

Ordinance No. 8-2001

WHEREAS, in 1996, "personal wireless facilities" were defined by U.S. Public Law 104 of the 104 Congress (hereafter the "Telecommunications Act of 1996"), and this law prescribed certain limitations on local government regulation of such facilities; and

WHEREAS, while county residents benefit from the convenience of personal wireless facilities for home and business use as well as from their use in emergency services communications, as they are currently deployed in San Juan County, personal wireless facilities:

1. Detract from the rural character, natural beauty and scenic resources of the San Juan Islands;
2. Cause opposition from neighbors as to the placement of personal wireless facilities on nearby residential property;
3. Depart from existing patterns of development;
4. Are incompatible with nearby rural residential land uses; and
5. Are capable of blighting and disrupting nearby residential and scenic areas. and thereby decreasing property values; and

WHEREAS, the Board of County Commissioners (Board) passed Ordinance No. 16-1996 on September 10, 1996, imposing a six-month moratorium on the acceptance of applications for permits for cellular communications facilities and directing that new regulations for the development of such facilities be prepared for the public adoption process; and

WHEREAS, on November 15, 1996, the Board held a duly advertised joint public hearing with the County Planning Commission to hear public comments on a draft ordinance to amend SJCC 16.44.165, Utilities, regarding personal communications facilities; and

WHEREAS, the San Juan County Planning Commission recommended that the moratorium be extended and that an ad hoc committee be established to conduct further work on the proposed regulations; and

WHEREAS, on February 25, 1997, the Board held a new, duly advertised public hearing on a proposal to extend the moratorium for an additional six months, to September 10, 1997, and after hearing public testimony passed Ordinance No. 2-1997 extending the moratorium; and

WHEREAS, the Board subsequently appointed an *ad hoc* committee to develop a geographic plan for wireless service facilities and revise the draft regulations; and

WHEREAS, the *ad hoc* committee developed a proposal for presentation to the Board prior to the preparation of a final document for public review and comment; and

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**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 2

WHEREAS, a new subarea plan including location maps and revised regulations were prepared pursuant to Section 16.44.170(C) SJCC, and the responsible SEPA official published notice of a determination of nonsignificance on May 14, 1997, for public comment; and

WHEREAS, the ordinance was based on the assumption that the Telecommunications Act of 1996 has completely preempted the ability of the county to regulate the location or placement of wireless facilities based on health concerns regarding radiofrequency emissions; and

WHEREAS, the Board and the Planning Commission held a duly advertised joint public hearing on July 25, 1997; subsequently, the Planning Commission deliberated on August 8, 1997, and voted to recommend adoption of the ordinance, with certain modifications, to the Board of County Commissioners; and

WHEREAS, the Board held a duly advertised public hearing on August 20, 1997, and adopted Ordinance 8-1997; and

WHEREAS, after expending due effort to assure public participation, the Board on June 15, 1998 passed Ordinance No. 2-1998 adopting a new Comprehensive Plan, Official Maps, and development regulations and controls including shoreline elements; and

WHEREAS, the County obtained the necessary state agency approvals, and on December 16, 1998 a Notice of Adoption of Ordinance No. 2-1998 was published in the local newspaper of record, effective December 20, 1998; and

WHEREAS, the GMA in Section 36.70A.080(2) allows for the optional use of subarea plans as part of comprehensive planning; and

WHEREAS, the San Juan County Comprehensive Plan of 1998 authorizes in Section B.2.6.A the establishment of subarea plans for village activity centers, specific geographic areas, or for resources in order to better address the unique needs and interests of those areas, environments, or functions; and

WHEREAS, the Comprehensive Plan requires that a subarea plan provide policies and regulations to address the effects of land use activities and provide criteria to ensure compatibility of land uses within the subarea; and

WHEREAS, the GMA requires subarea plans to be consistent with the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan in Section B.2.6.B provides for the continued authority of existing subarea plans, subject to a review of the consistency of the subarea plans with the 1998 Comprehensive Plan, its Official Maps, and the Unified Development Code (Title 18 SJCC) (UDC); and

WHEREAS, Ordinance No. 2-1998 and Resolutions No. 60-1998 and 104-2000 further direct that a review be made of the consistency of the six existing subarea plans with the Comprehensive Plan; and

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 3

WHEREAS, the Planning Department reviewed the consistency of the policies and regulations of the Personal Wireless Facilities Subarea Plan with the Comprehensive Plan and UDC, and submitted a report of its findings and recommendations to the Planning Commission and Board, and made these available to the public and to the Washington Department of Community, Trade, and Economic Development and other agencies for review and comment; and

WHEREAS, the Planning Commission held a duly advertised public hearing on May 18, 2001 to receive comment on the staff report and consistency review, as identified in the hearing notice as published on May 2, 2001 in the official county newspaper, and submitted its findings and recommendations to the Board; and

WHEREAS, the Board held a duly advertised public hearing on July 3, 2001 to consider the consistency review of the Personal Wireless Facilities Subarea Plan and the amendments recommended by the Planning Commission for changes to the subarea plan to address identified inconsistencies;

NOW THEREFORE, the Board makes the following FINDINGS:

1. The San Juan County Planning Director, the responsible SEPA official, made a determination of nonsignificance and published notice of such in the official county newspaper on May 14, 1997, for which the appeal period ended on June 12, 1997.
2. The changes made to Chapter 16.80 SJCC do not warrant reconsideration under SEPA, and none would result in significant adverse environmental impacts. Amendments herein are within the scope of the original environmental analysis and the previously completed environmental documents have been incorporated by reference in a revised SEPA notice published on May 2, 2001.
3. Local land use and development regulations and a location plan effecting a balance between the federal mandate and the requirements of the Comprehensive Plan for the development of personal wireless facilities are appropriate to address fast-changing technologies and the service needs of county residents.
4. Location of personal wireless facilities in the county can and should be accomplished in a manner that minimizes visual impacts, and thereby maintains the rural and natural character of the landscape, by making maximum use of natural vegetative screening in rural areas; use of colors, textures and other design elements that blend with the site and setting; avoiding locations subject to FAA-required coloring and lighting; encouraging co-location; employing height limitations and setbacks; and avoiding major view corridors.
5. The first preference for location of personal wireless facilities in San Juan County should be co-location at the established "tower farm" on Mount Constitution, Orcas Island, where their use should be encouraged by requiring a less rigorous permit process than required for other locations. The second preference should be for location within certain rural activity centers where mixed-use development currently exists.
6. Areas not suitable for personal wireless facilities for reasons of visual impact, proximity to residential areas and schools, or conflicts with conservation policies, are identified and

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 4

mapped. Land use and development applications for these facilities should be precluded within them.

7. To preclude the creation of “tower farms” as rural uses in the county, it is appropriate to allow such facilities in rural areas only on one mount on any single parcel except in the case of co-location on an existing facility.
8. Specific noise performance standards for personal wireless facilities are appropriate to ensure that these facilities fit with the rural character of the islands for ground-mounted and co-located facilities, and with the relatively quiet character of rural activity centers for roof- or side-mounted facilities. It is also appropriate to establish that the noise levels should be measured from the point at which persons or land uses outside of a wireless facility site would be affected by the noise generated. Noise standards contained in this ordinance were approved in 1997 by the Department of Ecology in accordance with RCW 70.107.060.
9. Unless and until the FCC guidelines or other federal law governing radiofrequency radiation emissions (RFR) standards are modified to specify testing protocols it is appropriate for San Juan County to establish such protocols in order to ensure that the county receives consistent disclosures regarding FCC guideline compliance, to ensure that tests made over time are comparable with each other, and to ensure that cumulative sources are addressed and disclosed. It is understood that at any time that the federal guidelines or rules are modified to the extent that the county rules become inconsistent with them, the federal provisions will supersede. The verification and disclosure required should identify the testing protocol as well as any other information needed to demonstrate FCC compliance for any proposal. The county’s purpose is solely to provide credible and complete disclosure that any applicant granted a permit has demonstrated compliance with FCC guidelines for establishing accepted levels for controlled and uncontrolled human RFR exposure.
10. Because the county is interested in assuring that any permitted personal wireless facilities comply with federal, state and local regulations in effect at any given time, and because the pace of change in performance requirements for this form of commercial use and of the lack of certainty about the nature of new wireless facilities, the county should require that permits issued by the county be renewed on at least a ten-year basis.
11. Because the Telecommunications Act of 1996 allows that FCC standards may be exceeded by a licensed carrier subject to submittal to the FCC of an environmental assessment under NEPA, a copy of any such assessment should be submitted with application for a county land use permit.
12. The technology exists to allow all equipment enclosures to be placed underground.
13. The procedures that were followed by the county for public participation and ordinance adoption have met all procedural requirements of Chapters 36.70 and 36.70A, RCW. These amendments were the subject of a duly advertised public notice of hearing before the San Juan County Planning Commission on May 18, 2001, and a duly advertised public hearing held by the San Juan County Board of Commissioners on June 26, 2001.
14. The 1979 San Juan County Comprehensive Plan provided for the adoption of subarea plans for resource management purposes. The location of personal wireless service facilities within

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 5

the county is a matter of resource management, and personal wireless facilities are not uses that fit an existing land use category in the Comprehensive Plan. Adoption as a subarea plan of a separate document containing a map, supporting goals and policies, and regulations for the location, siting, design, and operation of these uses is an appropriate way to address these issues within the scope of the Comprehensive Plan.

15. In 1998 San Juan County adopted a new comprehensive plan and development regulations in accordance with the Washington Growth Management Act. The Comprehensive Plan incorporated subarea plans that were adopted prior to the effective date of the Comp Plan while calling for review of each subarea plan for consistency with the GMA Comprehensive Plan.
16. The amendments set forth in this ordinance are limited to those deemed necessary to ensure consistency of the Personal Wireless Service Facility Subarea Plan with the 1998 Comprehensive Plan, as amended, and with its implementing regulations in Title 18 SJCC.
 - a. References to the Comp Plan and UDC are updated;
 - b. Permit levels and procedures are corrected to correspond with current county procedures;
 - c. Direction is provided for the new urban growth areas which were formerly activity centers;
 - d. Structures with primary non-residential uses but with accessory residential use are now allowed and encouraged by the Comp Plan in several areas, and new direction is provided for them;
 - e. Permit requirements for PWSF in the shorelines have not changed but are now expressly stated;
 - f. Compliance with regulations in an airport district will now be required; and
 - g. The official map is revised to reflect changes to the boundaries of activity centers and two new urban growth areas.
17. Amendments to the Personal Wireless Communication Service Facilities Subarea Plan and to the Unified Development Code should be adopted under the authority of SJCC 18.90.050, pursuant to the procedures specified in SJCC 18.90.020, and Chapter 36.70 RCW and Chapter 36.70A RCW.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
FOR SAN JUAN COUNTY AS FOLLOWS:**

1. Based on the whole record, the Board of County Commissioners hereby adopts these legislative findings and the amendments in Exhibit A to the Personal Wireless Service Facilities Subarea Plan at San Juan County Code Chapter 16.80, and in Exhibit B to the Unified Development Code in Chapter 18.30 SJCC.

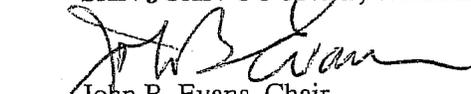
**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

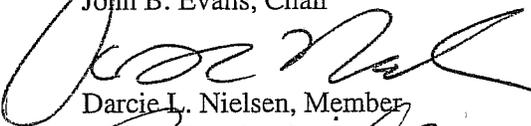
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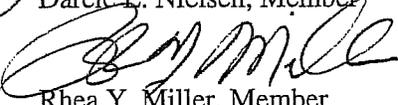
2. With the amendments in Exhibits A and B, the Personal Wireless Service Facilities Subarea Plan is confirmed to be consistent with the 1998 Comprehensive Plan of San Juan County, as amended, with the Growth Management Act, RCW 37.70A, and with the Shoreline Management Act, RCW 90.58.

DONE this 3rd day of July, 2001.

**BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY, WASHINGTON**


John B. Evans, Chair


Darcie L. Nielsen, Member


Rhea Y. Miller, Member

ATTEST: Si A. Stephens, Auditor
and Ex-Officio Clerk of the Board

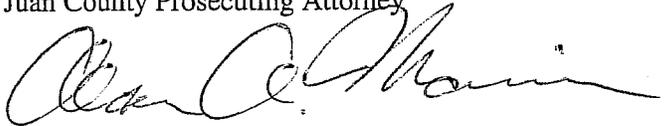
By:


Lillian Hamel, Deputy
CAROLYN MORRISON 7/03/01

APPROVED AS TO FORM ONLY

Randall K. Gaylord
San Juan County Prosecuting Attorney

By:

 DPA

- Exhibit A. Amendments to SJCC 16.80 for Consistency with the County Comprehensive Plan
Exhibit B. Amendments to the Unified Development Code, Title 18 SJCC

Exhibit A:

Amendments to SJCC 16.80 for Consistency with the County Comprehensive Plan

**San Juan County Code
Chapter 16.80**

**PERSONAL WIRELESS COMMUNICATION SERVICE
FACILITIES SUBAREA PLAN OVERLAY DISTRICT**

Sections:

- 16.80.010 Introduction—Statement of purpose, goal and policy.
- 16.80.020 Applicability and relationship to other county plans and regulations.
- 16.80.030 Principles of facility location.
- 16.80.040 Official map—Potentially suitable personal wireless facility locations.
- 16.80.050 Definitions.
- 16.80.060 General requirements.
- 16.80.070 Standards.
- 16.80.080 Modification requirements.
- 16.80.090 Monitoring of RF radiation and noise.
- 16.80.100 Abandonment or discontinuation of use.
- 16.80.110 Maintenance requirements.
- 16.80.120 Co-location requirements.
- 16.80.130 Environmental documentation.
- 16.80.140 Submittal requirements.

16.80.010 Introduction—Statement of purpose, goal and policy.

This subarea plan is to identify possible locations for the deployment of personal wireless service facilities in San Juan County based on the principles stated in SJCC 16.80.030; to provide standards for their siting, design, radio-frequency performance, and noise performance; and to address monitoring, modification-, abandonment, maintenance, co-location, and related issues specific to these commercial service facilities. The overall goal of this subarea plan is to ensure that the location, design and operation of these facilities is responsive to the particular rural and natural character of San Juan County. This subarea plan represents the policy of San Juan County regarding the deployment of personal wireless service facilities to meet this goal and to protect the public health, safety and general welfare, to the extent allowed by the Telecommunications Act of 1996 (TCA).

The TCA constrains local permitting decisions based on concerns regarding the health effects of radio-frequency radiation (RFR) and requires that the Federal Communications Commission (FCC) guidelines for RFR are the sole basis for establishing compliance with health standards. This Plan and any permit issued under its authority may be modified based on amendments to the federal law or changes to the FCC guidelines. (Ord. xx-2001; Ord. 8-1997 § 1)

16.80.020 Applicability and relationship to other county plans and regulations.

The provisions of this subarea plan apply to all land and water areas of San Juan County and apply in addition to any other adopted plans or regulations. This subarea plan supplements regulations

applicable to personal wireless facilities found in SJCC 18.40.110, Commercial uses—Standards for site development. Land leases for facility sites are not exempt from the land division and binding site plan procedures and requirements of SJCC 18.70 or RCW 58.17. ~~Unless and until San Juan County adopts binding site plan procedures in accordance with RCW 58.17, land leases will be subject to plat procedures.~~ Easements, however, are not subject to subdivision plat or binding site plan requirements. Land use permit requirements specified in this subarea plan supersede those otherwise specified in SJCC Title 18. (~~Ord. xx-2001~~; Ord. 8-1997 § 2)

16.80.030 Principles of facility location.

A. The rapid advancement of technologies for the wireless delivery of voice and data messaging and telephone communications and the 1996 adoption of the TCA have posed both opportunities and problems which are not adequately addressed in the existing Comprehensive Plan or other subarea plans.

B. At this time San Juan County has experienced the establishment and proliferation of facilities for commercial telecommunications, radio and television only in a single location outside of the incorporated town of Friday Harbor. This location, on Mount Constitution on Orcas Island, may at some point no longer be sufficient for the forms of wireless services facilities now in use or in demand, and it is necessary for the county to establish specific provisions for them to meet the requirements of the TCA and still maintain the natural beauty and rural character of the islands.

C. The potential visibility and visual impacts of personal wireless service facilities is of particular concern in San Juan County. San Juan County is characterized by trees, rolling terrain, and open vistas; outside of established urban growth areas and “activity centers” man-made structures, other than occasional buildings for human use, typically do not interrupt ridgelines or intrude into the natural character of landscape features. Also, they do not typically require lighting at night so as to be visible from considerable distance. nor do they have a similar effect in daylight hours by reflecting sunlight from metal surfaces. Most vistas in rural areas of the county continue to be unaffected by forms of commercial development that are not screened from general view by trees, terrain, or other natural landscape features.

D Since the 1970’s the county has endeavored through the development and adoption of land use and development plans and regulations to maintain its natural features and rural character while population growth and land development occur, and in 1990 San Juan County enacted an ordinance establishing a county land bank and began the preparation of a plan for effective conservation of natural and visual open space resources. To date, San Juan County is still the only county the state to have formed a land bank under state enabling authority passed by the legislature in 1990. The Open Space and Conservation Plan (OSCP) was first adopted by Ordinance No. 124-1991 as a subarea of the Comprehensive Plan, on September 10, 1991, following extensive public involvement as documented in that plan.

E. Information generated in the development of the OSCP included maps identifying areas with little or no tree cover, public view corridors, prominent geographic features, and silhouetted ridgelines, all of which were established as important to local residents and property owners for the visual quality of the islands. These areas represent high sensitivity to location of personal wireless service facilities.

F. Other areas highly sensitive to such location are those in open-open space tax classification or otherwise managed for natural resource conservation purposes. The latter includes areas designated in the Shoreline Master Program and Comprehensive Plan official maps as “eConservancy” or “nNatural” districts, state school trust lands managed for conservation

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 9

according to the Trust Land Management Plan, and private lands voluntarily conserved through the eCounty Lland bBank, or the private San Juan Preservation Trust, which was created in 1979.

G. In some locations, but not in all, the siting and design of wireless service facilities have the potential to render otherwise unsuitable locations as suitable for this purpose and can be considered potentially or conditionally suitable.

H. The adequacy of natural visual screening will limit available locations in rural areas; in San Juan County the typical tree cover is Douglas fir, which does not typically grow taller than sixty to eighty feet in the county. Density of tree growth and viewing distance from wireless service facility sites within wooded areas are important for visual screening purposes. However, the effects of clearing on adjacent properties and the potential for blow-down require reliance on additional factors such as setbacks and height limitations to ensure effective screening.

I. Existing structures and uses do exist outside of established "activity centers", (~~established rural community centers~~ urban growth areas and the town of Friday Harbor) which, by their having already caused the loss of or reduction in visual quality or natural appearance of a given location, are potentially suitable locations for personal wireless service facilities. Electrical substations and power poles and above-ground fuel and water tanks are examples. However, it is recognized that power poles are not generally acceptable co-location facilities for cellular wireless facilities although they may be acceptable for other forms of wireless facilities.

J. Existing structures in "activity centers", and urban growth areas, other than those areas characterized primarily by residential development, also provide potentially suitable locations for roof- or side-mounted antennae; however, freestanding mounts other than existing flagpoles or power poles are visually incompatible with existing development in these centers.

K. Preferred locations are established in the following order of preference:

1. Mount Constitution Sites property, Orcas Island.
2. Portions of urban growth areas, portions of certain rural activity centers where existing commercial or industrial development occurs, and portions of master planned resorts where PWSF is included in an approved master plan as an allowed use, as shown on the official map.
3. Co-location with existing telecommunications antenna mounts, water tanks, fire stations, electrical substations, utility poles, and gravel pits as shown on the official map.
4. Rural areas identified as potentially suitable based on natural screening, parcel size, and other factors identified in the principles stated above.
5. Rural areas identified as conditionally suitable, also based on the principles stated above.

L. Any proposal for a location other than the first preference in subsection (K) of this section must include demonstration that the more preferred locations are unworkable for the carrier's system plan for the county service area for technological reasons. Such demonstration shall also be made before any permit may be granted for a location within 500 feet of an existing residence. (Ord. xx-2001; Ord. 8-1997 § 3)

16.80.040 Official Map—Potentially Suitable Personal Wireless Facility Locations.

A map identifying the preferred locations, potentially suitable locations, conditionally suitable locations, and unsuitable locations, according to the principles stated in SJCC 16.80.030, is incorporated herein by reference, and referred to as the "official map." (Ord. xx-2001; Ord. 8-1997 § 4)

16.80.050 Definitions.

“**Acoustical engineer**” means, for the purposes of this subarea plan a professional engineer, licensed in Washington, with a degree in mechanical engineering and membership in the Acoustical Society of America; or a professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements, as determined by the administrator.

“**Antenna**” means the surface from which wireless radio signals are sent from and received by a personal wireless facility.

“**At grade**” means at ground level. The wireless industry often uses the term “AGL” for “above ground level” or height above grade.

“**Average tree height**” means the mean height of existing trees within a 150-foot radius of the facility site.

“**Co-applicant**” means all persons and/or entities joining with an applicant in an application for a development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

“**Co-location**” means the use of a single mount and/or site by more than one licensed wireless communications carrier. Also, the use by one or more carrier of an existing telecommunications antenna mount, water tank, tire station, electrical substation, utility pole, or gravel pit.

“**Commercial mobile radio services**” means any of several technologies using radio signals at various frequencies to send and receive voice, data and video.

“**Day-Night Sound Level (Ldn)**” means a measurement used to characterize average sound levels in residential areas throughout the day and night. The Ldn is an A-weighted equivalent sound level in decibels (dB) for a 24-hour period to which 10 dB are added to nighttime sounds (10 p.m. to 7 a.m.).

“**Equipment cabinet**” means an enclosed mobile home, shed or box at the base of the mount within which are housed batteries and electrical equipment. This equipment is connected to the antenna by cable. Equipment cabinets are also called “base transceiver stations.”

“**Guyed tower**” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

“**Lattice tower**” means a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

“**Licensed carrier**” means a company authorized by the FCC to build and operate a commercial mobile radio services system.

“**Location**” means the subject property where a use or development is located or proposed to be located.

“**Mean sea level (MSL)**” means a uniform measure of height above sea level or zero elevation, MSL.

“**Mixed use building**” means a structure in which non-residential uses are primary, but which also has accessory residential use. However, for home occupations and cottage enterprises the primary use is residential.

“**Monopole**” means the type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

“**Mount**” means the structure or surface upon which antennas are mounted. There are three types of mounts:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a building.
3. Ground-mounted. Mounted on the ground.

“Personal wireless facility” means a facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996. See Figure 1. In addition, as used in this plan, facility also refers to the property lease area and all antennas, mounts, equipment cabinets, and any other installations for the operation of a personal wireless facility.

“Personal wireless services” means commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services.

“Radio-frequency engineer” means, for the purposes of this subarea plan, a professional engineer licensed in Washington, with a degree in electrical engineering and demonstrated accreditation and experience to perform and certify radio-frequency radiation measurements as determined by the Administrator.

“Secondary use” is secondary, or subordinate, to the primary use of the property, e.g., commercial, residential, utilities, etc.

“Security barrier” means a locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass.

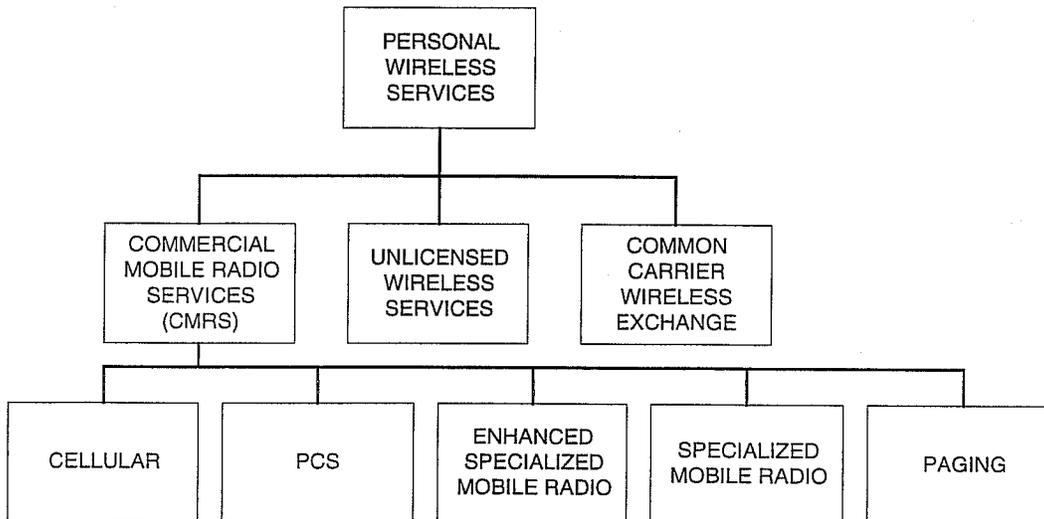
“Site” means a portion of a subject property identified in a permit application for the establishment of a personal wireless facility.

“Siting” means the method and form of placement of a use or development on a specific area of a subject property.

“Subject property” means a tax parcel on file with the San Juan County Assessor, upon which a use or development is either proposed to be, or already is developed, constructed and operated.

“Unlicensed wireless services” means commercial mobile services that can operate on public domain frequencies and that therefore need no Federal Communications Commission (FCC) license. (Ord. xx-2001; Ord. 8-1997 § 5)

Figure 1. Personal Wireless Services – Defined by Section 704(a)7(c)(i) of the Telecommunications Act.



16.80.060 General requirements.

A. The provision of a personal wireless facility on any property shall be considered a secondary use subordinate to the primary use of the property. In those areas mapped as potentially suitable and conditionally suitable, no more than one mount shall be allowed per parcel.

B. A licensed carrier shall either be an applicant or a co-applicant for land use and development permits required for personal wireless facilities.

C. The landowner of the subject property must be a co-applicant for all land use and development permits for personal wireless facilities.

D. A conditional use permit shall be required for the development, construction and operation of all personal wireless facilities except as specified in subsection (E) of this section. Notice of conditional use application for personal wireless facilities shall be in accordance with requirements in SJCC 18.80.100, except that notice shall be given to all record owners of property within 1,000 feet of the external boundaries of the parcel proposed for facility location. A shoreline conditional use permit shall be required for the development, construction and operation of all personal wireless facilities within the jurisdiction of the Shoreline Management Act.

E. A ~~site plan review~~ provisional use permit shall be required for the development of personal wireless facilities at the most preferred location (see SJCC 16.80.030(K)(1)).

F. A new permit shall be required for all modifications to an approved permit for personal wireless facilities.

G. Any proposal for a location other than the first preference in SJCC 16.80.030(K) must include demonstration that the more preferred locations listed in SJCC 16.80.030(K) are unworkable for the carrier's system plan for the county service area for technological reasons.

H. A land use permit for a personal wireless facility shall expire 10 years from the date of the issuance. Renewal may be authorized by a new permit if application is made at least three months prior to the expiration date of the original permit. A new permit shall be subject to all applicable regulations in effect at the time of the new application.

I. A land use permit for a personal wireless facility shall become null, void and non-renewable if the facility is not constructed and placed into service within one year of the date of the issuance of the permit. A new permit will be required for subsequent use of the site.

J. The applicant shall notify San Juan County of all changes in applicant and/or co-applicants of a previously permitted personal wireless facility within 90 days of change.

K. All personal wireless facilities must comply with other codes and regulations, including, but not limited to, the County land division regulations (SJCC 18.70), and state and local mechanical, electrical and building codes.

L. All personal wireless facilities must comply with the seismic and wind safety standards specified in the Uniform Building Code and Chapter 15.04 SJCC.

M. No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the personal wireless facility site.

N. Ground-mounted facilities shall be prohibited in activity centers and urban growth areas.

O. All personal wireless facilities must comply with applicable regulations for an adopted Airport District (SJCC 18.30.180) and for the Eastsound Airport Use district (SJCC 16.55.280). (Ord. xx-2001; Ord. 8-1997 § 6(1))

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 13

16.80.070 Standards.

A. Siting Standards. The following are rules by which a proposed personal wireless facility shall be reviewed and found acceptable:

1. All ground-mounted personal wireless facilities shall be surrounded by a security barrier.

2. All ground-mounted personal wireless facilities shall be surrounded by dense tree growth no more than twenty feet from the personal wireless facility in any direction, so that no more than the top ten feet of an antenna is visible from the ground at any point outside the exterior boundaries of the wireless facility site. These trees can be existing on the subject property or installed as part of the proposed personal wireless antenna mount or a combination of both. Screen trees shall be retained within a 150-foot radius of the facility. A performance bond for the maintenance of required screening shall be recorded with an approved permit in the County auditor's file.

3. Ground-mounted personal wireless facilities shall not project over ten feet above the average tree-top height within a 150-foot radius of the antenna mount. Monopole height shall not exceed sixty feet. Antennas mounted on monopoles or other freestanding mounts shall not exceed twenty feet above the top of the mount for a maximum allowable height of 80 feet.

4. Roof-mounted or side-mounted personal wireless facilities are prohibited on residential buildings and on public primary and secondary schools but may be permitted on other, legal non-residential buildings. Roof-mounted or side-mounted personal wireless facilities may be permitted on mixed-use buildings where all other requirements of this Chapter 16.80 SJCC are met.

5. No residential building (or residence in a mixed-use building) on the subject property shall be closer to the personal wireless facility than a distance equal to the total height of the personal wireless facility measured from ground level.

6. Except in urban growth areas and activity centers, no existing residential building (or residence in a mixed-use building) on adjacent or nearby property shall be closer than 500 feet from the personal wireless facility site boundary.

7. The site boundaries of a personal wireless facility shall be at least 500 feet from the boundaries of the parcel where it is located except: co-location at the existing Mt. Constitution Sites site location or in the case of location on or within existing nonresidential or mixed-use structures in activity centers or urban growth areas. No modification to the parcel may be allowed if any parcel boundary subsequently would be closer to the facility than 500 feet.

8. No non-residential or mixed-use building other than the equipment cabinet shall be closer to a ground-mounted personal wireless facility than 50 feet.

9. Roof-mounted personal wireless facilities shall not project more than ten additional feet above the height of a legal, non-residential or mixed-use building, measured at any point along the roof.

10. Side-mounted personal wireless facilities shall not project more than 42 inches from a legal, non-residential or mixed-use building's facade and in no case shall project into an easement, driveway or setback.

11. All applicable requirements of the Uniform Building Code and SJCC Title 15 shall be met.

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 14

B. Design Standards. The following are criteria by which a proposed personal wireless facility, including associated equipment cabinets and security barriers, shall be reviewed and found acceptable:

1. Appearance. The facility shall blend with and not disturb the visual character of its setting.
2. Form. The shape of the facility equipment is unobtrusive in relation to its surroundings.
3. Color and texture. The facility shall be in colors and textures that minimize visibility, including against trees and sky.
4. Size. The silhouette of the personal wireless facility shall be reduced to the minimum visual impact.
5. Equipment.
 - a. The following types of equipment shall not be acceptable:
 - i. Lattice towers, except that they may be specifically allowed at the existing Mount Constitution Sites site location on Orcas Island.
 - ii. Guyed towers, except that they may be specifically allowed at the existing Mount Constitution Sites site location on Orcas Island.
 - iii. Roof-mounted antennas projecting more than ten feet above the height of a legal, non-residential or mixed-use building.
 - iv. Any equipment that requires lighting for aviation safety purposes.
 - b. Ground-mounted personal wireless facilities must have underground vaults for equipment cabinets. Equipment cabinets shall not exceed 12 inches above grade except for exhaust vents.
 - c. Equipment cabinets for roof- or side-mounted facilities shall be designed to visually blend with, or made to appear a part of, the structures housing the facilities.
 - d. Equipment and site design shall not preclude co-location.
 - e. Roof-mounted antennas shall be at least ten feet from property lines.

C. Radio-frequency (RF) Performance Standards. The following are rules by which a proposed personal wireless facility shall be reviewed and found acceptable:

1. All equipment proposed for a personal wireless facility shall be FCC-authorized per ET Docket No. 93-62 (hereafter "FCC Guidelines").
2. All ground-mounted equipment shall operate in conformance with the FCC Guidelines, as follows:
 - a. Inside the security barrier the equipment shall meet the FCC Guidelines for ~~conditional~~ occupational/controlled conditions.
 - b. Outside and touching the security barrier, the equipment shall meet the FCC guidelines for general population/uncontrolled conditions.
3. All side-mounted or roof-mounted equipment shall operate in conformance with the FCC Guidelines as follows:
 - a. At the roof-mount or at the side mount, the equipment shall meet the FCC Guidelines for occupational/controlled conditions.

At grade at any point of any building closest to the antenna, the equipment shall meet the FCC guidelines for general population/uncontrolled conditions.

4. Conformance with the FCC Guidelines shall be demonstrated with baseline testing conducted in accordance with the requirements in Figure 2. All subsequent RF radiation monitoring shall also be conducted in accordance with these requirements.

5. Unless and until the FCC establishes a method for demonstration of compliance with FCC guidelines for RF exposure, the applicant shall submit results of baseline testing to demonstrate compliance with the FCC guidelines using procedures set forth in Figure 2. Subsection (C)(4) of this section and SJCC 16.80.090(A) shall be null and void if the Congress or the FCC issues a final rule inconsistent with this procedure, and with the intent to preempt or supersede this rule, in which case the applicant shall submit the information demonstrating compliance as specified by the FCC.

Figure 2. Testing and Monitoring Protocol.

EMF Parameter to be Assessed	Test Equipment	Method or Technique	Comments
Microwave Power Density	HP 435B, Battery-Powered MW Power Meter with 8542A Thermistor Sensor and Calibrated Horn Antenna, or updated equivalent	Map 360 degrees around proposed site at 10-meter increments to a distance of 100m. Aim horn away from site or towards existing towers. Make measurements at 1m and 2m above ground in open areas and at occupancy levels in buildings within 100m.	1m simulates the av. Height of small children, 2m that of adults. A hand-held Global Positioning Satellite Receiver (GPS) should be used to position readings. A nonmetal tripod should be used, along with fiber optic cables from sensor to readout.
Broadband Spectrum Analysis Covering the Frequency Range of 100 kHz to 3 GHz	HP 35665A (Low-Frequency), HP8591 (VHF to MW) or HP 8560E (ELF to MW) with ELF and VHF-MW Isotropic Sensors.	Record the spectrum of frequencies at selected GPS coordinates. Note any displayed interference or constructive/ destructive harmonics.	Spectrum analysis readings at: center of site and 4 positions on circles extending 10m, 20m, and 50m from antenna site. Spectrum readings must also be conducted at all GPS locations where RF or MW "hot spots" or "nulls" were previously detected.
Radio Frequency Field Density	Broadband RF Survey Meter with Isotropic omnidirectional probe (Holaday Instruments, Hewlett-Packard, etc.	Probe sensor should be tripod-mounted (nonmetallic) with fiber optic cables at least 10m long connected to readout unit to eliminate possible coupling effects between probe and operator.	RF probe positions should be identical (by Loran coordinates on GPS unit) to MW, and all other sensors or probe positions. Make measurements at 1m and 2m, as above. Flag all "hot spots" or "nulls" in signal density/ intensity.

Notes:

- Figure 2 is adapted from the "Cobbs Protocol" – *Suggested EMF Monitoring Measurements at Transmitter Sites*, presented by C.A. Cobbs to the FCC on February 18, 1996.
- Equipment from other manufacturers, or other models, may be substituted if it meets or exceeds the specifications of the indicated equipment, or if the FCC guidelines are modified to specify equipment.

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 16

3. If the FCC guidelines for RFR testing and monitoring are revised to specify testing protocols, the FCC- recommended protocols will supersede those in Figure 2.

D. Noise Performance Standards. The following are rules by which a proposed personal wireless facility shall be reviewed and found acceptable:

1. Ground-mounted equipment for personal wireless facilities shall not generate noise in excess of an Ldn of 50 dB $d_{b_{Ldn}}$ at the security barrier.

2. Roof-mounted or side-mounted equipment for personal wireless facilities shall not generate noise in excess of an Ldn of 50 dB $d_{b_{Ldn}}$ at grade at the base of the building closest to the antenna. This shall not apply to on-site power generators operating during a power outage as an emergency measure. (Ord. xx-2001; Ord. 8-1997 § 6(2))

16.80.080 Modification requirements.

A. From time to time, the applicant or co-applicant may want to alter the terms of an approved permit by physically changing, or altering the operations, of the personal wireless facility. If any portions of the following are modified, such modifications are subject to the granting of a new permit prior to the modification being undertaken. Applications shall include:

1. The vicinity plan, as drawn by, and under the control of, the applicant or co-applicant.
2. The sight lines, as drawn by, and under the control of the applicant or co-applicant.
3. The site plan, as drawn by, and under the control of the applicant or co-applicant.
4. The design, as submitted by the project applicant.

B. The conversion of a single-use personal wireless facility to a co-location shall be considered a modification. (Ord. 14-2000 § 7(RRR); Ord. 8-1997 § 6(3))

16.80.090 Monitoring of RF radiation and noise.

A. After the personal wireless facility is operational, the applicant shall submit within 90 days of beginning operations, and at annual intervals from the date of issuance of the use permit, existing measurements and maximum future projections for RF radiation from the personal wireless facility, documenting conformance of the testing protocol with requirements in Figure 2 for the following situations:

1. Existing personal wireless facilities maximum RF radiation from the personal wireless facility RF radiation environment. These measurements and projections shall be for the measurement conditions specified in the radio-frequency performance standards section of this chapter, SJCC 16.80.070(C).

2. Existing personal wireless facilities plus cumulative: estimate of maximum RF radiation from the existing personal wireless facility plus the maximum estimate of RF radiation from the total addition of co-located personal wireless facilities, measured at all frequencies operating in the area. These measurements and estimates shall be for the conditions specified in the radio-frequency performance standards section of this chapter, SJCC 16.80.070(C).

3. Certification, signed by an independent RF engineer accepted as qualified by the county, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the radio-frequency performance standards section of this chapter, SJCC 16.80.070(C).

B. After the personal wireless facility is operational, the applicant shall submit, within 90 days of the issuance of the conditional use permit and at annual intervals from the date of issuance of the permit, existing and maximum future projected measurements of noise from the personal wireless facility, for the following situations:

1. Existing personal wireless facilities: maximum noise radiation from the personal wireless facility. These measurements shall be for the type of mounts specified in the noise performance standards section of this chapter, SJCC 16.80.070(D).

2. Existing personal wireless facilities plus cumulative: maximum estimate of noise from the existing personal wireless facilities plus the maximum estimate of noise from the total addition of co-located personal wireless facilities. These measurements shall be for the type of mounts specified in the noise performance standards section of this chapter, SJCC 16.80.070(D).

3. Certification signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise performance standards section of this chapter, SJCC 16.80.070(D).

C. San Juan County may enter the subject property to obtain RF radiation measurements and noise measurements.

D. If the FCC guidelines, or the federal law, is changed to alter the RF radiation standards or RF testing or monitoring requirements, a permittee shall demonstrate compliance with the current requirements within sixty days of the date the permittee is notified of this requirement by San Juan County. (Ord. 8-1997 § 6(4))

16.80.100 Abandonment or discontinuation of use.

A. At such time that a carrier plans to abandon or discontinue, or is required to discontinue the operation of a personal wireless facility, such carrier will notify the San Juan County permit center by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

B. In the event that a licensed carrier fails to give such notice, the personal wireless facility shall be considered abandoned upon such discontinuation of operations.

C. Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennae, mounts, equipment cabinets and security barriers from the subject property.

2. Transportation of the antennas, mount, equipment cabinets and security barriers to an off-island (outside of San Juan County) repository.

3. Restoring the location of the personal wireless facility to its natural condition, except any remaining landscaping and grading.

D. If a carrier fails to remove a personal wireless facility in accordance with this section, San Juan County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the personal wireless facility shall be charged to the landowner of record in the event San Juan County must remove the facility. (Ord. 8-1997 § 6(5))

16.80.110 Maintenance requirements.

- A. The applicant and co-applicant shall maintain the personal wireless facility. Such maintenance shall include, but shall not be limited to, painting, structural integrity and landscaping.
- B. Maintenance may include topping of trees within a 150-foot radius of the facility if necessary to continue operation (but only to a point no lower than ten feet below the top of the antenna(s)). Topping in excess of that allowed shall be grounds for permit revocation.
- C. In the event the applicant or co-applicant fails to maintain the facility in accordance with permit conditions to address visual impacts or public safety, San Juan County may undertake the maintenance at the expense of the applicant or co-applicant landowner. (Ord. 8-1997 § 6(6))

16.80.120 Co-location requirements.

- A. Licensed carriers shall share personal wireless facilities and sites where personal wireless facilities are located with other licensed carriers where feasible, thereby reducing the number of personal wireless facilities that are stand-alone facilities.
- B. All freestanding mounts shall be designed so as not to preclude co-location.
- C. Tip-to-tip co-location is considered to be standard design on a single mount.
- D. All applicants for a conditional use permit for a personal wireless facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes demonstration by the applicant of:
 - 1. Contact with all the other licensed carriers for commercial mobile radio services operating in San Juan County.
 - 2. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.
 - 3. In the event co-location is found to be not feasible, a written statement of the reasons for the unfeasibility shall be prepared.
 - 4. In the event co-location is found to be feasible, the applicant shall include provisions for co-location of personal wireless facilities.
- E. In the event co-location is represented to be not feasible, the County may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.
- F. San Juan County may deny a land use permit to an applicant for a personal wireless facility who has not demonstrated a good faith effort to co-locate on an existing facility.
- G. Co-location on monopoles permitted prior to September 3, 1997, the effective date of ~~the Ordinance 8-1997~~ codified in this chapter, may be allowed only if all requirements of this chapter are met. (Ord. xx-2001; Ord. 8-1997 § 6(7))

16.80.130 Environmental documentation.

- A. Personal wireless facilities not expressly exempt from the Washington State Environmental Policy Act (SEPA) are subject to environmental review for which San Juan County is the lead agency.

B. The National Environmental Policy Act (NEPA) applies to all applications for personal wireless facilities. NEPA is administered by the FCC via procedures adopted as 47 CFR Ch. I, Part 1, Subpart I, Section 1.1301 et seq. The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless facility to be located within any of the following: wilderness areas, wildlife preserves, endangered species, historical sites, Indian religious sites, flood plains, wetlands, high intensity white lights in residential neighborhoods, and excessive radio-frequency radiation exposure.

C. At the time of application to the County, if any of the conditions listed in subsection (B) of this section are affected, an EA that meets FCC requirements shall be submitted to San Juan County. An EA shall be submitted to the County for each personal wireless facility site that requires such an EA to be submitted to the FCC. (Ord. 8-1997 § 6(8))

16.80.140 Submittal requirements.

The following shall be included with an application for a land use permit for all personal wireless facilities.

A. General Submittals.

1. Name, address and telephone number of the applicant and all co-applicants as well as any agents for the applicant or co-applicants.
2. Co-applicants include the record landowner of the subject property; or site lease, easement or property license holders; and licensed carriers and tenants for the personal wireless facility.
3. A licensed carrier shall either be an applicant or a co-applicant.
4. Written statement that the lease or other property conveyance between the applicant and co-applicant landowner of the subject property contains the following provisions:
 - a. Landowner can enter into leases or other property conveyances with other carriers for co-location.
 - b. Landowner is responsible for the removal of the personal wireless facility in the event the licensed carrier fails to remove it upon abandonment.
5. Written, irrevocable commitment valid for the duration of the existence of the facility, to rent or lease available space for co-location on the facility, without discrimination to other personal wireless facility providers.
6. Original signatures for the applicant and all co-applicants applying for the land use permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo-reproductions of signatures will not be accepted.
7. Demonstration that the applicant has legal access over all private ways proposed for use.
8. Copies of manufacturer engineering specifications for the antenna(s) and transmitter(s) proposed to be located on the site. This shall not include information used by or on behalf of the carrier to modify engineering specifications other than that used in any re-engineering performed to demonstrate compliance with the FCC guidelines for RFR emissions.

AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN

Page 20

B. Location Submittals.

1. Identify the subject property by including the name of the island name of the nearest road or roads, and street address, if any.
2. Tax parcel number of subject property.
3. Comprehensive Plan land use designation for the subject parcel and for all parcels within 1,000 feet of the property lines of the subject parcel.
4. A line map to scale showing the subject property and all properties within 1,000 feet and the location of all buildings, including accessory structures, on all properties.
5. An island-wide map showing all other existing personal wireless facilities on that island.
6. The specific locations for this applicant of all future personal wireless facilities in San Juan County on a county-wide map.

C. Siting Submittals.

1. A vicinity map at one inch equals 40 feet showing the following:
 - a. Property lines for the subject property.
 - b. Property lines of all properties adjacent to the subject property.
 - c. Tree cover on the subject property and all properties adjacent to the subject property, by specie and average height from the State of Washington Department of Natural Resources.
 - d. Outline of all existing buildings, including notation of their purpose (e.g., residential buildings, garages, accessory structures, etc.), on the subject property and all properties adjacent to the subject property.
 - e. Proposed location of antenna mount and equipment cabinet(s).
 - f. Location of all roads, public and private, on the subject property and on all properties adjacent to the subject property including driveways proposed to serve the personal wireless facility. (Specify public or private ownership.)
 - g. Distances, at grade, from the proposed personal wireless facility to each building on the vicinity plan.
 - h. Contours of the site at each two feet above MSL.
 - i. Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from subsection (C)(2) of this section.
2. Sight line representations and photographs as described below:
 - a. Sight line representation. A sight line representation shall be drawn from the closest facade of each residential building (viewpoint) included on the Vicinity Plan to the highest point (visible point) of the personal wireless facility. Where residences in a mixed-use building will be in the line-of-sight of the personal wireless facility, a sight line representation shall also be drawn from the facade of the affected residences as described above. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 21

b. Existing (before condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from the residential or mixed use building.

c. Proposed (after) condition photographs. Each of the existing condition photographs shall have the proposed personal wireless facility superimposed on it to show what will be seen from residential or mixed use buildings if the proposed personal wireless facility is built.

3. A site plan dimensioned at one inch equals 20 feet, showing the following:

a. The entire subject property, including property lines and roads (public and private) adjacent to the subject property.

b. A dimensioned drawing of the proposed site in relation to the subject property boundaries, accompanied by a metes and bounds description of the site area

c. All existing buildings, including accessory structures.

d. All existing vegetation by mass or individually by diameter (four feet from the ground) of each stand-alone tree or shrub. Tree masses or individual stand-alone trees shall be identified by specie(s).

e. Proposed security barrier, indicating type and extent as well as point of controlled entry.

f. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

4. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed personal wireless facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

a. Antennas, mounts and equipment cabinet(s).

b. Security barrier. If the security barrier will block views of the personal wireless facility, the barrier drawing shall be cut away to show the view behind the barrier.

c. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation.

d. Grade changes, or cuts and fills, to be shown as original grade and new grade line.

In addition, the applicant shall mark the proposed site in a manner to approximate the total height and breadth of the facility so as to be visible to the public.

D. Design Submittals.

1. Equipment brochures for personal wireless facilities such as manufacturer's specifications or trade journal reprints.

2. Materials of the personal wireless facility and security barrier, if any, specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.)

3. Colors represented by a color board showing actual colors proposed.

4. Dimensions of all equipment specified for all three directions: height, width and breadth.

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 22

5. Appearance shown by at least two photographic superimposition of the personal wireless facility within the subject property. The photographic superimposition shall include the antennas, mounts, equipment cabinets and security barrier, if any, for the total height, width and breadth.

6. Landscape plan including trees and shrubs proposed to be added, identified by size of specimen at installation and species.

7. Maintenance specifications, and projected maintenance schedule and cost and a proposed maintenance bond.

E. Co-Location Submittals. The applicant shall submit a statement of good faith effort to achieve co-location with other carriers, including:

1. Contact with all the other licensed carriers for commercial mobile radio services operating in San Juan county.

2. Sharing information necessary to determine if co-location is feasible under an optimal design configuration.

In the event co-location is found to be not feasible, a written statement of the reasons for the unfeasibility shall be prepared.

F. Radio-frequency (RF) Radiation Performance Submittals. Applicant shall provide a statement listing the existing and maximum future projected measurements of RF radiation from the proposed personal wireless facility for the following situations:

1. Existing, or ambient: the measurements of existing RF radiation.

2. Existing plus proposed personal wireless facilities: maximum estimate of RF radiation from the proposed personal wireless facility plus the existing RF radiation according to the radio-frequency performance standards of SJCC 16.80.070(C).

3. Existing plus proposed personal wireless facilities plus cumulative: maximum estimate of RF radiation from the proposed personal wireless facility plus the maximum estimate of RF radiation from the total addition of co-located personal wireless facilities plus the existing RF radiation environment. These measurements shall be for the conditions specified in the radio-frequency performance standards of SJCC 16.80.070(C).

4. Certification, signed by an independent RF engineer, stating that RF radiation measurements are accurate and meet FCC Guidelines as specified in the radio-frequency performance standards of SJCC 16.80.070(C).

G. Noise Performance Submittals. The applicant shall provide a statement listing the existing and maximum future projected L_{dn} measurements of noise from the proposed personal wireless facilities, ~~measured in decibels L_{dn} (logarithmic scale, accounting for greater sensitivity at night)~~, for the following:

1. Existing, or ambient: the measurements of existing noise.

2. Existing plus proposed personal wireless facilities: maximum estimate of noise from the proposed personal wireless facility plus the existing noise environment.

3. Existing plus proposed personal wireless facilities plus cumulative: maximum estimate of noise from the proposed personal wireless facility plus the maximum estimate of noise from the total addition of co-located personal wireless facilities plus the existing noise environment.

4. Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet the noise performance standards of SJCC 16.80.070(D).

**AN ORDINANCE AMENDING THE PERSONAL WIRELESS FACILITIES
SUBAREA PLAN AND CONFIRMING THE CONSISTENCY OF THE AMENDED
PLAN WITH THE 1998 SAN JUAN COUNTY COMPREHENSIVE PLAN**

Page 23

H. Environmental Submittals.

1. The applicant shall submit an environmental assessment (EA), if required by federal law.
2. The applicant shall list location, type and amount of any materials proposed for use within the personal wireless facility that are considered hazardous by the federal, state or local government, and include materials safety data sheets to be provided to the fire marshal and to the fire chief of the applicable district.
3. In the event that an applicant has not included an Environmental Assessment (EA) prepared under NEPA rules and the Administrator has information to indicate that an EA is necessary under NEPA, the county shall not consider an application complete before receiving a determination from the lead agency that an EA is in fact not required.

I. Post-Construction Submittals.

1. The applicant shall submit to the permit center a dimensioned drawing of all components of the facility as constructed within 30 days of installation.
2. The applicant shall annually submit an affidavit to the permit center regarding maintenance conducted in accordance with SJCC 16.80.110(C) of this ordinance and any permit conditions, beginning one year from the effective date of the land use permit. (Ord. xx-2001; Ord. 8-1997 § 6(9))

Exhibit B:
Amendments to the Unified Development Code, Title 18 SJCC

San Juan County Code
Chapter 18.30
LAND USE DISTRICTS

Sections

- 18.30.030 Introduction—Statement of purpose, goal and policy.
 18.30.040 Applicability and relationship to other county plans and regulations.

Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts. ^(1, 2, 3, 4, 5)

Land Uses	Classification by Land Use District ⁽⁶⁾							
	Village			Hamlet			Island Center IC	Master Planned Resort MPR ^(7, 8)
	VC	VI	VR	HC	HI	HR		
Commercial Uses								
<u>Personal wireless communications service facilities at potentially suitable locations^(9, 14)</u>	<u>C</u>	<u>C</u>	<u>No</u>	<u>C</u>	<u>C</u>	<u>No</u>	<u>C</u>	<u>P.A. (C where allowed)</u>
Utilities Uses								
Commercial communication towers ⁽¹⁴⁾	C	C	No	C	C	No	C	<u>P.A. (C where allowed)</u>

Notes:

3. Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land-use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in SJCC 18.30.080 through 18.30.190 shall prevail over any conflicting provisions of the UDC.
14. All personal wireless facilities are regulated by the provisions of the PWCSF Subarea Plan. Personal wireless facilities are permitted as a separate, commercial type of land use. Locations that are potentially suitable for personal wireless facilities are shown on the official map of the subarea plan; personal wireless facilities are prohibited in all other areas.

Table 3.2. Allowable and Prohibited Uses in Rural, Resource, & Special Land Use Districts. ^(1, 2, 3, 4, 5)

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾									
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Commercial Uses										
<u>Personal wireless communications service facilities at potentially suitable locations</u> ^(3, 17)	C	No	C	C	C	C	C	No (Prov at Mt. Const. Sites)		No
Utilities Uses										
Commercial communication towers ⁽¹⁷⁾	C	No	C	Prov	C	C	C	No (C at Mt. Const. Sites)		No

Notes:

- Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land-use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in SJCC 18.30.080 through 18.30.190 shall prevail over any conflicting provisions of the UDC.
- All personal wireless facilities are regulated by the provisions of the PWCSF Subarea Plan. Personal wireless facilities are permitted as a separate, commercial type of land use. Locations that are potentially suitable for personal wireless facilities are shown on the official map of the subarea plan; personal wireless facilities are prohibited in all other areas.