C)(i)  
20 or any successor provision, current examples of which include but are not limited to  
21 commercial mobile services, unlicensed wireless services, and common carrier  
22 wireless exchange access services.

23 O. Personal Wireless Services Facility. A wireless facility used for the provision of  
24 personal wireless services

25 P. Planning Director. The Planning Director of Riverside County or his or her designee.

26 Q. RCIT. Riverside County Information Technology.

27 R. Residential Zone Classifications. Any of the following zones: A-1 (lots two and one-  
28 half (2 and ½) acres and smaller), R-T-R, C-R, C/V, R-3, R-3-A, R-5, R-R, R-R-O,

1 R-A, R-1, R-1-A, R-2, R-2-A, R-4, R-6, R-T.

2 S. Small Cell Facility. The term as defined in 47 C.F.R. 1.6002(l), or any successor  
3 provision.

4 T. Support Structure. A pole, tower, base station, or other building, whether or not it  
5 has an existing antenna facility, that is used or to be used for the provision of personal  
6 wireless service, whether on its own or comingled with other types of services, as  
7 defined in 47 C.F.R. 1.6002(m) or any successor provision,

8 U. Supporting Equipment. The equipment necessary for processing wireless  
9 communication signals and any ancillary equipment including, but not limited to, air  
10 conditioners, emergency generators, and other back-up power suppliers.

11 V. Temporary Wireless Facility. A wireless facility intended or used to provide wireless  
12 services on a temporary or emergency basis, such as a large-scale special event in  
13 which more users than usual gather in a single location or following a duly  
14 proclaimed local or state emergency as defined in Government Code section 8558  
15 requiring additional service capabilities. Temporary facilities include without  
16 limitation, cells on wheels (also referred to as COWs), sites on wheels (also referred  
17 as SOWs), cells on light trucks (also referred to as COLTs), or other similar wireless  
18 facilities: (1) that will be in place for no more than six months, or such other longer  
19 time as the County may allow in light of the event or emergency; (2) for which  
20 required notice is provided to the FAA; (3) that do not require marking or lighting  
21 under FAA regulations; (4) that will not exceed the height limit in the applicable  
22 zone; and (5) that will either involve no excavation or involve excavation only as  
23 required to safely anchor the facility, where the depth of previous disturbance  
24 exceeds the proposed construction depth (excluding footings and other anchoring  
25 mechanisms) by at least two (2) feet.

26 W. Tower. Any structure built for the sole or primary purpose of supporting any FCC-  
27 licensed or authorized antennas and their associated facilities, including structures  
28 that are constructed for personal wireless services including, but not limited to,

1 private, broadcast, and public safety services, as well as unlicensed wireless services  
2 and fixed wireless services such as microwave backhaul, and the associated site. This  
3 definition does not include Utility Poles.

4 X. Utility Pole. A structure designed to support electric, telephone, and similar utility  
5 lines. A Tower is not a utility pole.

6 Y. Wireless Facility, Wireless Communication Facility or Facility. Transmitters,  
7 antenna structures and other types of installations used for the provision of wireless  
8 services at a fixed location, including, without limitation, any associated tower(s),  
9 support structure(s), and base station(s).

10 SECTION 19.403. ADMINISTRATION.

11 A. REVIEWING AUTHORITY. The Planning Director is responsible for  
12 administering this article. As part of such administration, except as otherwise  
13 determined by the Board, the Planning Director may:

- 14 1. Interpret all provisions of this article relating to wireless communications, as  
15 long as such interpretation is not contrary to state or federal law;
- 16 2. Develop and implement standards governing the placement and modification  
17 of wireless facilities consistent with the requirements of this ordinance,  
18 including regulations governing collocation and resolution of conflicting  
19 applications for placement of wireless facilities;
- 20 3. Develop and implement acceptable design standards for wireless facilities,  
21 taking into account the applicable built environment(s);
- 22 4. Develop forms and procedures for submission of applications for placement  
23 or modification of wireless facilities, and proposed changes to any support  
24 structure consistent with this article;
- 25 5. Take such other steps as may be required to timely act upon applications for  
26 placement of wireless facilities, including issuing written decisions, entering  
27 into agreements to mutually extend the time for action on an application, and  
28 denying an application if all of the information required for approval to be

1 granted, taking into account legal deadlines for County action on the  
2 application, has not been submitted.

3 SECTION 19.404. PROCESSING REQUIREMENTS.

4 A. CEQA EXEMPT WIRELESS FACILITIES TYPES.

- 5 1. For the following types of facilities: (a) small cell facilities, (b) collocations,  
6 (c) temporary wireless facilities, (d) disguised wireless facilities of any type  
7 to be located in a non-residential zone classification, and (e) concealed  
8 wireless facilities on a legally existing structure, an application shall be  
9 submitted to the Planning Director for a plot plan made in accordance with  
10 the requirements of this ordinance. Unless the facts relating to a specific  
11 application demonstrate otherwise, the project shall be processed as one  
12 exempt from CEQA and classified under this ordinance as a plot plan that is  
13 not subject to CEQA and that is not transmitted to any governmental agency  
14 other than the County Planning Department for review and comment. A  
15 public hearing on the application shall not be required. All of the procedural  
16 provisions of this ordinance for processing a plot plan shall apply to the  
17 application.
- 18 2. If the wireless facility is proposed to be located in the Western Riverside  
19 County Multiple Species Habitat Conservation Plan area or the Coachella  
20 Valley Multiple Species Habitat Conservation Plan area, contains or a has a  
21 high potential to contain one or more listed species, contains historic  
22 resources onsite, is otherwise within a particularly sensitive environment  
23 including a sensitive viewshed, is within an airport influence area, may result  
24 in damage to scenic resources, would have a significant impact on the  
25 environment due to unusual circumstances, would result in a cumulative  
26 impact due to successive projects of the same type in the same place over  
27 time, or is otherwise determined by the Planning Director, in his or her  
28 discretion, to require an initial study, the plot plan application shall be

1 reclassified as a plot plan subject to the California Environmental Quality  
2 Act. The decision of the Planning Director shall be final unless appealed to  
3 the Board of Supervisors in accordance with the requirements of this  
4 ordinance.

5 B. TYPES OF WIRELESS FACILITIES REQUIRING A PLOT PLAN SUBJECT TO  
6 CEQA.

7 1. For the following types of facilities: (a) concealed wireless facilities on a new  
8 structure, (b) disguised wireless facilities of any type to be located in a  
9 residential zone classification, (c) other wireless facilities, (d) wireless  
10 facilities determined by the Planning Director to require an initial study, or  
11 (e) wireless facilities that otherwise do not qualify under the previous  
12 subsection as CEQA exempt wireless facility types, an application shall be  
13 submitted to the Planning Director for an plot plan in accordance with this  
14 ordinance. The application shall be classified as a plot plan subject to CEQA  
15 and requiring a public hearing as ordinarily processed, with the public hearing  
16 notice sent to all property owners in accordance with this ordinance.

17 2. Despite the classification of the types of wireless facilities identified in this  
18 subsection as a plot plan subject to CEQA, the Planning Director retains the  
19 discretion to determine that a particular wireless facility is nevertheless  
20 exempt from CEQA. The decision of the Planning Director shall be final  
21 unless appealed to the Board of Supervisors in accordance with the  
22 requirements of this ordinance.

23 C. MODIFICATIONS TO LEGALLY EXISTING WIRELESS FACILITIES.

24 1. Modifications Qualifying as an Eligible Facilities Request. An application for  
25 modification of a legally existing permitted wireless facility qualifying as an  
26 eligible facilities request shall be made to the Planning Director and include  
27 all information necessary to demonstrate that the proposed modification  
28 qualifies as an eligible facilities request. Upon written confirmation from the



1 Planning Director that the proposed modification qualifies as an eligible  
2 facilities request, no additional use permit or revision to an existing permit is  
3 required, and the Office of Building and Safety may issue a building permit  
4 as appropriate and necessary.

5 2. Substantial Conformance Review for Other Types of Modifications to  
6 Wireless Facilities. An application for modification of an existing permitted  
7 wireless facility that does not qualify as an eligible facilities request but that  
8 meets the qualifications for a substantial conformance shall be made to the  
9 Planning Director and processed for substantial conformance review in  
10 accordance with the requirements of this ordinance.

11 3. Revised or New Permit Review for All Other Modification Requests for  
12 Wireless Facilities. An application for modification of an existing permitted  
13 wireless facility that does not qualify as an eligible facility request or a  
14 substantial conformance shall be made to the Planning Director and  
15 processed as a plot plan for an Other Wireless Facility in accordance with this  
16 ordinance.

17 D. WIRELESS FACILITY APPLICATION FORM.

18 All applications for a wireless facility permit shall use the form published by the  
19 Planning Director, which may be updated from time to time. In addition to any  
20 requirements required by the Planning Director and any requirements for all  
21 applications for plot plans, modifications for approved permits, variances, or any  
22 other permit or land use approval, the wireless facility application requires  
23 submission of the following:

24 1. A fully executed copy of the lease or other agreement entered into with the  
25 owner of the underlying property. The lease or other agreement shall include  
26 a provision indicating that the Personal Wireless Services provider, or its  
27 successors and assigns, shall remove the wireless facility completely upon its  
28 abandonment. The lease or other agreement shall also include a provision

1 notifying the property owner that if the Personal Wireless Services provider  
2 does not completely remove a facility upon its abandonment, the County may  
3 remove the facility at the property owner's expense and lien the property for  
4 the cost of such removal. The lease or other agreement shall not include a  
5 provision limiting collocations to a specific wireless carrier or carriers.  
6 Proprietary information in the lease may be redacted. If a lease or other  
7 agreement is not available, a letter shall be submitted, signed by all property  
8 owners and the applicant, acknowledging and agreeing to the provisions in  
9 this paragraph.

- 10 2. Proof of compliance, as proposed for use, with FCC regulations governing  
11 radiofrequency emissions.
- 12 3. For a temporary wireless facility, an appropriate plan for removal of the  
13 facility and restoration of property affected by it.

14 E. SPHERE OF INFLUENCE.

15 When a proposed wireless facility would be located within the sphere of influence of  
16 any city within the County, planning staff shall transmit the application to the  
17 affected city for review and comment if a public hearing is required by this article.  
18 When a proposed wireless facility has the potential to impact federal or state lands,  
19 tribal lands, or special districts, planning staff may also transmit the application to  
20 the appropriate federal agency, state agency, tribe(s), or special district for review  
21 and comment.

22 F. FINDINGS.

23 1. GENERAL FINDINGS FOR APPROVAL FOR ALL WIRELESS  
24 FACILITIES REQUIRING A PLOT PLAN.

25 No plot plan for the installation of wireless facilities shall be approved unless,  
26 on the basis of the application and other materials or evidence provided in  
27 review thereof, the Planning Director finds the following:

- 28 a. The facility complies with all applicable requirements of this

1 ordinance, including all requirements for a plot plan; all application  
2 requirements; and all applicable design, location, and development  
3 standards, or has a variance or waiver thereof; and will not to  
4 unreasonably interfere with pedestrian or vehicular traffic; and

- 5 b. The facility meets applicable requirements and standards of federal  
6 and state law, including all applicable general orders of the CPUC,  
7 including, but not limited to General Order 95.

8 2. FINDINGS FOR APPROVAL OF CONCEALED WIRELESS  
9 FACILITIES.

10 No plot plan shall be approved for a concealed wireless facility unless, on the  
11 basis of the application and other materials or evidence provided in review  
12 thereof, the following findings are made in addition to the general findings  
13 for all wireless facilities: that the facility meets all requirements for a  
14 concealed wireless facility as set forth in this article.

15 3. FINDINGS FOR APPROVAL OF DISGUISED WIRELESS FACILITIES.

16 No plot plan shall be approved for a disguised wireless facility unless, on the  
17 basis of the application and other materials or evidence provided in review  
18 thereof, the following findings are made in addition to the general findings  
19 for all wireless facilities:

- 20 a. The facility meets all requirements for a disguised wireless facility set  
21 forth in this ordinance;
- 22 b. The facility is designed and sited so that it is minimally visually  
23 intrusive; and
- 24 c. Supporting equipment is located entirely within an equipment  
25 enclosure that is architecturally compatible with the surrounding area  
26 or is screened from view.

27 4. FINDINGS FOR APPROVAL OF SMALL CELL FACILITIES.

28 No plot plan shall be approved for a small cell facility unless, on the basis of

1 the application and other materials or evidence provided in review thereof,  
2 the following finding is made in addition to the general findings for all  
3 wireless facilities: that the facility meets all requirements for a small cell  
4 facility set forth in this article.

5 5. FINDINGS FOR APPROVAL OF COLLOCATION FACILITIES.

6 No plot plan shall be approved for a disguised wireless facility unless, on the  
7 basis of the application and other materials or evidence provided in review  
8 thereof, the following finding is made, in addition to the general findings for  
9 all wireless facilities: that the facility meets all requirements for a collocation  
10 set forth in this article.

11 6. FINDINGS FOR APPROVAL OF OTHER WIRELESS FACILITIES.

12 No plot plan shall be approved for a facility that qualifies as an Other  
13 Wireless Facility unless, on the basis of the application and other materials  
14 or evidence provided in review thereof, the following findings are made in  
15 addition to the general findings for all wireless facilities:

- 16 a. The facility is not located within a sensitive viewshed; and
- 17 b. Supporting equipment is located entirely within an equipment  
18 enclosure that is architecturally compatible with the surrounding area  
19 or is screened from view.

20 7. FINDINGS FOR APPROVAL OF TEMPORARY FACILITIES.

21 No plot plan shall be approved for a temporary wireless facility unless, on  
22 the basis of the application and other materials or evidence provided in review  
23 thereof, the following findings are made:

- 24 a. The facility qualifies as a temporary facility;
- 25 b. There is an adequate need for the facility (e.g., wireless facility  
26 relocation or large-scale event).

27 G. CONDITIONS OF APPROVAL FOR ANY WIRELESS FACILITY DEEMED  
28 APPROVED.

1 The Planning Department shall keep a set of standard Wireless Facilities Conditions  
2 of Approval and Advisory Notification Document on file at the Planning  
3 Department. All wireless facilities shall comply with either those conditions of  
4 approval, as modified by the Planning Director or the Board of Supervisors as  
5 necessary for a particular wireless facilities permit or be subject to revocation, or the  
6 conditions in this section. Any wireless facility, of any type, that is deemed  
7 approved, approved by operation of law, or approved under a court order shall be  
8 subject to the standard Wireless Conditions of Approval and Advisory Notification  
9 Document and the conditions set forth in this subsection. For any wireless facility  
10 that is deemed approved by operation of law, or approved under a court order, to the  
11 extent the standard Wireless Facilities Conditions of Approval and Advisory  
12 Notification Document conflict with the requirements of this section, this section  
13 shall control.

- 14 1. Entitlement Life for Wireless Facilities Deemed Approved. A wireless  
15 facility that has been deemed approved by operation of law or approved under  
16 court order shall be valid for a period of ten (10) years, unless pursuant to  
17 another legal provision or these conditions, it expires sooner or is terminated.  
18 At the end of ten (10) years from the date of issuance, such wireless facility  
19 permit shall automatically expire. Upon expiration, a person holding a  
20 wireless facility permit must remove the facility within sixty (60) days  
21 following the permit's expiration. No extension may be approved for a  
22 wireless facility that has been deemed approved by operation of law or that  
23 has received judicial approval, although a new application may be submitted  
24 for the facility. The approval of any collocation or other modification shall  
25 not extend the wireless facility permit duration.
- 26 2. Timing of Installation. The installation of a wireless facility shall begin  
27 within one (1) year after its approval, or it shall be deemed expired. The  
28 installation and construction authorized by a wireless facility permit shall

1 conclude, including any necessary post-installation repairs and/or restoration  
2 to the installation site, within ninety (90) days following the day construction  
3 commenced. If the wireless facility is to be installed adjacent to residences,  
4 construction and maintenance of the facility shall be limited to the hours of  
5 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the  
6 wireless facility may occur at any time.

7 3. Commencement of Operations. The operation of the approved facility shall  
8 commence no later than one (1) month after the completion of installation, or  
9 the wireless facility shall be deemed expired.

10 4. Undergrounding. All utilities shall be installed underground.

11 5. Inspections; Emergencies. The County or its designee may enter onto the  
12 facility area to inspect the facility upon 48 hours prior notice to the permittee.  
13 The permittee shall cooperate with all inspections and may be present for any  
14 inspection of its facility by the County. The County reserves the right to enter  
15 or direct its designee to enter the facility and support, repair, disable, or  
16 remove any elements of the facility in emergencies or when the facility  
17 threatens imminent harm to persons or property. The County shall make an  
18 effort to contact the permittee prior to disabling or removing any facility  
19 elements, but in any case shall notify permittee within 24 hours of doing so.

20 6. Contact. The permittee shall at all times maintain accurate contact  
21 information for all parties responsible for the facility, which shall include a  
22 phone number, street mailing address and email address for at least one  
23 natural person. The FCC Antenna Structure Registration site number, County  
24 wireless facility permit number, primary leaseholder's and facility manager's  
25 contact information shall be kept current and prominently displayed on the  
26 facility where it can be easily viewed from ground level.

27 7. Insurance. Permittee shall obtain and maintain throughout the term of the  
28 wireless facility permit commercial general liability insurance with a limit of



1 \$1,000,000 per occurrence for bodily injury and property damage and  
2 \$1,000,000 general aggregate including premises operations, contractual  
3 liability, personal injury, and products completed operations. The relevant  
4 policy or policies shall name the County, its elected/appointed officials,  
5 commission members, officers, representatives, agents, and employees as  
6 additional insureds. Permittee shall use its best efforts to provide thirty (30)  
7 days' prior notice to the County of to the cancellation or material  
8 modification of any applicable insurance policy.

9 8. Indemnities. The permittee and the owner of the property upon which the  
10 wireless facility is installed shall defend, indemnify and hold harmless the  
11 County, its agents, officers, officials, and employees (i) from any and all  
12 damages, liabilities, injuries, losses, costs, and expenses, and from any and  
13 all claims, demands, law suits, writs of mandamus, and other actions or  
14 proceedings brought against the County or its agents, officers, officials, or  
15 employees to challenge, attack, seek to modify, set aside, void or annul the  
16 County's approval of the wireless facility permit, including any challenge to  
17 a decision made by the County concerning the project, including, but no  
18 limited to, decisions made in response to California Public Record Act  
19 requests, and (ii) from any and all damages, liabilities, injuries, losses, costs,  
20 and expenses, and any and all claims, demands, law suits, or causes of action  
21 and other actions or proceedings of any kind or form, whether for personal  
22 injury, death or property damage, arising out of or in connection with the  
23 activities or performance of the permittee or, if applicable, the property owner  
24 or any of each one's agents, employees, licensees, contractors,  
25 subcontractors, or independent contractors. In the event the County becomes  
26 aware of any such actions or claims the County shall promptly notify the  
27 permittee and, if applicable, the property owner and shall reasonably  
28 cooperate in the defense. The County shall have the right to approve the legal

1 counsel providing the County's defense, and the property owner and/or  
2 permittee (as applicable) shall reimburse County for any costs and expenses  
3 directly and necessarily incurred by the County in the course of the defense.  
4 Payment for County's costs related to any litigation on the above shall be  
5 made on a deposit basis. Within thirty (30) days of receipt of notice from  
6 County that litigation has been initiated against the Project, the permittee  
7 shall initially deposit with the Planning Department the total amount of  
8 Twenty Thousand Dollars (\$20,000). The permittee shall deposit with  
9 County such additional amounts as County reasonably and in good faith  
10 determines, from time to time, are necessary to cover costs and expenses  
11 incurred by the County, including but not limited to, the Office of County  
12 Counsel, Riverside County Planning Department and the Riverside County  
13 Clerk of the Board associated with the litigation. To the extent such costs are  
14 not recoverable under the California Public Records Act from the records  
15 requestor, permittee agrees that deposits under this section may also be used  
16 to cover staff time incurred by the County to compile, review, and redact  
17 records in response to a Public Records Act request made by a petitioner in  
18 any legal challenge to the Project when the petitioner is using the Public  
19 Records Act request as a means of obtaining the administrative record for  
20 litigation purposes. Within ten (10) days of written notice from County,  
21 permittee shall make such additional deposits.

- 22 9. Performance Bond. Prior to issuance of a wireless facility permit, the  
23 permittee shall file with the County, and shall maintain in good standing  
24 throughout the term of the approval, a performance bond or other surety or  
25 another form of security for the removal of the facility in the event that the  
26 use is abandoned or the permit expires, or is revoked, or is otherwise  
27 terminated. The security shall be in the amount equal to the percentage of  
28 the cost of physically removing the facility and all related facilities and

1 equipment on the site, based on the higher of two contractor's quotes for  
2 removal that are provided by the permittee. The permittee shall reimburse  
3 the County for staff time associated with the processing and tracking of the  
4 bond, based on the hourly rate adopted by the Board of Supervisors.  
5 Reimbursement shall be paid when the security is posted and during each  
6 administrative review.

7 10. Adverse Impacts on Adjacent Properties. Permittee shall undertake all  
8 reasonable efforts to avoid undue adverse impacts to adjacent properties  
9 and/or uses that may arise from the construction, operation, maintenance,  
10 modification, and removal of the facility.

11 11. Noninterference. Permittee shall not move, alter, temporarily relocate,  
12 change, or interfere with any existing structure, improvement, or property  
13 without the prior consent of the owner of that structure, improvement, or  
14 property. No structure, improvement, or property owned by the County shall  
15 be moved to accommodate a permitted activity, unless the County determines  
16 that such movement will not adversely affect the County or any surrounding  
17 businesses or residents, and the Permittee pays all costs and expenses related  
18 to the relocation of said structure, improvement, or property. Prior to  
19 commencement of any work pursuant to a wireless facility permit, the  
20 Permittee shall provide the County with documentation establishing to the  
21 County's satisfaction that the Permittee has the legal right to use or interfere  
22 with any other structure, improvement, or property within the highway or  
23 County utility easement to be affected by Permittee's facilities.

24 12. RF Exposure Compliance. All facilities must comply with all standards and  
25 regulations of the FCC and any other state or federal government agency with  
26 the authority to regulate RF exposure standards. After transmitter and antenna  
27 system optimization, but prior to unattended operations of the facility,  
28 permittee or its representative must conduct on-site post-installation RF

1 emissions testing to demonstrate actual compliance with the FCC OET  
2 Bulletin 65 RF emissions safety rules for general population/uncontrolled RF  
3 exposure in all sectors. For this testing, the transmitter shall be operating at  
4 maximum operating power, and the testing shall occur outwards to a distance  
5 where the RF emissions no longer exceed the uncontrolled/general  
6 population limit.

7 13. Testing. Testing of any equipment shall take place on weekdays only, and  
8 only between the hours of 8:30 a.m. and 4:30 p.m., except that testing is  
9 prohibited on holidays that fall on a weekday.

10 14. Abandonment. If a facility is not operated for a continuous period of ninety  
11 (90) days, the wireless facility shall be deemed abandoned. No later than  
12 ninety (90) days from the date the facility is determined to have been deemed  
13 abandoned or the permittee has notified the Planning Director of its intent to  
14 vacate the site, the permittee shall remove all equipment and improvements  
15 associated with the use and shall restore the site to its original condition to  
16 the satisfaction of the Planning Director. The permittee shall provide written  
17 verification of the removal of the facilities within thirty (30) days of the date  
18 the removal is completed. If the facility is not removed within thirty (30)  
19 days after the permit has been discontinued pursuant to this subsection, the  
20 site shall be deemed to be a nuisance, and the County may cause the facility  
21 to be removed at permittee's expense or by calling any bond or other financial  
22 assurance to pay for removal. If there are two (2) or more users of a single  
23 facility or support structure, then this provision shall apply to the specific  
24 elements or parts thereof that were abandoned, but will not be effective for  
25 the entirety thereof until all users cease use thereof.

26 15. Records. The permittee must maintain complete and accurate copies of all  
27 permits and other regulatory approvals issued in connection with the facility,  
28 which includes without limitation this approval, the approved plans and photo

1 simulations incorporated into this approval, all conditions associated with this  
2 approval and any permits or approvals issued in connection with this  
3 approval. In the event that the permittee does not maintain such records as  
4 required in this condition or fails to produce true and complete copies of such  
5 records within a reasonable time after a written request from the County, any  
6 ambiguities or uncertain-ties that would be resolved through an inspection of  
7 the missing records will be construed against the permittee.

8 16. Attorney's Fees. In the event the County determines that it is necessary to take  
9 legal action to enforce any of these conditions, or to revoke a wireless facility  
10 permit, and such legal action is taken, the Permittee shall be required to pay  
11 any and all costs of such legal action, including reasonable attorney's fees,  
12 incurred by the County, even if the matter is amicably resolved or otherwise  
13 not prosecuted to a final judgment, unless the County should otherwise agree  
14 with permittee to waive said fees or any part thereof.

15 H. CONDITIONS OF APPROVAL FOR SPECIFIC TYPES OF WIRELESS  
16 FACILITIES.

17 1. CONDITIONS OF APPROVAL FOR ELIGIBLE FACILITIES  
18 REQUESTS. In addition to the conditions provided in the previous  
19 subsections, if applicable, all permits for an eligible facility request shall be  
20 subject to the following additional conditions:

- 21 a. Permit subject to conditions of underlying permit. Any permit or  
22 wireless facility permit granted in response to an application  
23 qualifying as an eligible facilities request shall be subject to the terms  
24 and conditions of the underlying permit to the extent allowed by law.
- 25 b. No permit term extension. The County's grant or grant by operation  
26 of law of an eligible facilities request permit constitutes a federally  
27 mandated modification to the underlying permit or approval for the  
28 subject tower or base station. Notwithstanding any permit duration

1 established in another permit condition, the County's grant or grant  
2 by operation of law of a eligible facilities request permit will not  
3 extend the permit term for the underlying permit or any other  
4 underlying regulatory approval, and its term shall be coterminous  
5 with the underlying permit or other regulatory approval for the subject  
6 tower or base station or ten (10) years, whichever is shorter.

7 2. CONDITIONS OF APPROVAL FOR TEMPORARY WIRELESS  
8 FACILITIES.

9 The conditions of approval for a temporary wireless facility shall specify the  
10 maximum time period that the facility may remain in place.

11 SECTION 19.405. LOCATION AND DESIGN STANDARDS.

12 All wireless facilities shall be located and designed as follows and in accordance with the  
13 design standards published and updated from time to time by the Planning Director, if any.

14 A. LOCATION AND TYPES OF FACILITIES: All wireless facilities shall be located  
15 in accordance with the following standards, depending upon the type of wireless  
16 facility sought.

17 1. CONCEALED WIRELESS FACILITIES. Concealed wireless  
18 communication facilities may be located in any zone classification.

19 2. ELIGIBLE FACILITIES REQUESTS AND COLLOCATED WIRELESS  
20 FACILITIES. Eligible facilities requests and collocated wireless facilities  
21 may be located in any zone classification.

22 3. SMALL CELL FACILITIES AND TEMPORARY WIRELESS  
23 FACILITIES. Small cell facilities and temporary wireless facilities may be  
24 located in any residential or non-residential zone classification.

25 4. DISGUISED WIRELESS FACILITIES. Disguised wireless communication  
26 facilities may be located in any residential zone classification or non-  
27 residential zone classification.

28 5. OTHER WIRELESS FACILITIES. Any type of wireless facility may be



1 located in non-residential zone classifications.

2 B. DESIGN STANDARDS.

- 3 1. ALL WIRELESS FACILITIES. No above-ground power or communication  
4 lines shall be extended to the site, unless an applicant demonstrates that  
5 undergrounding such lines would result in substantial environmental impacts  
6 or a letter is received from the power company indicating it is unable to  
7 underground the wires. All underground utilities shall be installed in a  
8 manner to minimize disturbance of existing vegetation and wildlife habitats  
9 during construction. Removal of underground equipment upon the  
10 abandonment of a facility is not recommended unless leaving the equipment  
11 underground would pose a threat to health, safety or sensitive resources. All  
12 cables and wiring must be within the structure, or if not feasible, within a  
13 conduit on the exterior of the structure. The conduit must be a color that  
14 matches the support structure and of the smallest size technically feasible.
- 15 2. SMALL CELL FACILITIES. Small cell facilities must use flat rate electric  
16 metering, if available, so that no meter is required in any case where a meter  
17 otherwise would be ground-mounted or pole-mounted. Where a ground-  
18 mounted or pole-mounted meter is used, the smallest form factor metering  
19 device available shall be used.
- 20 3. DISGUISED WIRELESS FACILITIES, FAUX TREES. If a faux tree is  
21 proposed for the disguised wireless facility, it shall be of a type of tree  
22 compatible with those existing in the immediate areas of the installation. If  
23 no trees exist within the immediate areas, a landscape setting shall be used  
24 that integrates the faux tree with added species of a similar height and type.  
25 Antennas shall be painted, coated, or covered to match their background and  
26 shall not extend beyond the monotree branches or fronds. There shall be  
27 ample branch coverage to hide the antennas from view as effectively as  
28 possible. There shall be no exterior wiring, visible footpegs, portals, cabling,

1 cable shrouds, or other unnatural appearing features on the faux tree.  
2 Additional camouflage of the faux tree may be required depending on the  
3 type and design of faux tree proposed.

4 4. OTHER FACILITIES MOUNTED ON A DISGUISED TOWER.

5 a. Facilities mounted to a disguised tower, including, but not limited to,  
6 the attached antennas, shall be designed to be the minimum functional  
7 height and width required to adequately support the proposed facility  
8 and meet FCC requirements. The applicant shall provide  
9 documentation satisfactory to the Planning Director establishing  
10 compliance with this paragraph. In any event, facilities mounted to a  
11 disguised tower shall not exceed the applicable height limit for a  
12 wireless facility in the applicable zone classification.

13 b. Aside from the antenna and tower themselves, no additional  
14 equipment may be visible. All cables, including, but not limited to,  
15 electrical and utility cables, shall be run within the interior of the  
16 tower and shall be camouflaged or hidden to the fullest extent feasible  
17 without jeopardizing the physical integrity of the tower.

18 c. Installations shall be situated so as to utilize existing natural or man-  
19 made features including topography, vegetation, buildings, or other  
20 structures to provide the greatest amount of visual screening.

21 5. ROOFTOP-MOUNTED FACILITIES. Rooftop-mounted facilities shall be  
22 concealed wireless facilities and shall comply with one of the following, in  
23 this order of preference:

24 a. The wireless facilities may be completely concealed and  
25 architecturally integrated into the rooftop-mounted structure with no  
26 visible impacts from any publicly accessible areas at ground level.  
27 Permissible examples of this include, but are not limited to, antennas  
28 behind existing parapet walls or facades replaced with RF-transparent

1 material and finished to mimic the replaced materials;

2 b. If meeting the requirements of the prior subsection is not technically  
3 feasible, then wireless facilities may be completely concealed on new  
4 structures or appurtenances designed to mimic the support structure's  
5 original architecture and proportions so that the support structure  
6 remains consistent in size and design with the areas within which it is  
7 located. Examples of such structure and appurtenances include, but  
8 are not limited to, cupolas, steeples, chimneys, and water tanks. A  
9 particular change will be assessed using standards that apply for  
10 similar discretionary modifications that do not involve wireless  
11 facilities.

12 6. FAÇADE-MOUNTED WIRELESS FACILITIES. Facade-mounted wireless  
13 facilities shall be concealed or disguised wireless facilities. Façade-mounted  
14 wireless facilities should be integrated architecturally into the structure to  
15 which the equipment will be attached. Where integration is not possible, a  
16 facade-mounted wireless facility should be behind screen walls as flush to  
17 the building facade as practicable and designed to conceal the facility so that  
18 it appears to be part of the facade design. Pop-out screen boxes do not meet  
19 this standard, unless such design is architecturally consistent with the original  
20 support structure. An exposed, facade-mounted facility will not be approved  
21 unless it is shown that, because of the size or design of the facility, or the  
22 design or location of the structure to which it is to be attached, the proposed  
23 facility would have no adverse visual impacts.

24 SECTION 19.406. DEVELOPMENT STANDARDS FOR ALL WIRELESS  
25 FACILITIES. All wireless facilities shall comply with the following development  
26 standards:

27 A. Height limitations. Wireless facilities to be located in residential zone classifications  
28 shall not exceed fifty (50) feet. Wireless facilities to be located in non-residential

1 zone classifications shall not exceed one hundred and five (105) feet. Eligible  
2 facilities requests may be up to twenty (20) percent taller, as measured by the original  
3 approved height of the underlying wireless facility, or as otherwise provided in 47  
4 C.F.R. section 1.6100(b)(3), or any successor provision, provided there are no safety  
5 issues with such increased height and they meet the requirements of this ordinance  
6 relating to setback from habitable dwellings or setback from residential property  
7 lines and the development standards for the relevant type of wireless facility.

8 B. Landscaping. All wireless facilities shall have landscaping around the perimeter of  
9 the leased area or equivalent and shall match or augment the natural landscaping in  
10 the area, where feasible. Wireless facilities constructed to look like trees shall have  
11 other similar tree species planted adjacent to or around the facility to enhance the  
12 concealing effect. If a water source is not available and there are no other trees in the  
13 area, new trees may not be required, but indigenous plants may be required and  
14 manually watered until established. If landscaping is deemed necessary in native  
15 habitats, only native plant species shall be used in order to avoid introduction of  
16 exotic invasive species. All landscaping shall be irrigated unless a water source is  
17 unavailable within the parcel on which the facility is located. If the equipment  
18 enclosure is not readily visible to the general public and a water source is not  
19 available, the Planning Director may lessen or waive the landscaping requirements.

20 C. Lighting. Outside lighting, other than temporary lightning for maintenance purposes,  
21 is prohibited unless required by the FAA or the California Building Code, including  
22 the appendix and standards adopted by the California Building Standards  
23 Commission. All Wireless Facilities that require a warning light to comply with FAA  
24 regulations shall use the minimum amount possible. All security lighting and  
25 maintenance lighting shall meet the requirements of Ordinance No. 655. Any  
26 lighting system installed shall also be shielded to the greatest extent possible so as to  
27 minimize the negative impact of such lighting on adjacent properties and so as not to  
28 create a nuisance for surrounding property owners or a wildlife attractant.

1 D. Parking. Within close proximity of the wireless facility, a parking space shall be  
2 provided for maintenance vehicles.

3 E. Setbacks. Concealed wireless facilities shall meet the setback requirements of the  
4 zone classification in which they are located. Disguised wireless facilities in non-  
5 residential zone classifications shall meet the setback requirements of the zone  
6 classification in which they are located and shall be setback from habitable dwellings  
7 a distance equal to one hundred and twenty-five (125) percent of the facility height.  
8 Disguised wireless facilities in or adjacent to residential zone classifications shall  
9 meet the setback requirements of the zone classification in which they are located  
10 and shall be setback from habitable dwellings a distance equal to two hundred (200)  
11 percent of the facility height or shall be setback from residential property lines a  
12 distance equal to one hundred (100) percent of the facility height, whichever is  
13 greater. Other wireless facilities shall meet the setback requirements of the zone  
14 classification in which they are located and shall be setback from habitable dwellings  
15 a distance equal to one thousand (1,000) feet. All eligible facilities requests and  
16 collocations must meet the same setback from habitable dwellings requirements as  
17 the underlying wireless facility.

18 F. Support Facilities. Any appurtenant equipment boxes, cabinets, or freestanding  
19 equipment enclosures shall not exceed thirteen (13) feet in height.

20 SECTION 19.407. ABANDONED SITES.

21 A. Any wireless communication facility that is not continuously operated for a period  
22 of ninety (90) days, or the period set forth in its conditions of approval, whichever is  
23 shorter, shall be deemed abandoned.

24 B. The Personal Wireless Services provider shall have sixty (60) days after a notice of  
25 abandonment is mailed by the County to make the facility operable, replace the  
26 facility with an operable facility, or remove the facility.

27 C. If, within ninety (90) days of the date the notice of abandonment is mailed, the  
28 Personal Wireless Services provider fails to make the wireless communication

1 facility operable, legally replace the facility with an operable facility, or remove the  
2 facility, the County may remove the wireless communication facility at the  
3 underlying property owner's expense and shall place a lien on the property for the  
4 cost of such removal.

5 D. The owner of the property shall, within one hundred and twenty (120) days of the  
6 County's removal, return the site to its approximate natural condition. If the owner  
7 fails to do so, the County can restore and revegetate the site at the property owner's  
8 expense.

9 E. If there are two (2) or more users of a single facility, the facility shall not be deemed  
10 abandoned until all users abandon it.

11 SECTION 19.408. EXCEPTIONS TO REQUIREMENTS.

12 A. The Board of Supervisors, as applicable, may grant exceptions to the requirements  
13 for wireless facilities in this article, if a variance cannot be obtained and it is  
14 determined that the applicant has established that denial of an application or strict  
15 adherence to the location and design standards would:

- 16 1. Prohibit or effectively prohibit the provision of personal wireless services,  
17 within the meaning of federal law; or
- 18 2. Otherwise violate applicable laws or regulations; or
- 19 3. Require a technically infeasible design or installation of a wireless facility.

20 B. If that determination is made, said requirements may be waived, but only to the  
21 minimum extent required to avoid the prohibition, violation, or technically infeasible  
22 design or installation.”

23 Section 2. Subsection B. of Section 18.20 of Ordinance No. 348 is amended to read as

24 follows:

25 “B. Structures necessary for the maintenance and operation of a building and  
26 flagpoles, chimneys or similar structures that exceed the prescribed height  
27 limits may exceed the prescribed height limits where such structures do not  
28 provide additional floor space. This exception shall not apply to wireless



1 facilities subject to Article XIXg of this ordinance.”

2 Section 3. Subsection E. of Section 18.26 of Ordinance No. 348 is amended to read as  
3 follows:

4 “E. PUBLIC HEARINGS AND NOTICE OF DECISION.

5 The hearing body or officer shall hear relevant testimony from interested persons and  
6 make its decision within a reasonable time after the close of the public hearing. A  
7 notice of the decision shall be mailed to the applicant and to any person who has  
8 made a written request for a copy of the decision. In a reasonable time the Planning  
9 Director shall report to the Board of Supervisors all final decisions made at a public  
10 hearing either at Planning Commission or by the Planning Director or the Planning  
11 Director’s designee. The Planning Director shall report in the same way on the  
12 inability of the Planning Commission to make a decision on a public hearing item,  
13 which shall be considered a denial of the application.”

14 Section 4. Subsection F. of Section 18.26 of Ordinance No. 348 is amended to read as  
15 follows:

16 “F. PROCEEDING BEFORE THE BOARD OF SUPERVISORS.

17 The decision of the hearing body is considered final and no action by the Board of  
18 Supervisors is required unless, within ten (10) calendar days from the date of the  
19 decision, either: an appeal therefrom is filed, accompanied by the fee set forth in  
20 County Ordinance No. 671, with the Clerk of the Board; or a member of the Board  
21 of Supervisors submits a request to the Planning Director that the decision be set for  
22 public hearing before the Board of Supervisors. The Clerk of the Board shall set the  
23 matter for public hearing before the Board not less than thirteen (13) nor more than  
24 sixty (60) days thereafter and shall give notice of the time and place of the public  
25 hearing in the same manner as notice was given of the public hearing before the  
26 hearing body.”

27 Section 5. Subsection B. of Section 18.28b. of Ordinance No. 348 is amended to read as  
28 follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

“B. DECISION AND NOTICE OF DECISION.

Upon acceptance of an application as complete, the Planning Department shall transmit a copy of the application to the Environmental Health Department and Animal Control Services and Licensing Division of the Health Services Agency for review and comment.

1. Not less than thirty (30) days after acceptance of an application as complete, the Planning Director shall schedule the time and date on which the Planning Director's decision on the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made, the Planning Director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a 600-foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the County. The notice shall include the statement that no public hearing will be held unless a public hearing is requested in writing before the date scheduled for the decision to be made.
2. No public hearing on the application shall be held before a decision is made unless a public hearing is requested in writing by the applicant or other interested person, or if the Planning Director determines that a public hearing should be required. The Planning Director shall give notice of the decision to the applicant and to any other person who requests notice of the decision.
3. If a public hearing is required under the provisions of this Subsection, notice of the time, date and place of the public hearing before the Planning Director, and a general description of the location of the real property which is the subject of the public hearing, shall be given at

1 least ten (10) days prior to the public hearing as follows:

- 2 a. Mailing or delivering to the owner of the subject real property
- 3 or the owner's duly authorized agent.
- 4 b. Mailing or delivering to all owners of real property which is
- 5 located within a 600-foot radius of the exterior boundaries of
- 6 the subject property, as such owners are shown on the last
- 7 equalized assessment roll and any updates.
- 8 c. The Planning Director may require that additional notice be
- 9 given in any other matter the Planning Director deems
- 10 necessary or desirable.
- 11 d. At the public hearing, the Planning Director shall hear relevant
- 12 testimony from interested persons and make a decision within
- 13 a reasonable time after the close of the public hearing.”

14 Section 6. Subsection E. of Section 18.28b. of Ordinance No. 348 is amended to read  
15 as follows:

16 “E. APPEAL.

17 An applicant or any interested person may appeal a decision by the following  
18 procedure:

- 19 1. Initial Appeal. The decision of the Planning Director is considered
- 20 final and no further action is required unless, within ten (10) calendar
- 21 days from the date of the decision, either: an appeal therefrom is filed,
- 22 accompanied by the fee set forth in County Ordinance No. 671, with
- 23 the Clerk of the Board; or a member of the Board of Supervisors or
- 24 Planning Commission submits a request to the Planning Director that
- 25 the decision be set for public hearing before the Planning
- 26 Commission. The appeal shall be set for public hearing before the
- 27 Planning Commission not less than thirteen (13) nor more than sixty
- 28 (60) days thereafter. If the permit did not require a public hearing,

1 the Planning Director shall mail notice of the public hearing to the  
2 applicant and the appellant. If the permit required a public hearing,  
3 notice of the appeal shall be given in the same manner that notice was  
4 given for the original public hearing.

5 2. Appeal from Planning Commission. The decision of the Planning  
6 Commission is considered final and no further action is required  
7 unless, within ten (10) calendar days from the date of the Planning  
8 Commission's decision, either: an appeal therefrom is filed,  
9 accompanied by the fee set forth in County Ordinance No. 671, with  
10 the Clerk of the Board; or a member of the Board of Supervisors  
11 submits a request to the Planning Director that the decision be set for  
12 public hearing before the Board of Supervisors. The Clerk of the  
13 Board shall set the public hearing before the Board of Supervisors not  
14 less than five (5) days nor more than sixty (60) days thereafter. If the  
15 permit did not require a public hearing, the Planning Director shall  
16 mail notice of the public hearing on the appeal to the applicant and  
17 the appellant. If the permit required a public hearing, notice of the  
18 appeal shall be given in the same manner that notice was given for the  
19 original public hearing. The Board of Supervisors shall render its  
20 decision within thirty (30) days following the close of the public  
21 hearing on the appeal. The decision of the Board of Supervisors shall  
22 be final.”

23 Section 7. Subsection E. of Section 18.30 of Ordinance No. 348 is amended to read as

24 follows:

25 “E. APPEALS - (PLOT PLANS NOT INCLUDING WIRELESS FACILITIES).  
26 An applicant or any other interested party may appeal from a decision on a plot plan  
27 not including wireless facilities by the following procedure:

28 1. Initial Appeal. The decision of the Planning Director is considered

1 final and no further action is required unless, within ten (10) calendar  
2 days from the date of the decision, either: an appeal therefrom is filed,  
3 accompanied by the fee set forth in County Ordinance No. 671, with  
4 the Clerk of the Board; or a member of the Board of Supervisors or  
5 Planning Commission submits a request to the Planning Director that  
6 the decision be set for public hearing before the Planning  
7 Commission. The appeal shall be set for public hearing before the  
8 Planning Commission not less than thirteen (13) nor more than sixty  
9 (60) days thereafter. If the permit did not require a public hearing,  
10 the Planning Director shall mail notice of the public hearing on the  
11 appeal to the applicant and the appellant. If the permit required a  
12 public hearing, notice of the appeal shall be given in the same manner  
13 that notice was given for the original public hearing.

14 2. Appeal from Planning Commission. The decision of the Planning  
15 Commission is considered final and no further action is required  
16 unless, within ten (10) calendar days from the date of the Planning  
17 Commission's decision, either: an appeal therefrom is filed,  
18 accompanied by the fee set forth in County Ordinance No. 671, with  
19 the Clerk of the Board; or a member of the Board of Supervisors  
20 submits a request to the Planning Director that the decision be set for  
21 public hearing before the Board of Supervisors. The Clerk of the  
22 Board shall set the appeal for public hearing before the Board of  
23 Supervisors not less than five (5) days nor more than sixty (60) days  
24 thereafter. If the plot plan did not require a public hearing, the  
25 Planning Director shall mail notice of the public hearing on the appeal  
26 to the applicant and the appellant. If the plot plan required a public  
27 hearing, notice of the appeal shall be given in the same manner that  
28 notice was given for the original public hearing. The Board of

1 Supervisors shall render its decision within thirty (30) days following  
2 the close of the public hearing on the appeal. The decision of the  
3 Board of Supervisors shall be final.”

4 Section 8. Subsection F. of Section 18.30 of Ordinance No. 348 is amended to read as  
5 follows:

6 “F. APPEALS – (WIRELESS FACILITY PLOT PLANS)

7 An applicant or any other interested party may appeal from a decision on a wireless  
8 facility plot plan by the following procedure:

- 9 1. Appeal to the Board of Supervisors. The decision of the Planning  
10 Director is considered final and no further action is required unless,  
11 within ten (10) calendar days from the date of the Planning Director’s  
12 decision, either: an appeal therefrom is filed, accompanied by the fee  
13 set forth in County Ordinance No. 671, with the Clerk of the Board;  
14 or a member of the Board of Supervisors submits a request to the  
15 Planning Director that the decision be set for public hearing before  
16 the Board of Supervisors. The Clerk of the Board shall set a public  
17 hearing before the Board of Supervisors not less than five (5) nor  
18 more than sixty (60) days thereafter. If the permit did not require a  
19 public hearing, the Planning Director shall mail notice of the public  
20 hearing on the appeal to the applicant and the appellant. If the permit  
21 required a public hearing, notice of the appeal shall be given in the  
22 same manner that notice was given for the original public hearing.  
23 The Board of Supervisors shall render its decision within thirty (30)  
24 days following the close of the public hearing on the appeal. The  
25 decision of the Board of Supervisors shall be final.”

26 Section 9. CONFLICTING REGULATIONS. Section 18.1 of Ordinance No. 348 shall  
27 control in the case of any conflict between this ordinance and any other provision in Ordinance No. 348 or  
28 between this ordinance and any other applicable ordinance.



1                    Section 10. SEVERABILITY. If any provision of this ordinance or the application  
2 thereof to any person or circumstance is held invalid, the remainder of the ordinance and application of such  
3 provision or provisions to other persons or circumstances shall not be affected.

4                    Section 11. This ordinance shall take effect thirty (30) days after its adoption.

6                    BOARD OF SUPERVISORS OF THE COUNTY  
7 OF RIVERSIDE, STATE OF CALIFORNIA

8                    By: \_\_\_\_\_  
9                    Chair, Board of Supervisors

10                   ATTEST:  
11 CLERK OF THE BOARD  
12 Kecia Harper

13                   By: \_\_\_\_\_  
14 Deputy

16                   (SEAL)

19                   APPROVED AS TO FORM  
20 January 13, 2021

21  
22 By: \_\_\_\_\_  
23                   MELISSA R. CUSHMAN  
24                   Deputy County Counsel

25                   GAProperty\Visita\ CZ ZONING ORD & FORM\1\FORMAT 348\4947.docx



On Behalf of



Alexis Dunlap  
Program Manager  
949-838-7313 cellular  
Alexis.dunlap@smartlinkgroup.com

January 1<sup>st</sup>, 2021

Board of Supervisors  
4080 Lemon Street  
Riverside, CA

**Re: Revised Riverside County Ordinance No. 348 regarding Wireless Telecommunications Facilities**

Dear Supervisors:

My name is Alexis Dunlap and I am writing this letter on behalf of AT&T. For just over a year, AT&T management and legal counsel have been working with Riverside County's land development team and county counsel to address concerns with the county's ordinance for the deployment of wireless telecommunications. Despite the global pandemic, we have made considerable progress, which is reflected in recent revisions to the proposed ordinance aimed at fixing some of the problems. AT&T truly appreciates all the county employees responsible for these positive changes. I personally need to send a shout out to Ken Baez for all his assistance in pushing projects over those final hurdles and to Melissa Cushman for collaborating with AT&T's attorneys.

I have been working in the wireless industry for over 15 years. I have obtained permits and leases for wireless facilities in nearly every jurisdiction in California south of Sacramento. I know wireless ordinances and I understand the federal laws that apply to local jurisdictions. In my experience, the County of Riverside is second only to the federal government with regards to average permit processing time for a cell tower. The Federal Shot Clock requires final action on applications within 60-150 days, and state law provides a deemed approved remedy for failure to meet these timelines. Yet the average processing time in the county is about 18-24 months.

This is not a record we should boast about. And I do use the term 'WE' intentionally. Not only because I have a business interest in improving coverage in this county, but I also have a very personal interest in making sure that our first responders have a signal when they need one. My husband is a deputy sheriff for Riverside County. I have friends, family and loved ones throughout the County. For my husband's safety and for the safety of all the residents whom he serves and protects, I want to ensure widespread wireless connectivity including reliable FirstNet services.

To accomplish this, we need streamlined and easy to understand processes that comply with federal law. Again, we appreciate the county's efforts so far to improve this process. But AT&T still has some big concerns regarding the new ordinance. The biggest issue that remains, the one that causes so much unnecessary delay, is the requirement for disguised facilities to go through CEQA review. Riverside County is the only jurisdiction I have worked in that does not apply a presumption of exemption for wireless facilities under the Class 3 categorical exemption. California case law has upheld the application of this exemption with few exceptions.

AT&T would like to thank the county for some of the positive changes that were addressed in the latest version of the code including the clarity of definitions between disguised and concealed facilities. AT&T

appreciates the removal of an antenna limit on faux trees which would have greatly hindered adequate coverage gap removal.

A few other items with which AT&T would still like some improvement in the code are as follows:

- The 10-year limit on deemed approved applications - this aims to undercut state and federal laws that mandate approvals.
- We disagree with the timing for which construction needs to occur and hope that the County will be lenient with requested time extensions and many facilities will take longer than the allotted 6 months to construct.
- The County's requirement for undergrounding utilities will be unnecessary in many contexts and will make many sites cost prohibitive.
- The county's requirement for the \$20k litigation deposit requirement, which is unlike any other jurisdiction we're aware of, should be eliminated.

Again, while AT&T greatly appreciates and acknowledges the positive changes the county has made in the past year, we feel there is still some progress to be made before this ordinance is officially adopted.

Sincerely,

*Alexis Dunlap*

Alexis Dunlap  
Consultant on behalf of AT&T Wireless

October 23, 2020

*By Email Only (JHildebr@RivCo.org)*

Mr. John Hildebrand  
Deputy Director of TLMA - Planning  
Riverside County Planning Department  
4080 Lemon St., 12th Floor  
Riverside, CA 92501

**Re: Verizon Wireless's Comments to The County of Riverside's Proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities" [ORDINANCE NO. 348.XXXX AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING]**

Mr. Hildebrand:

Our office represents Verizon Wireless (Verizon) and was asked to review and provide comments to the County of Riverside's referenced proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities." Verizon's comments to the proposed Ordinance change are attached.

Verizon respectfully requests that the County consider the attached comments, and that it revise or modify the proposed Ordinance to address the comments. Please let me know if you have any questions about these comments.

This letter should be included as part of the administrative record for the proposed revisions to the Ordinance. Thank you.

Sincerely,



Kevin P. Sullivan, Esq.  
Partner  
Gatzke Dillon and Ballance LLP

KPS/jec  
Copy:

Michael Farragher (via email)

**Verizon Wireless's Comments to the County of Riverside's Proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities" [ORDINANCE NO. 348.XXXX AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING]**

Verizon Wireless (Verizon) provides comments to the County of Riverside's draft Ordinance revising the zoning regulations to be applied to wireless facilities as follows:

- Section 19.400.E – The proposed regulation is vague and ambiguous as to what constitutes “outdated wireless facilities.” This section could violate Verizon’s rights under the 1996 federal Telecommunications Act (TCA) regarding the implied requirement to submit an explanation of the communications services being provided and whether they are outdated. *See City of Auburn v. Qwest Corp.*, 260 F.3d 1160, 1176 and 1178 (9<sup>th</sup> Cir. 2001) (city violated the TCA by requiring a description of services to be provided; agencies do not have the authority to request information regarding systems, plans or purposes for a wireless facility).

This section could also violate Verizon’s rights under California law. The California Public Utility Commission determined that the business of supplying citizens with forms of telephone service is a statewide concern. Local agencies may not attempt to determine whether the wireless service is locally desired or would be beneficial to the jurisdiction. (*In re: GTE Mobilnet of San Jose H.P.*, 22 C.P.U.C 2d 25, 1986 Cal. PUC LEXIS 568 (Cal. Pub. Util. Com. 1986).)

- 19.401.C (Like Kind Replacements) - The proposed draft language is vague and ambiguous as to the meaning of “visual or noise impacts” and seeks to regulate the level of radio frequency (RF) emissions, which is under the exclusive authority of the Federal communications Commission (FCC).

This first sentence of this section should be modified as follows "Like kind equipment replacements or adding or changing equipment in an existing cabinet, vault, or shroud that does not *substantially increase the pre-existing physical dimensions of the approved design or decibel output, and does not result in non-compliance with FCC-defined radio frequency (RF) emissions standards and limits*".

- Section 19.401.E (Legally Existing Wireless Facility) – The end of the proposed new section stating “... at which time the provisions of the revised ordinance shall apply in full force going forward as to such facility” could result in an effective prohibition of Verizon’s wireless services in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) if a subject cell facility is needed to fill a significant gap in

network wireless coverage but would somehow not comply with new zoning regulations.

The new section could also be inconsistent with Verizon's vested rights in a constructed cell facility.

- Section 19.402.B (Base Station) – The definition should cite to 47 C.F.R. section 1.6100(b)(1) and (4).
- Section 19.402.T (Support Structure) – The definition should also cite to 47 C.F.R. section 1.6100(b)(1) and (4) relating to base stations and eligible support structures.
- Section 19.402.U (Supporting Equipment) – The definition should also cite to 47 C.F.R. section 1.6100(b)(8) relating to transmission equipment.
- Section 19.402.V (Temporary Wireless Facilities) – The definition should be expanded to include temporary facilities needed to be in place for more than six months if necessary to fill a significant gap in wireless network coverage or capacity.
- Section 19.402.Y (Wireless Facility) – The definition should also cite to 47 C.F.R. section 1.6100(b)(8) relating to transmission equipment.
- Section 19.404.B.1 – Even with the ability of the Planning Director to determine whether a listed type of facility could be exempt from CEQA review, the section is vague and overbroad in identifying types of facilities that would presumptively be subject to CEQA review. For instance, a “concealed wireless facility on a new structure” is vague as it is unclear whether that could be a new building, or a new Support Structure defined Section 19.402.T. This part of the section is also inconsistent with the CEQA exemption for concealed facilities stated in Section 19.404.A.1.

Further, presumptively subjecting a “disguised wireless facility[y] to be located in a residential zone classification” to CEQA review is overbroad and inconsistent with existing law. The City of San Diego was found by a court in 2018 to have properly used the categorical exemption under CEQA Guidelines section 15303 when it approved a Verizon faux eucalyptus (disguised) wireless facility to be installed in a **residential zone** in a dedicated City park and near a natural preserve area. (*See Don't Cell Our Parks v. City of San Diego (Verizon Wireless, Real Party in Interest)* (2018) 21 Cal.App.5th 338, 344-345, and 358-363.) Residential lots may be very large, and churches, parks and institutional uses are often located on residentially zoned lots. Such uses and lots typically have screening and other



visual elements to enable visual integration of a disguised wireless facility to enable use of a CEQA exemption.

In addition, the FCC observed that local agency fees or costs imposed on wireless facility installations, such as those that would be imposed for CEQA review, drain a carrier's limited capital resources that otherwise could be used for deployment, and are improper to the extent fees or costs prohibit, or have the effect of prohibiting, the provision of wireless services. (See FCC Declaratory Ruling and Third Report and Order, FCC 18-133, dated September 26, 2018 [2018 FCC Ruling] at ¶¶ 54-61.) Accordingly, imposition of unnecessary and expensive CEQA review (including environmental studies or surveys) for a wireless facility will impair the feasibility of the project. This will result in an effective prohibition of Verizon's provision of personal mobile services under 47 U.S.C. Sections 253(a) and 332 (c)(7)(B)((i)(II), and would be preempted.

- Section 19.404.D – The requirement that a wireless facility application submittal include a fully executed lease, which lease contains terms for facility removal, is overbroad, unnecessary, and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). Verizon does not always have a signed lease with a property owner when it submits an application (with an owner letter of authorization). Waiting for a lease to be fully executed could significantly delay submittal of an application for a needed wireless facility.

Additionally, mandating the public disclosure of confidential business terms undermines Verizon's ability to remain competitive in the marketplace. Also, lease terms are often dictated by the nature and scale of zoning approvals (i.e., type of facility, complexity of design and approval conditions), details of which typically cannot be known in advance of zoning submittals.

Further, many owners, such as Southern California Edison, will not agree to the provisions stated in this section. The provision will therefore reduce the available locations to site a wireless facility, which could result in an effective prohibition of service.

The County has other enforcement mechanisms, including code enforcement, to ensure removal of a facility in unique circumstances of possible abandonment instead of requiring lease terms in a private transaction between an owner and a carrier.

- Section 19.404.F.3 – The design and siting requirements for a disguised facility must be reasonable regarding costs, and must not impair the feasibility of the project. Additional costs associated with a facility design or location are a factor to consider in whether application of agency regulations constitutes an effective prohibition of wireless services. (See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 997 and 998 (9th Cir. 2009).)

- Section 19.404.F.6.b – The design and screening requirements for a n equipment enclosure must be reasonable regarding costs, and must not impair the feasibility of the project. Additional costs associated with a facility design or location are a factor to consider in whether application of agency regulations constitutes an effective prohibition of wireless services. (*See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 997 and 998 (9th Cir. 2009).)
- Section 19.404.F.7.e – The showing for “an adequate need for the facility” should not be applied to infringe on Verizon’s rights under California law. The California Public Utility Commission determined that the business of supplying citizens with forms of telephone service is a statewide concern. Local agencies may not attempt to determine whether the wireless service is locally desired or would be beneficial to the jurisdiction. *In re: GTE Mobilnet of San Jose H.P.*, 22 C.P.U.C 2d 25, 1986 Cal. PUC LEXIS 568 (Cal. Pub. Util. Com. 1986).
- Section 19.404.G – The Wireless Conditions of Approval must be reasonable regarding costs to the carriers in application, and must not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.1 – The section should include discussion of (1) extension of wireless facility permits before expiration of a term, and (2) inapplicability of facility removal requirements where removal would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

The automatic permit expiration provision in this section may violate Verizon’s vested rights in a constructed facility.

The language about inability to extend the permit term for a facility that has been deemed approved or that has received judicial approval could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II), and may violate Verizon’s vested rights in a constructed facility. The provision is also inconsistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law.

The provision about collocation and modification approvals not extending the facility permit duration is inconsistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are

presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law. Application of this provision also could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.404.G.2 – The provision about automatic expiration of a facility permit if construction has not begun within one year of approval is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require actual construction activities. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit.
- Section 19.404.G.3 – The provision about automatic expiration of a facility permit if operation is not commenced within one month after completion of facility construction is inconsistent with the law about a permit holder’s use and reliance on a permit. (See authority cited in the comments above to Section 19.404.G.2.)
- Section 19.404.G.4 – The utility undergrounding provision should not be applied if it would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and must not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.6 – Requiring the contact information for the primary leaseholder and facility manager to be displayed “where it can easily be viewed from ground level” would result in a violation of privacy rights and is unnecessary. Such information can be maintained with the County Planning Department instead.
- Section 19.404.G.7 – The requirement for unspecified amounts of insurance coverage for the County relating to the facility, with the County and many County officials and agents named as additional insureds on the insurance policy, is cost prohibitive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions.

- Section 19.404.G.8 – Requiring indemnification by the “owner of the property” is unnecessary and duplicative; the carriers will be required to provide a properly scoped defense, indemnification, and hold harmless obligation to the County relating to the facility. This requirement will likely require carriers to provide extra protection for the landlord against unnecessary indemnification obligations, which would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

Requiring the carriers to provide defense, indemnification, and hold harmless obligations to the County relating to subsection (ii) regarding general liability issues unrelated to a challenge to any permit issued for the facility, is cost prohibitive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions. the facility.

Requiring the carriers to provide an initial deposit of \$20,000 to the County in the event of litigation related to the facility, which deposit amount may be raised, is cost prohibitive and unnecessary. The carrier is already required to pay for defense counsel to represent the County. No nexus or rough proportionality therefore exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project, and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions. Further, the provision is inconsistent with the requirement that fees or costs imposed by an agency related to a facility permit approval be reasonably related to the costs incurred by an agency.

- Section 19.404.G.9 – The requirement for carriers to maintain, during the entire life of the project approval (10 years at a minimum), a performance bond to cover speculative facility removal costs is prohibitively expensive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a



carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court's *Nollan* and *Dolan* decisions.

The County has other enforcement mechanisms relating to the infrequent situation of required removal of a facility that has been abandoned or where a permit term has expired and not been renewed. No project-lifetime bond is required.

- Section 19.404.G.10 – Verizon agrees with the section to the extent that is applied in a manner that would not impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.14 – The provision about “deemed abandonment” and nullification of facility permits and approvals if a facility is not operated for a continuous period of just 2 months is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require continuous operation or prohibit a pause in operations for some time. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit. Also, no removal of a facility is required where use is discontinued for a short period of time.

Further, the provision would be inconsistent with Verizon’s vested rights to operate a constructed cell facility.

- Section 19.404.G.15 – Verizon agrees with the section to the extent any ambiguities or uncertainties caused by the carrier’s missing records are *reasonably* construed against the permittee.
- Section 19.404.G.16 – This section must include language providing the carrier the ability to recover its attorney’s fees and costs in the event the carrier is found to be the prevailing party in an enforcement action brought by the County.
- Section 19.404.H.1.a – Language should be added to the end of this section as follows: “... shall be subject to the terms and conditions of the underlying permit

to the extent allowed under 47 C.F.R. section 1.6100 *et seq* and 47 U.S.C. section 332(c)(7), as may be amended.”

- Section 19.404. H.1.b - The provision needs to be revised to state that the approval of an eligible facility request will have a minimum 10-year term. This is consistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law.

Application of this provision as written also could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.A.3 – This section about the requirement for use of flat rate electrical metering, if available, or the smallest form factor metering device available, should also include language that such metering requirements will be waived to the extent they would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.405.B.1 – The language about prohibiting above ground power lines to a site should also include an exception where the costs of utility undergrounding for a site would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

Also, the reference in this section to “removal of underground equipment” should be clarified to ensure that County regulations are not interpreted to require equipment enclosures to be placed underground.

- Section 19.405.B.2 – This section about the requirement for use of flat rate electrical metering, if available, or the smallest form factor metering device available, should also include language that such metering requirements will be waived to the extent they would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).



- Section 19.405.B.3 – The provision in this section to require adding possible mature trees of a similar type and height to a setting, which could also require extension of irrigation lines, is inconsistent with County and State policies and regulations to limit irrigation and utilize drought tolerant species. The requirement to add such trees could cause interference with the radio frequency (RF) signal from the wireless facility. Further, the condition could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

The provision in this section to limit the maximum number of antennas on a faux tree to 9 is improper. Application of this provision could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) by preventing a carrier from filling a significant gap in wireless network coverage and capacity.

The provision in this section to prevent any exterior wireless facility equipment items on a faux tree, and possibly to require additional camouflage, which could require the extension of irrigation lines, could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.B.4.a – The language in this section about “minimum functional height and width required to adequately support the proposed facility” and “facilities mounted to a disguised tower shall not exceed the applicable height limit for ... the applicable zone classification” could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) by preventing a carrier from filling a significant gap in wireless network coverage and capacity. The language would also be inconsistent with the allowed height and width modifications under 47 C.F.R. section 1.6100(b)(7)(i)-(ii).

Section 19.405.B.4.b – The provision in this section to prevent any exterior cabling items on a disguised tower could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.B.5.a-c – The concealment language in these sections needs to account for situations under 47 C.F.R. section 1.6100(b)(7)(v) where the lack of concealment for a rooftop eligible facility request would not defeat the concealment elements of the previously approved collocated facility.

The concealment language in the last sentence of section c should be clarified to account for allowed “equipment” that is low profile on the roof or installed behind parapet walls, such as cabling and small equipment items, that are not visible to public views from ground level.

- Section 19.405.B.6 – Use of pop-out screen boxes to conceal façade-mounted facilities and to provide added architecturally consistent façade elements (which do not conceal facilities) should also be allowed.
- Section 19.406.1 – The residential zone height limitation stated here would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) if the carrier was not allowed to install a facility that needs to be higher than 50 feet to fill a significant gap in network coverage or capacity.
- Section 19.406.2 – The landscaping and related irrigation requirements stated here are inconsistent with County and State policies and regulations to limit irrigation and utilize drought tolerant species. The requirement to add trees could cause interference with the RF signal from the wireless facility. Further, the conditions, including manual watering of landscaping, would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.406.4 – The requirement for a parking space should be clarified. No dedicated parking space related to a facility site is needed given that, after construction, maintenance trips to a site typically occur only about once every 1-2 months. Requirement of a dedicated parking space would therefore be inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions.
- Section 19.406.5 – The setback standards stated here cannot be applied to the extent they would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.407.A-D – The provisions related to “deemed abandonment” and removal of a facility if it is not operated for a continuous period of just 2 months is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require continuous operation or prohibit a pause in operations for some time. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show

substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit. Also, no removal of a facility is required where use is discontinued for a short period of time.

Further, the provision would be inconsistent with Verizon's vested rights to operate a constructed cell facility.

**Verizon requests that these comments be include in the administrative record regarding the County's consideration of the draft changes to the Wireless Facilities Ordinance.**

October 23, 2020

*By Email Only* ([JHildebr@RivCo.org](mailto:JHildebr@RivCo.org))

Mr. John Hildebrand  
Deputy Director of TLMA - Planning  
Riverside County Planning Department  
4080 Lemon St., 12th Floor  
Riverside, CA 92501

**Re: Verizon Wireless's Comments to The County of Riverside's Proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities" [ORDINANCE NO. 348.XXXX AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING]**

Mr. Hildebrand:

Our office represents Verizon Wireless (Verizon) and was asked to review and provide comments to the County of Riverside's referenced proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities." Verizon's comments to the proposed Ordinance change are attached.

Verizon respectfully requests that the County consider the attached comments, and that it revise or modify the proposed Ordinance to address the comments. Please let me know if you have any questions about these comments.

This letter should be included as part of the administrative record for the proposed revisions to the Ordinance. Thank you.

Sincerely,



Kevin P. Sullivan, Esq.  
Partner  
Gatzke Dillon and Ballance LLP

KPS/jec  
Copy:

Michael Farragher (via email)

**Verizon Wireless's Comments to the County of Riverside's Proposed "Change of Zone No. 2000007, an amendment to the County's Land Use Ordinance, Ordinance No. 348, to modify Article XIXg Wireless Communication Facilities" [ORDINANCE NO. 348.XXXX AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING]**

Verizon Wireless (Verizon) provides comments to the County of Riverside's draft Ordinance revising the zoning regulations to be applied to wireless facilities as follows:

- Section 19.400.E – The proposed regulation is vague and ambiguous as to what constitutes “outdated wireless facilities.” This section could violate Verizon’s rights under the 1996 federal Telecommunications Act (TCA) regarding the implied requirement to submit an explanation of the communications services being provided and whether they are outdated. *See City of Auburn v. Qwest Corp.*, 260 F.3d 1160, 1176 and 1178 (9<sup>th</sup> Cir. 2001) (city violated the TCA by requiring a description of services to be provided; agencies do not have the authority to request information regarding systems, plans or purposes for a wireless facility).

This section could also violate Verizon’s rights under California law. The California Public Utility Commission determined that the business of supplying citizens with forms of telephone service is a statewide concern. Local agencies may not attempt to determine whether the wireless service is locally desired or would be beneficial to the jurisdiction. (*In re: GTE Mobilnet of San Jose H.P.*, 22 C.P.U.C 2d 25, 1986 Cal. PUC LEXIS 568 (Cal. Pub. Util. Com. 1986).)

- 19.401.C (Like Kind Replacements) - The proposed draft language is vague and ambiguous as to the meaning of “visual or noise impacts” and seeks to regulate the level of radio frequency (RF) emissions, which is under the exclusive authority of the Federal communications Commission (FCC).

This first sentence of this section should be modified as follows “Like kind equipment replacements or adding or changing equipment in an existing cabinet, vault, or shroud that does not *substantially increase the pre-existing physical dimensions of the approved design or decibel output, and does not result in non-compliance with FCC-defined radio frequency (RF) emissions standards and limits*”.

- Section 19.401.E (Legally Existing Wireless Facility) – The end of the proposed new section stating “... at which time the provisions of the revised ordinance shall apply in full force going forward as to such facility” could result in an effective prohibition of Verizon’s wireless services in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) if a subject cell facility is needed to fill a significant gap in

network wireless coverage but would somehow not comply with new zoning regulations.

The new section could also be inconsistent with Verizon's vested rights in a constructed cell facility.

- Section 19.402.B (Base Station) – The definition should cite to 47 C.F.R. section 1.6100(b)(1) and (4).
- Section 19.402.T (Support Structure) – The definition should also cite to 47 C.F.R. section 1.6100(b)(1) and (4) relating to base stations and eligible support structures.
- Section 19.402.U (Supporting Equipment) – The definition should also cite to 47 C.F.R. section 1.6100(b)(8) relating to transmission equipment.
- Section 19.402.V (Temporary Wireless Facilities) – The definition should be expanded to include temporary facilities needed to be in place for more than six months if necessary to fill a significant gap in wireless network coverage or capacity.
- Section 19.402.Y (Wireless Facility) – The definition should also cite to 47 C.F.R. section 1.6100(b)(8) relating to transmission equipment.
- Section 19.404.B.1 – Even with the ability of the Planning Director to determine whether a listed type of facility could be exempt from CEQA review, the section is vague and overbroad in identifying types of facilities that would presumptively be subject to CEQA review. For instance, a “concealed wireless facility on a new structure” is vague as it is unclear whether that could be a new building, or a new Support Structure defined Section 19.402.T. This part of the section is also inconsistent with the CEQA exemption for concealed facilities stated in Section 19.404.A.1.

Further, presumptively subjecting a “disguised wireless facility[y] to be located in a residential zone classification” to CEQA review is overbroad and inconsistent with existing law. The City of San Diego was found by a court in 2018 to have properly used the categorical exemption under CEQA Guidelines section 15303 when it approved a Verizon faux eucalyptus (disguised) wireless facility to be installed in a **residential zone** in a dedicated City park and near a natural preserve area. (*See Don't Cell Our Parks v. City of San Diego (Verizon Wireless, Real Party in Interest)* (2018) 21 Cal.App.5th 338, 344-345, and 358-363.) Residential lots may be very large, and churches, parks and institutional uses are often located on residentially zoned lots. Such uses and lots typically have screening and other



visual elements to enable visual integration of a disguised wireless facility to enable use of a CEQA exemption.

In addition, the FCC observed that local agency fees or costs imposed on wireless facility installations, such as those that would be imposed for CEQA review, drain a carrier's limited capital resources that otherwise could be used for deployment, and are improper to the extent fees or costs prohibit, or have the effect of prohibiting, the provision of wireless services. (See FCC Declaratory Ruling and Third Report and Order, FCC 18-133, dated September 26, 2018 [2018 FCC Ruling] at ¶¶ 54-61.) Accordingly, imposition of unnecessary and expensive CEQA review (including environmental studies or surveys) for a wireless facility will impair the feasibility of the project. This will result in an effective prohibition of Verizon's provision of personal mobile services under 47 U.S.C. Sections 253(a) and 332 (c)(7)(B)(i)(II), and would be preempted.

- Section 19.404.D – The requirement that a wireless facility application submittal include a fully executed lease, which lease contains terms for facility removal, is overbroad, unnecessary, and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). Verizon does not always have a signed lease with a property owner when it submits an application (with an owner letter of authorization). Waiting for a lease to be fully executed could significantly delay submittal of an application for a needed wireless facility.

Additionally, mandating the public disclosure of confidential business terms undermines Verizon's ability to remain competitive in the marketplace. Also, lease terms are often dictated by the nature and scale of zoning approvals (i.e., type of facility, complexity of design and approval conditions), details of which typically cannot be known in advance of zoning submittals.

Further, many owners, such as Southern California Edison, will not agree to the provisions stated in this section. The provision will therefore reduce the available locations to site a wireless facility, which could result in an effective prohibition of service.

The County has other enforcement mechanisms, including code enforcement, to ensure removal of a facility in unique circumstances of possible abandonment instead of requiring lease terms in a private transaction between an owner and a carrier.

- Section 19.404.F.3 – The design and siting requirements for a disguised facility must be reasonable regarding costs, and must not impair the feasibility of the project. Additional costs associated with a facility design or location are a factor to consider in whether application of agency regulations constitutes an effective prohibition of wireless services. (See *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 997 and 998 (9th Cir. 2009).)

- Section 19.404.F.6.b – The design and screening requirements for a n equipment enclosure must be reasonable regarding costs, and must not impair the feasibility of the project. Additional costs associated with a facility design or location are a factor to consider in whether application of agency regulations constitutes an effective prohibition of wireless services. (*See T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 997 and 998 (9th Cir. 2009).)
- Section 19.404.F.7.e – The showing for “an adequate need for the facility” should not be applied to infringe on Verizon’s rights under California law. The California Public Utility Commission determined that the business of supplying citizens with forms of telephone service is a statewide concern. Local agencies may not attempt to determine whether the wireless service is locally desired or would be beneficial to the jurisdiction. *In re: GTE Mobilnet of San Jose H.P.*, 22 C.P.U.C 2d 25, 1986 Cal. PUC LEXIS 568 (Cal. Pub. Util. Com. 1986).
- Section 19.404.G – The Wireless Conditions of Approval must be reasonable regarding costs to the carriers in application, and must not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.1 – The section should include discussion of (1) extension of wireless facility permits before expiration of a term, and (2) inapplicability of facility removal requirements where removal would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

The automatic permit expiration provision in this section may violate Verizon’s vested rights in a constructed facility.

The language about inability to extend the permit term for a facility that has been deemed approved or that has received judicial approval could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II), and may violate Verizon’s vested rights in a constructed facility. The provision is also inconsistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law.

The provision about collocation and modification approvals not extending the facility permit duration is inconsistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are

presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law. Application of this provision also could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.404.G.2 – The provision about automatic expiration of a facility permit if construction has not begun within one year of approval is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require actual construction activities. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit.
- Section 19.404.G.3 – The provision about automatic expiration of a facility permit if operation is not commenced within one month after completion of facility construction is inconsistent with the law about a permit holder’s use and reliance on a permit. (See authority cited in the comments above to Section 19.404.G.2.)
- Section 19.404.G.4 – The utility undergrounding provision should not be applied if it would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and must not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.6 – Requiring the contact information for the primary leaseholder and facility manager to be displayed “where it can easily be viewed from ground level” would result in a violation of privacy rights and is unnecessary. Such information can be maintained with the County Planning Department instead.
- Section 19.404.G.7 – The requirement for unspecified amounts of insurance coverage for the County relating to the facility, with the County and many County officials and agents named as additional insureds on the insurance policy, is cost prohibitive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions.

- Section 19.404.G.8 – Requiring indemnification by the “owner of the property” is unnecessary and duplicative; the carriers will be required to provide a properly scoped defense, indemnification, and hold harmless obligation to the County relating to the facility. This requirement will likely require carriers to provide extra protection for the landlord against unnecessary indemnification obligations, which would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

Requiring the carriers to provide defense, indemnification, and hold harmless obligations to the County relating to subsection (ii) regarding general liability issues unrelated to a challenge to any permit issued for the facility, is cost prohibitive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions. the facility.

Requiring the carriers to provide an initial deposit of \$20,000 to the County in the event of litigation related to the facility, which deposit amount may be raised, is cost prohibitive and unnecessary. The carrier is already required to pay for defense counsel to represent the County. No nexus or rough proportionality therefore exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project, and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions. Further, the provision is inconsistent with the requirement that fees or costs imposed by an agency related to a facility permit approval be reasonably related to the costs incurred by an agency.

- Section 19.404.G.9 – The requirement for carriers to maintain, during the entire life of the project approval (10 years at a minimum), a performance bond to cover speculative facility removal costs is prohibitively expensive and unnecessary. No nexus or rough proportionality exists to require this condition as part of a facility approval. The provision would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a



carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II). The provision is also inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court's *Nollan* and *Dolan* decisions.

The County has other enforcement mechanisms relating to the infrequent situation of required removal of a facility that has been abandoned or where a permit term has expired and not been renewed. No project-lifetime bond is required.

- Section 19.404.G.10 – Verizon agrees with the section to the extent that is applied in a manner that would not impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would not result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.404.G.14 – The provision about “deemed abandonment” and nullification of facility permits and approvals if a facility is not operated for a continuous period of just 2 months is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require continuous operation or prohibit a pause in operations for some time. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit. Also, no removal of a facility is required where use is discontinued for a short period of time.

Further, the provision would be inconsistent with Verizon’s vested rights to operate a constructed cell facility.

- Section 19.404.G.15 – Verizon agrees with the section to the extent any ambiguities or uncertainties caused by the carrier’s missing records are *reasonably* construed against the permittee.
- Section 19.404.G.16 – This section must include language providing the carrier the ability to recover its attorney’s fees and costs in the event the carrier is found to be the prevailing party in an enforcement action brought by the County.
- Section 19.404.H.1.a – Language should be added to the end of this section as follows: “... shall be subject to the terms and conditions of the underlying permit

to the extent allowed under 47 C.F.R. section 1.6100 *et seq* and 47 U.S.C. section 332(c)(7), as may be amended.”

- Section 19.404. H.1.b - The provision needs to be revised to state that the approval of an eligible facility request will have a minimum 10-year term. This is consistent with CA Government Code section 65964(b), which states that a “condition of approval of an application for a permit for construction or reconstruction for a development project for a wireless telecommunications facility” that has a permit term less than 10 years in length “are presumed to be unreasonable absent public safety reasons or substantial land use reasons.” Each wireless facility approval requires a 10-year permit term under California law.

Application of this provision as written also could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.A.3 – This section about the requirement for use of flat rate electrical metering, if available, or the smallest form factor metering device available, should also include language that such metering requirements will be waived to the extent they would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.405.B.1 – The language about prohibiting above ground power lines to a site should also include an exception where the costs of utility undergrounding for a site would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

Also, the reference in this section to “removal of underground equipment” should be clarified to ensure that County regulations are not interpreted to require equipment enclosures to be placed underground.

- Section 19.405.B.2 – This section about the requirement for use of flat rate electrical metering, if available, or the smallest form factor metering device available, should also include language that such metering requirements will be waived to the extent they would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).



- Section 19.405.B.3 – The provision in this section to require adding possible mature trees of a similar type and height to a setting, which could also require extension of irrigation lines, is inconsistent with County and State policies and regulations to limit irrigation and utilize drought tolerant species. The requirement to add such trees could cause interference with the radio frequency (RF) signal from the wireless facility. Further, the condition could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

The provision in this section to limit the maximum number of antennas on a faux tree to 9 is improper. Application of this provision could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) by preventing a carrier from filling a significant gap in wireless network coverage and capacity.

The provision in this section to prevent any exterior wireless facility equipment items on a faux tree, and possibly to require additional camouflage, which could require the extension of irrigation lines, could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.B.4.a – The language in this section about “minimum functional height and width required to adequately support the proposed facility” and “facilities mounted to a disguised tower shall not exceed the applicable height limit for ... the applicable zone classification” could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) by preventing a carrier from filling a significant gap in wireless network coverage and capacity. The language would also be inconsistent with the allowed height and width modifications under 47 C.F.R. section 1.6100(b)(7)(i)-(ii).

Section 19.405.B.4.b – The provision in this section to prevent any exterior cabling items on a disguised tower could impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and could result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).

- Section 19.405.B.5.a-c – The concealment language in these sections needs to account for situations under 47 C.F.R. section 1.6100(b)(7)(v) where the lack of concealment for a rooftop eligible facility request would not defeat the concealment elements of the previously approved collocated facility.

The concealment language in the last sentence of section c should be clarified to account for allowed “equipment” that is low profile on the roof or installed behind parapet walls, such as cabling and small equipment items, that are not visible to public views from ground level.

- Section 19.405.B.6 – Use of pop-out screen boxes to conceal façade-mounted facilities and to provide added architecturally consistent façade elements (which do not conceal facilities) should also be allowed.
- Section 19.406.1 – The residential zone height limitation stated here would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II) if the carrier was not allowed to install a facility that needs to be higher than 50 feet to fill a significant gap in network coverage or capacity.
- Section 19.406.2 – The landscaping and related irrigation requirements stated here are inconsistent with County and State policies and regulations to limit irrigation and utilize drought tolerant species. The requirement to add trees could cause interference with the RF signal from the wireless facility. Further, the conditions, including manual watering of landscaping, would impose unreasonable and prohibitive costs on a project (and cumulatively prohibitive costs considering other similar projects by a carrier), and would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.406.4 – The requirement for a parking space should be clarified. No dedicated parking space related to a facility site is needed given that, after construction, maintenance trips to a site typically occur only about once every 1-2 months. Requirement of a dedicated parking space would therefore be inconsistent with the holding of *Koontz v. St. Johns River Management District*, 133 S.Ct. 2586 (2013), which required that all conditions in a land use permit conform to the nexus and rough proportionality requirements of the U.S. Supreme Court’s *Nollan* and *Dolan* decisions.
- Section 19.406.5 – The setback standards stated here cannot be applied to the extent they would result in an effective prohibition of service in violation of 47 U.S.C. §332(c)(7)(B)(i)(II).
- Section 19.407.A-D – The provisions related to “deemed abandonment” and removal of a facility if it is not operated for a continuous period of just 2 months is inconsistent with the law about a permit holder’s use and reliance on a permit, which does not require continuous operation or prohibit a pause in operations for some time. (*See Community Development Commission v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1131-1132 [involving court rescinding city revocation of a CUP, which revocation was based on supposed permit expiration for failure to show

substantial use and reliance on the permit]; *see also Morgan v. County of San Diego* (1971) 19 Cal. App. 3d 636, 639-642.) The provision is also inconsistent with County Code provisions for the revocation or termination of an issued permit. Also, no removal of a facility is required where use is discontinued for a short period of time.

Further, the provision would be inconsistent with Verizon's vested rights to operate a constructed cell facility.

**Verizon requests that these comments be include in the administrative record regarding the County's consideration of the draft changes to the Wireless Facilities Ordinance.**

Riverside County Board of Supervisors  
Request to Speak

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to two (2) minutes, subject  
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Doug Jones

Address: 899 Tamarisk Rd  
(only if follow-up mail response requested)

City: Palm Springs Zip: CA

Phone #: 760 275 4979

Date: 2 Feb 2021 Agenda # 2101

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support  Oppose  Neutral

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

Support  Oppose  Neutral

I give my 2 minutes to: \_\_\_\_\_

(Revised: 01/11/2021)

## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO TWO (2) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of two (2) minutes.** Please step up to the podium when the Chair calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 20 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chair adheres to a strict two (2) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to six (6) minutes at the Chair's discretion. The organizer of the presentation will automatically receive the first two (2) minutes, with the remaining four (4) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### **Addressing the Board & Acknowledgement by Chair:**

The Chair will determine what order the speakers will address the Board and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chair may result in removal from the Board Chambers by Sheriff Deputies.

Riverside County Board of Supervisors  
Request to Speak

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to two (2) minutes, subject  
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: JESSI RAMIREZ

Address: RAMIREZJESSE3@GMAIL.COM  
(only if follow-up mail response requested)

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: 951 604 2444

Date: \_\_\_\_\_ Agenda # 21-1/ORDINANCE 346

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support  Oppose  Neutral

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

Support  Oppose  Neutral

I give my 2 minutes to: \_\_\_\_\_

(Revised: 01/11/2021)



## BOARD RULES

### Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO TWO (2) MINUTES.

### Power Point Presentations /Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please ensure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### Individual Speaker Limits:

**Individual speakers are limited to a maximum of two (2) minutes.** Please step up to the podium when the Chair calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 20 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chair adheres to a strict two (2) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

### Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to six (6) minutes at the Chair's discretion. The organizer of the presentation will automatically receive the first two (2) minutes, with the remaining four (4) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### Addressing the Board & Acknowledgement by Chair:

The Chair will determine what order the speakers will address the Board and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chair may result in removal from the Board Chambers by Sheriff Deputies.



PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.  
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY-BOARD OF SUP.  
4080 LEMON ST

RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

01/23/2021

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 26th of January 2021 in Green Bay, WI, County of Brown.

*Opma Karitz*  
DECLARANT

Ad#:0004564872  
P O : NOH - CZ2000007  
This is not an invoice  
# of Affidavits: 1

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE AND ASSOCIATED ORDINANCE COUNTYWIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, February 02, 2021 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Department's recommended approval on Change of Zone No. 2000007, which is an amendment to the County's Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority.

The Riverside County Planning Department recommends that the Board of Supervisors approve Change of Zone No. 2000007.

The Planning Department's report package for the project may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JOHN HILDEBRAND, PROJECT PLANNER, AT (951) 955-1888 OR EMAIL JHILDEBR@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: January 15, 2021                      Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant

Published: 1/23/2021

*TUMA/Planning*  
*Item 21.1 of 02/02/21.*

2021 FEB 01 AM 11:25

CLERK OF BOARD OF SUPERVISORS

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

**PROOF OF PUBLICATION  
(2010, 2015.5 C.C.P)**

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: NOH - CZ2000007 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**01/23/2021**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: January 23, 2021  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011437554-01

P.O. Number:

Ad Copy:

## NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE AND ASSOCIATED ORDINANCE COUNTYWIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 02, 2021 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Department's recommended approval on **Change of Zone No. 2000007**, which is an amendment to the County's Land Use Ordinance, **Ordinance No. 348**, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority.

The Riverside County Planning Department recommends that the Board of Supervisors approve **Change of Zone No. 2000007**.

The Planning Department's report package for the project may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JOHN HILDEBRAND, PROJECT PLANNER, AT (951) 955-1888 OR EMAIL JHILDEBR@RIVCO.ORG.

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: January 15, 2021      Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant  
Press-Enterprise: 1/23

*TCMA/Planning*

*Item 21.1 of  
02/02/21.*





**PROOF OF PUBLICATION**

**STATE OF CALIFORNIA SS.  
COUNTY OF RIVERSIDE**

RIVERSIDE COUNTY-BOARD OF SUP,  
4080 LEMON ST

RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

01/23/2021

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 26th of January 2021 in Green Bay, WI, County of Brown.

  
DECLARANT

Ad#:0004564872  
P O : NOH - CZ2000007  
**This is not an invoice**  
# of Affidavits: 1

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE AND ASSOCIATED ORDINANCE COUNTYWIDE**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, February 02, 2021 at 10:00 A.M. or as soon as possible thereafter, to consider the Planning Department's recommended approval on Change of Zone No. 2000007, which is an amendment to the County's Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority.

The Riverside County Planning Department recommends that the Board of Supervisors approve Change of Zone No. 2000007.

The Planning Department's report package for the project may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JOHN HILDEBRAND, PROJECT PLANNER, AT (951) 955-1888 OR EMAIL [JHILDEBR@RIVCO.ORG](mailto:JHILDEBR@RIVCO.ORG).

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

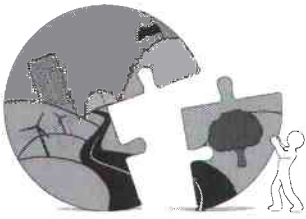
If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: January 15, 2021  
Published: 1/23/2021  
Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant

*TLMA / Planning  
Item 21.1 of  
02/02/21.*



# RIVERSIDE COUNTY PLANNING DEPARTMENT

**Hearing Date:** February 2, 2021

**To:** Clerk of the Board of Supervisors

**From:** Planning Department – Riverside (Planner: John Hildebrand)

**MinuteTraq #:** 14221

**Project Description:**

**TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public hearing on ORDINANCE NO. 348.4947, associated with CHANGE OF ZONE NO. 2000007** – Exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) (Common Sense Exemption) – Applicant: County of Riverside – Location: Countywide – **REQUEST:** Change of Zone No. 2000007 is an amendment to the County’s Land Use Ordinance, Ordinance No. 348, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority – Project Planner: email John Hildebrand at [jhildebr@rivco.org](mailto:jhildebr@rivco.org)

**The attached item(s) require the following action(s) by the Board of Supervisors:**

- Place on Administrative Action
  - Receive & File
  - EOT
- Labels provided If Set For Hearing
  - 10 Day  20 Day  30 day
- Place on Consent Calendar
- Place on Policy Calendar (Resolutions, Ordinances, PNC)
- Place on Section Initiation Proceeding (GPIP)
- Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- Publish in Newspapers: (Both: Press Enterprise & Desert Sun)
- CEQA Exempt
  - 10 Day  20 Day  30 day
- Notify Property Owners (app/agencies/property owner labels provided)

**Designate Newspaper used by Planning Department for Notice of Hearing:**  
(Both Press Enterprise & Desert Sun Newspapers)

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7040

*“Planning Our Future... Preserving Our Past”*



OFFICE OF THE  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060 FAX: (951) 955-1071

**KECIA HARPER-IHEM**  
Clerk of the Board of Supervisors

**KIMBERLY A. RECTOR**  
Assistant Clerk of the Board

January 19, 2021

THE PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

PH : (951) 368-9229  
E-MAIL: [legals@pe.com](mailto:legals@pe.com)

RE: NOTICE OF PUBLIC HEARING: CZ2000007

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) time on Saturday, January 23, 2021.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA HARPER, CLERK OF THE BOARD



**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE AND ASSOCIATED ORDINANCE COUNTYWIDE**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 02, 2021 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Department's recommended approval on **Change of Zone No. 2000007**, which is an amendment to the County's Land Use Ordinance, **Ordinance No. 348**, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority.

The Riverside County Planning Department recommends that the Board of Supervisors approve **Change of Zone No. 2000007**.

The Planning Department's report package for the project may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JOHN HILDEBRAND, PROJECT PLANNER, AT (951) 955-1888 OR EMAIL [JHILDEBR@RIVCO.ORG](mailto:JHILDEBR@RIVCO.ORG).

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: January 15, 2021

Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant



OFFICE OF THE  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA HARPER-IHEM  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 19, 2021

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)  
TEL: (760)778-4578

RE: NOTICE OF PUBLIC HEARING: CZ2000007

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) time on Saturday, January 23, 2021.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA HARPER, CLERK OF THE BOARD

**NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON A CHANGE OF ZONE AND ASSOCIATED ORDINANCE COUNTYWIDE**

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 02, 2021 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Department's recommended approval on **Change of Zone No. 2000007**, which is an amendment to the County's Land Use Ordinance, **Ordinance No. 348**, to revise Article XIXg, Wireless Facilities. The purpose of this amendment is to update definitions, revise the administrative procedures for the permitting process for wireless facilities, clarify the likely levels of environmental analysis pursuant to CEQA as they relate to different types of wireless facilities, and incorporate new changes in State and Federal laws related to the establishment of wireless communication facilities. This amendment also revises several other sections within Ordinance No. 348, for the purpose of establishing a single, consistent entitlement application appeal process for projects for which the Planning Director or Planning Commission have approval authority.

The Riverside County Planning Department recommends that the Board of Supervisors approve **Change of Zone No. 2000007**.

The Planning Department's report package for the project may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT JOHN HILDEBRAND, PROJECT PLANNER, AT (951) 955-1888 OR EMAIL [JHILDEBR@RIVCO.ORG](mailto:JHILDEBR@RIVCO.ORG).

Any person wishing to testify in support of or in opposition to the project may do so in writing between the date of this notice and the public hearing, or may appear and be heard at the time and place noted above. All written comments received prior to the public hearing will be submitted to the Board of Supervisors and the Board of Supervisors will consider such comments, in addition to any oral testimony, before making a decision on the project.

If you challenge the above item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Planning Department or Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of the public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the project and/or the related environmental document. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the project, may be changed in a way other than specifically proposed.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, and Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: January 15, 2021

Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant



PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.  
COUNTY OF RIVERSIDE

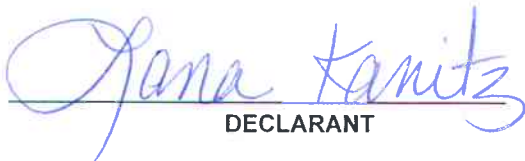
RIVERSIDE COUNTY-BOARD OF SUP.  
4080 LEMON ST  
  
RIVERSIDE CA 92501

I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non pariel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

01/17/2021

I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 19th of January 2021 in Green Bay, WI, County of Brown.

  
DECLARANT

Ad#:0004544329  
P O : 348.4947  
**This is not an invoice**  
# of Affidavits: 1

**RIVERSIDE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN that a public meeting at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, February 02, 2021 at 9:30 a.m., or as soon as possible thereafter, to consider adoption of the following Ordinance:

**SUMMARY OF ORDINANCE NO. 348.4947  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 348 RELATING  
TO ZONING**

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 348.4947 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance No. 348.4947 amends Article XIX of Ordinance No. 348 in its entirety and replaces it with new language that updates definitions, revises administrative procedures for the permitting process for wireless facilities, clarifies the likely levels of environmental analysis pursuant to the California Environmental Quality Act as they relate to different types of wireless facilities, set forth conditions of approval for any wireless facilities that are deemed approved, and incorporates new changes in state and federal laws related to the establishment and permitting of wireless communication facilities. Ordinance No. 348.4947 also revises Ordinance No. 348 Article XVIII Section 18.20, to clarify that the height exceptions therein do not apply to wireless facilities; Section 18.26, to streamline and make consistent the report of actions on land use permits to the Board of Supervisors; Section 18.26, to amend the appeal procedures for permit applications and make them consistent across the multiple types of land use permits; 18.28b., to amend the notice and appeal procedures for Crowing Fowl permits and make those consistent with other types of land use permits; and Section 18.30, to amend the provisions for plot plans to require appeals of actions on wireless facilities applications to go directly to the Board of Supervisors and appeals of actions on plot plans not including wireless facilities to be made consistent with the other types of land use permits. Ordinance No. 348.4947 would take effect 30 days after its adoption.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org).

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: January 07, 2021  
Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant

Pub: 1/17/2021

TLMA / Planning  
Item 21.1 of  
02/02/21

2021 JAN 26 AM 11:37

CLERK OF THE BOARD OF SUPERVISORS





OFFICE OF THE  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060 FAX: (951) 955-1071

**KECIA R. HARPER**  
Clerk of the Board of Supervisors

**KIMBERLY A. RECTOR**  
Assistant Clerk of the Board

January 07, 2021

PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

E-MAIL: [legals@pe.com](mailto:legals@pe.com)  
FAX: 951-368-9018

RE: NOTICE OF PUBLIC HEARING: Introduction of Ordinance No. 348.4947

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **(1) TIME** on **Tuesday, January 19, 2021**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA R. HARPER, CLERK OF THE BOARD



OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>ST</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA R. HARPER  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 07, 2021

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)  
TEL: (760)778-4578

RE: NOTICE OF PUBLIC HEARING: Introduction of Ordinance No. 348.4947

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **(1) TIME on Tuesday, January 19, 2021.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA R. HARPER, CLERK OF THE BOARD



**RIVERSIDE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN that a public meeting at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 02, 2021 at 9:30 a.m.**, or as soon as possible thereafter, to consider adoption of the following Ordinance:

**SUMMARY OF ORDINANCE NO. 348.4947  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 348 RELATING  
TO ZONING**

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 348.4947 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

Ordinance No. 348.4947 amends Article XIX of Ordinance No. 348 in its entirety and replaces it with new language that updates definitions, revises administrative procedures for the permitting process for wireless facilities, clarifies the likely levels of environmental analysis pursuant to the California Environmental Quality Act as they relate to different types of wireless facilities, set forth conditions of approval for any wireless facilities that are deemed approved, and incorporates new changes in state and federal laws related to the establishment and permitting of wireless communication facilities. Ordinance No. 348.4947 also revises Ordinance No. 348 Article XVIII Section 18.20, to clarify that the height exceptions therein do not apply to wireless facilities; Section 18.26, to streamline and make consistent the report of actions on land use permits to the Board of Supervisors; Section 18.26, to amend the appeal procedures for permit applications and make them consistent across the multiple types of land use permits; 18.28b., to amend the notice and appeal procedures for Crowing Fowl permits and make those consistent with other types of land use permits; and Section 18.30, to amend the provisions for plot plans to require appeals of actions on wireless facilities applications to go directly to the Board of Supervisors and appeals of actions on plot plans not including wireless facilities to be made consistent with the other types of land use permits. Ordinance No. 348.4947 would take effect 30 days after its adoption.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org).

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: January 07, 2021

Kecia R. Harper, Clerk of the Board

By: Hannah Lumanauw, Board Assistant

**From:** COB

**Sent:** Tuesday, February 2, 2021 8:49 AM

**To:** Perez, Juan <JCPEREZ@RIVCO.ORG>; Young, Alisa <AYoung@RIVCO.ORG>; District 4 Supervisor V. Manuel Perez (District4@RIVCO.ORG) <District4@RIVCO.ORG>; District2 <District2@Rivco.org>; District3 <District3@Rivco.org>; District5 <District5@Rivco.org>; Supervisor Jeffries - 1st District (district1@rivco.org) <district1@rivco.org>

**Cc:** Leach, Charissa <cleach@rivco.org>; Hildebrand, John <JHildebr@RIVCO.ORG>

**Subject:** February 2 2021 Item No 21.1 Public Web Comment and Request to Speak on Wireless Facilities Ordinance 348.4947 (Michael Farraher)

Good morning,

Forwarding a COB/BOS web comment and Request to Speak on February 2, 2021 Item No 21.1.

This will be filed with Agenda back-up.

With best regards,

Clerk of the Board of Supervisors  
4080 Lemon Street, 1<sup>st</sup> Floor, Room 127  
Riverside, CA 92501  
(951) 955-1069 Fax (951) 955-1071  
Mail Stop #1010  
[cob@rivco.org](mailto:cob@rivco.org)  
website: <http://rivcocob.org/>  
<https://www.facebook.com/RivCoCOB/>



NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

**From:** [cob@rivco.org](mailto:cob@rivco.org) <[cob@rivco.org](mailto:cob@rivco.org)>

**Sent:** Tuesday, February 2, 2021 7:50 AM

**To:** COB <[COB@RIVCO.ORG](mailto:COB@RIVCO.ORG)>

**Subject:** Board comments web submission



First Name: Michael  
Last Name: Farraher  
Phone: 6196306391  
Agenda Date: 02/02/2021  
Agenda Item # or Public Comment: 21.1

State your position below: Oppose

Comments: I wish to request a continuance of Item 21.1, in order to have an opportunity to work with staff to address some identified issues with the proposed draft.

Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210202. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am with the phone number you provided in the form so you can be identified during the meeting.

2/2/21 21.1

## Boydd, April

---

**From:** cob@rivco.org  
**Sent:** Monday, March 1, 2021 4:22 PM  
**To:** COB; michael.farraher@verizonwireless.com  
**Subject:** Board comments web submission



First Name: Michael  
Last Name: Farraher  
Phone: 6196306391  
Email: michael.farraher@verizonwireless.com  
Agenda Date: 03/02/2021  
Agenda Item # or Public Comment: 21.4 (#4 Public Hearing): 14561 : TRANSPORTATION & LAND MANAGEMENT  
AGENCY/PLANNING: Public hearing on ORDINANCE NO. 348.4947  
State your position below: Support

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210302. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**

## Boydd, April

---

**From:** cob@rivco.org  
**Sent:** Tuesday, March 2, 2021 7:40 AM  
**To:** COB; bennett.givens@bbklaw.com  
**Subject:** Board comments web submission

**CAUTION:** This email originated externally from the **Riverside County** email system.  
**DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.



First Name: Bennett  
Last Name: Givens  
Phone: 6265909737  
Email: bennett.givens@bbklaw.com  
Agenda Date: 03/02/2021  
Agenda Item # or Public Comment: 21.4  
State your position below: Support  
Comments: I am outside legal counsel for the County - available for questions

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210302. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**

## Boydd, April

---

**From:** cob@rivco.org  
**Sent:** Tuesday, March 2, 2021 7:48 AM  
**To:** COB  
**Subject:** Board comments web submission



First Name: Jesse  
Last Name: Ramirez  
Phone: 9518082448

Agenda Item # or  
Public Comment: 21.4

State your  
position below: Neutral

Comments: Thank you honorable Board of Supervisors for your time this morning. I want to commend Board staff along with county counsel, and especially the planning director and planning staff, for their attention and work on this item. Although (Verizon) still disagrees with staff on the CEQA portion of this ordinance, we definitely appreciate the effort to hear our concerns and work with industry leaders on addressing them. We look forward to working closely with staff moving forward.

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210302. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**

## Maxwell, Sue

---

**From:** FIGUEROA, JULIO C <jf1934@att.com>  
**Sent:** Tuesday, March 2, 2021 11:39 AM  
**To:** COB  
**Subject:** Re: Board comments web submission

**CAUTION:** This email originated externally from the **Riverside County** email system.  
**DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

I am providing comments on behalf of AT&T

Julio Figueroa  
Director of External Affairs  
Counties of Riverside - San Bernardino - Orange

AT&T  
3580 Orange St. 2nd Floor - External Affairs, Riverside CA 92501  
m 951.640.3667 | jf1934@att.com

MOBILIZING YOUR WORLD

---

**From:** cob@rivco.org  
**Date:** Tue, Mar 2, 2021, 11:28 AM  
**To:** cob@rivco.org, "FIGUEROA, JULIO C" <jf1934@att.com>  
**Subject:** Board comments web submission



First Name: Julio  
Last Name: Figueroa  
Address (Street, City and Zip): 6345 Twinlewf ct. Riberside CA 92504  
Phone: 9516403667  
Email: jf1934@att.com  
Agenda Date: 03/02/2021  
Agenda Item # or Public Comment: 21.4  
State your position below: Support

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210302. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**



## Maxwell, Sue

---

**From:** cob@rivco.org  
**Sent:** Tuesday, March 2, 2021 11:29 AM  
**To:** COB; jf1934@att.com  
**Subject:** Board comments web submission



First Name: Julio  
Last Name: Figueroa  
Address (Street, City and Zip): 6345 Twinlewf ct. Riberside CA 92504  
Phone: 9516403667  
Email: jf1934@att.com  
Agenda Date: 03/02/2021  
Agenda Item # or Public Comment: 21.4  
State your position below: Support

**Thank you for submitting your request to speak. The Clerk of the Board office has received your request and will be prepared to allow you to speak when your item is called. To attend the meeting, please call (669) 900-6833 and use Meeting ID #864 4411 6015 . Password is 20210302. You will be muted until your item is pulled and your name is called. Please dial in at 9:00 am am with the phone number you provided in the form so you can be identified during the meeting.**

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

## PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

### PROOF OF PUBLICATION OF

Ad Desc.: Notice of Adoption - Ordinance No. 348.4947 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**03/12/2021**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: March 12, 2021  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011447557-01

P.O. Number:

### Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA

### SUMMARY OF ORDINANCE NO. 348.4947 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 348.4947 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

Ordinance No. 348.4947 amends Article XIX of Ordinance No. 348 in its entirety and replaces it with new language that updates definitions, revises administrative procedures for the permitting process for wireless facilities, clarifies the likely levels of environmental analysis pursuant to the California Environmental Quality Act as they relate to different types of wireless facilities, set forth conditions of approval for any wireless facilities that are deemed approved, and incorporates new changes in state and federal laws related to the establishment and permitting of wireless communication facilities. Ordinance No. 348.4947 also revises Ordinance No. 348 Article XVIII Section 18.20, to clarify that the height exceptions therein do not apply to wireless facilities; Section 18.26, to streamline and make consistent the report of actions on land use permits to the Board of Supervisors; Section 18.26, to amend the appeal procedures for permit applications and make them consistent across the multiple types of land use permits; 18.28b., to amend the notice and appeal procedures for Crowding Fowl permits and make those consistent with other types of land use permits; and Section 18.30, to amend the provisions for plot plans to require appeals of actions on wireless facilities applications to go directly to the Board of Supervisors and appeals of actions on plot plans not including wireless facilities to be made consistent with the other types of land use permits. Ordinance No. 348.4947 would take effect 30 days after its adoption.

K. Spiegel, Chair of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **March 02, 2021** the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt  
NAYS: None  
ABSENT: None

Kecia R. Harper, Clerk of the Board  
By: Hannah Lumanauw, Board Assistant

Press-Enterprise: 3/12

*TMA/Planning  
Item 21.4 &  
03/02/21*





PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST
RIVERSIDE CA 92501

BOARD OF SUPERVISORS OF THE
COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA

SUMMARY OF
ORDINANCE NO. 348.4947
AN ORDINANCE OF THE
COUNTY OF RIVERSIDE
AMENDING ORDINANCE
NO. 348 RELATING TO ZONING

This summary is presented pursuant
to California Government Code
Section 25124(b): a certified copy of
the full text of Ordinance No.
348.4947 may be examined at the
Office of the Clerk of the Board of
Supervisors of the County of
Riverside, located at 4080 Lemon
Street, 1st Floor, Riverside, California.

Ordinance No. 348.4947 amends
Article XIX of Ordinance No. 348 in
its entirety and replaces it with new
language that updates definitions,
revises administrative procedures for
the permitting process, for wireless
facilities, clarifies the likely levels of
environmental analysis pursuant to
the California Environmental Quality
Act as they relate to different types
of wireless facilities, set forth
conditions of approval for any
wireless facilities that are deemed
approved, and incorporates new
changes in state and federal laws
related to the establishment and
permitting of wireless
communication facilities. Ordinance
No. 348.4947 also revises Ordinance
No. 348 Article XVIII Section 18.20, to
clarify that the height exceptions
therein do not apply to wireless
facilities; Section 18.26, to streamline
and make consistent the report of
actions on land use permits to the
Board of Supervisors; Section 18.26,
to amend the appeal procedures for
permit applications and make them
consistent across the multiple types
of land use permits; 18.28b., to
amend the notice and appeal
procedures for Crowing Fowl permits
and make those consistent with
other types of land use permits; and
Section 18.30, to amend the
provisions for plot plans to require
appeals of actions on wireless
facilities applications to go directly
to the Board of Supervisors and
appeals of actions on plot plans not
including wireless facilities to be
made consistent with the other types
of land use permits. Ordinance No.
348.4947 would take effect 30 days
after its adoption.

K. Spiegel, Chair of the Board

I HEREBY CERTIFY that at a regular
meeting of the Board of Supervisors
of said County, held on March 02,
2021 the foregoing Ordinance
consisting of two (2) sections was
adopted by said Board by the
following vote:

AYES: Jeffries, Spiegel, Washington,
Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board
Assistant
Published: 3/12/2021

BOARD OF SUPERVISORS OF THE
COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA

SUMMARY OF
ORDINANCE NO. 348.4947
AN ORDINANCE OF THE
COUNTY OF RIVERSIDE
AMENDING ORDINANCE
NO. 348 RELATING TO ZONING

This summary is presented pursuant
to California Government Code
Section 25124(b): a certified copy of
the full text of Ordinance No.
348.4947 may be examined at the
Office of the Clerk of the Board of
Supervisors of the County of
Riverside, located at 4080 Lemon
Street, 1st Floor, Riverside, California.

Ordinance No. 348.4947 amends
Article XIX of Ordinance No. 348 in
its entirety and replaces it with new
language that updates definitions,
revises administrative procedures for
the permitting process for wireless
facilities, clarifies the likely levels of
environmental analysis pursuant to
the California Environmental Quality
Act as they relate to different types
of wireless facilities, set forth
conditions of approval for any
wireless facilities that are deemed
approved, and incorporates new
changes in state and federal laws
related to the establishment and
permitting of wireless
communication facilities. Ordinance
No. 348.4947 also revises Ordinance
No. 348 Article XVIII Section 18.20, to
clarify that the height exceptions
therein do not apply to wireless
facilities; Section 18.26, to streamline
and make consistent the report of
actions on land use permits to the
Board of Supervisors; Section 18.26,
to amend the appeal procedures for
permit applications and make them
consistent across the multiple types
of land use permits; 18.28b., to
amend the notice and appeal
procedures for Crowing Fowl permits
and make those consistent with
other types of land use permits; and
Section 18.30, to amend the
provisions for plot plans to require
appeals of actions on wireless
facilities applications to go directly
to the Board of Supervisors and
appeals of actions on plot plans not
including wireless facilities to be
made consistent with the other types
of land use permits. Ordinance No.
348.4947 would take effect 30 days
after its adoption.

K. Spiegel, Chair of the Board

I HEREBY CERTIFY that at a regular
meeting of the Board of Supervisors
of said County, held on March 02,
2021 the foregoing Ordinance
consisting of two (2) sections was
adopted by said Board by the
following vote:

AYES: Jeffries, Spiegel, Washington,
Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Hannah Lumanauw, Board
Assistant
Published: 3/12/2021

I am over the age of 18 years old, a citizen of the
United States and not a party to, or have interest in
this matter. I hereby certify that the attached
advertisement appeared in said newspaper (set in
type not smaller than non pariel) in each and entire
issue of said newspaper and not in any supplement
thereof on the following dates, to wit:

03/12/2021

I acknowledge that I am a principal clerk of the
printer of The Desert Sun, printed and published
weekly in the City of Palm Springs, County of
Riverside, State of California. The Desert Sun was
adjudicated a Newspaper of general circulation on
March 24, 1988 by the Superior Court of the
County of Riverside, State of California Case No.
191236.

I certify under penalty of perjury, under the laws of
the State of California, that the foregoing is true and
correct.. Executed on this 12th of March 2021 in
Green Bay, WI, County of Brown.

[Handwritten signature: Anna Karitz]
DECLARANT

Ad#:0004630580
P O : ORD 348.4947
This is not an invoice
# of Affidavits: 1

TMA/Planning
Telum 21.4 of
03/02/21



OFFICE OF THE  
CLERK OF THE BOARD OF SUPERVISORS  
1st FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 07, 2021

PRESS ENTERPRISE  
ATTN: LEGALS  
P.O. BOX 792  
RIVERSIDE, CA 92501

E-MAIL: [legals@pe.com](mailto:legals@pe.com)  
FAX: 951-368-9018

RE: NOTICE OF PUBLIC HEARING: Introduction of Ordinance No. 348.4947

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **(1) TIME** on **Tuesday, January 19, 2021.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA R. HARPER, CLERK OF THE BOARD





OFFICE OF  
CLERK OF THE BOARD OF SUPERVISORS  
1<sup>ST</sup> FLOOR, COUNTY ADMINISTRATIVE CENTER  
P.O. BOX 1147, 4080 LEMON STREET  
RIVERSIDE, CA 92502-1147  
PHONE: (951) 955-1060  
FAX: (951) 955-1071

KECIA R. HARPER  
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR  
Assistant Clerk of the Board

January 07, 2021

THE DESERT SUN  
ATTN: LEGALS  
P.O. BOX 2734  
PALM SPRINGS, CA 92263

E-MAIL: [legals@thedesertsun.com](mailto:legals@thedesertsun.com)  
TEL: (760)778-4578

RE: NOTICE OF PUBLIC HEARING: Introduction of Ordinance No. 348.4947

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **(1) TIME** on **Tuesday, January 19, 2021**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

*Hannah Lumanauw*

Board Assistant to:  
KECIA R. HARPER, CLERK OF THE BOARD

**RIVERSIDE COUNTY BOARD OF SUPERVISORS**

NOTICE IS HEREBY GIVEN that a public meeting at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1<sup>st</sup> Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, February 02, 2021 at 9:30 a.m.**, or as soon as possible thereafter, to consider adoption of the following Ordinance:

**SUMMARY OF ORDINANCE NO. 348.4947  
AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 348 RELATING  
TO ZONING**

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 348.4947 may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1<sup>st</sup> Floor, Riverside, California.

Ordinance No. 348.4947 amends Article XIX of Ordinance No. 348 in its entirety and replaces it with new language that updates definitions, revises administrative procedures for the permitting process for wireless facilities, clarifies the likely levels of environmental analysis pursuant to the California Environmental Quality Act as they relate to different types of wireless facilities, set forth conditions of approval for any wireless facilities that are deemed approved, and incorporates new changes in state and federal laws related to the establishment and permitting of wireless communication facilities. Ordinance No. 348.4947 also revises Ordinance No. 348 Article XVIII Section 18.20, to clarify that the height exceptions therein do not apply to wireless facilities; Section 18.26, to streamline and make consistent the report of actions on land use permits to the Board of Supervisors; Section 18.26, to amend the appeal procedures for permit applications and make them consistent across the multiple types of land use permits; 18.28b., to amend the notice and appeal procedures for Crowing Fowl permits and make those consistent with other types of land use permits; and Section 18.30, to amend the provisions for plot plans to require appeals of actions on wireless facilities applications to go directly to the Board of Supervisors and appeals of actions on plot plans not including wireless facilities to be made consistent with the other types of land use permits. Ordinance No. 348.4947 would take effect 30 days after its adoption.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org).

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the meeting.

Dated: January 07, 2021

Kecia R. Harper, Clerk of the Board

By: Hannah Lumanauw, Board Assistant