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**ITEM # 1**

**OC DEVELOPMENT SERVICES REPORT**

**DATE:** December 10, 2014

**TO:** Orange County Planning Commission

**FROM:** OC Development Services

**SUBJECT:** Public Hearing – Proposed Zoning Code Amendment CA 14-02 – County of Orange Wireless Communications Facility Ordinance

**PROPOSAL:** Recommend adoption of Zoning Code Amendment CA 14-02 which will add the County of Orange Wireless Communications Facility Ordinance to the Zoning Code

**ZONING/  
GENERAL  
PLAN:** N/A

**LOCATION:** Unincorporated Areas of Orange County

**APPLICANT:** OC Development Services

**STAFF  
CONTACT:** Ruby Maldonado, Land Use Manager, Planning  
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**SYNOPSIS:** Staff recommends Planning Commission receive a staff report regarding proposed Zoning Code Amendment CA 14-02, hold a public hearing to receive public testimony, and recommend adoption of proposed Zoning Code Amendment CA 14-02 by the Board of Supervisors.

**BACKGROUND**

Due to advancements in wireless communications facility technology and the need for increased data capacity, the County of Orange (County) has experienced an increase in the number of applications to either install new wireless communications facilities, or complete upgrades to those previously approved. This increased volume, which is expected to continue, has led the County to propose the adoption of a Wireless Communications Facility Ordinance (Ordinance) that will establish the permitting process and development standards to regulate the installation of wireless facilities in the

unincorporated area on privately-held properties and County highways (right-of-way). The proposed Ordinance will apply to wireless communications facilities that transmit and/or receive electromagnetic signals, and will establish site development standards for antennas, towers, poles, and other types of equipment. The Ordinance will comply with applicable state and federal laws, and establish carefully selected siting and design criteria that are compatible with existing development regulations.

## **DISCUSSION**

The County's Zoning Code currently allows wireless communications facilities in all districts subject to a Site Development Permit and administrative approval. The proposed Ordinance (Attachment 1) will establish specific design and siting criteria for the construction of new facilities and the modification of existing facilities. Applications for new facilities will be subject to a Use Permit that will require a public hearing by the Zoning Administrator. Applications for upgrades to existing facilities will continue to be subject to a Changed Plan and administrative approval. The proposed Ordinance will require all facilities to be properly screened and designed to integrate with the surrounding environment. Applicants will be required to provide evidence that the proposed wireless communications facility will be constructed with the best technology available to minimize visual impacts. All applications for wireless communications facilities will be subject to a thorough standardized review prior to issuance of a discretionary or ministerial permit.

The proposed Ordinance will apply to facilities on privately-held properties and within County highways (right-of-way). This is to ensure that development standards are consistently applied throughout the unincorporated area and that facilities are constructed to be as unobtrusive as possible. All proposed wireless communications facilities will be affected by the Ordinance, including cellular towers, distributed antenna systems (DAS) and small cells used by wireless service providers, and other small wireless technologies used primarily by non-telecommunications utility companies, such as Southern California Gas Company data collection units. For both privately-held properties and County right-of-way, a streamlined approval process has been included for wireless facilities which collocate on an existing facility and employ stealth technology consistent with the facility and the surrounding community. If not collocated, the Ordinance establishes a new step in the process for installing new or modifying existing facilities in the County right-of-way. Previously, these facilities were approved through the County Property Permit (CPP) process and were not subject to site development standards. To ensure consistency, these facilities, like those on privately-held properties, will be required to obtain a discretionary Use Permit prior to obtaining a County Property Permit. As a result, the Ordinance will lead to increased costs for applicants proposing wireless communications facilities in the County right-of-way.

A majority of Orange County cities currently require a conditional use permit for wireless communications facilities and have established standards regarding aesthetics and/or camouflaging (Attachment 2). The County's proposed Wireless Communications Facility Ordinance will have similar provisions to ensure uniformity with adjacent sphere cities.

**PUBLIC OUTREACH/NOTIFICATION:**

On November 26, 2014, a public hearing was published in the Orange County Reporter per State law. To date, no written comments have been received.

Outreach was conducted to stakeholders including the California Wireless Association (CALWA), a professional association for the wireless communication industry, Southern California Gas Company (SCGC), and the County's Development Process Review Committee (DPRC) to discuss the provisions of the proposed Ordinance. Additionally on December 4, a Planning Commission study session (special public meeting) was held to allow staff to provide information regarding the proposed Ordinance. Representatives from CALWA and SCGC also presented information feedback regarding the proposed Ordinance to the Planning Commission.

**CEQA COMPLIANCE:**

Adoption of Negative Declaration No. IP 14-332 (Attachment 3) will satisfy the requirements of CEQA for the Wireless Communications Facility Ordinance Project.

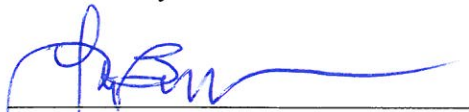
**RECOMMENDED ACTION:**

OC Development Services recommends the Planning Commission adopt Draft Planning Commission Resolution (Attachment 4):

- a. Receive staff report and public testimony.
- b. Adopt Draft Planning Commission Resolution which will:
  1. Find that Negative Declaration No. IP 14-332 reflects the independent judgment of the County of Orange as lead agency and satisfies the requirements of CEQA for the Wireless Communication Facility Ordinance Project. Its adoption is recommended for the proposed project based upon the following findings:
    - (a) The Negative Declaration and comments on the Negative Declaration received during the public review process were considered and the Negative Declaration No. IP 14-332 was found adequate in addressing the impacts related to the project;
    - (b) On the basis of the whole administrative record there is no substantial evidence that the project, with the implementation of the mitigation measures, if any that are included in the Negative Declaration, will have a significant effect on the environment; and

- (c) Negative Declaration No IP 14-332 is adequate to satisfy the requirements of CEQA for the Wireless Communication Facility Ordinance Project. Receive staff report and public testimony as appropriate.
2. Recommend adoption of Zoning Code Amendment CA 14-02, regarding the Wireless Communications Facility Ordinance, by the Board of Supervisors.

Submitted by:



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Laree Brommer, Planning Manager  
OC Development Services

Concurred by,



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Robyn Uptegraff, Assistant Director  
OC Public Works

**ATTACHMENTS:**

1. Proposed Zoning Code Amendment CA 14-02 – County of Orange Wireless Communications Facility Ordinance
2. Comparison with Orange County Jurisdictions
3. Negative Declaration IP 14-332
4. Draft Planning Commission Resolution