

**EXHIBIT A**

**AMENDMENTS TO SONOMA COUNTY CODE CHAPTER 26**

The following sections of Sonoma County Code Chapter 26 are amended or repealed, as provided below.

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**Section I.** The following sections of Sonoma County Code Section 26-040-010 (Definitions) are repealed:

**SEC. 26-040-010. A. “A” Terms. 24. Attached Commercial Telecommunication Facility.**

**SEC. 26-04-010. C. “C” Terms. 25. Collocated Telecommunications Facility.**

**SEC. 26-04-010. F. “F” Terms. 14. Freestanding Commercial Telecommunication Facility.**

**SEC. 26-04-010. N. “N” Terms. 2. Noncommercial Telecommunication Facility.**

**SEC. 26-04-010. T. “T” Terms. 1.1 Telecommunication Facility.**

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**Section II.** Sonoma County Code Section 26-30-120 (Telecommunications Facilities) is repealed and replaced in whole with the following:

**SEC. 26-30-120. TELECOMMUNICATIONS FACILITIES.**

**A) Definitions.** See Section 26-04-020 (Definitions) and the following:

- 1) **Attached Commercial Telecommunication Facility.** A commercial telecommunication antenna which is affixed, fastened, or joined to a residence, business, or similar structure, other than another telecommunication facility, and which does not include a tower.
- 2) **Collocated Telecommunications Facility.** A telecommunication facility located on or within an existing wireless telecommunication tower, base station, or other existing structure supporting another telecommunication facility.
- 3) **Eligible Facilities Request.** A request for modification of an existing wireless tower or base station that involves the collocation, installation, replacement, removal, or upgrade of transmission equipment or other wireless communications equipment associated with the provision of wireless service, provided that such modification does not substantially change the physical dimensions of the tower or base station. This term shall be interpreted consistent with, and shall include any request that qualifies as an “eligible facilities request” under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 and the rules and orders of the Federal Communications Commission, as they may be amended from time to time.
- 4) **Freestanding Commercial Telecommunication Facility.** A telecommunication facility which is operated in whole or part for commercial purposes such as mobile radio services, cellular telephone services, TV and radio broadcast, personal communication services, but which is not affixed, fastened, or joined to a residence, business, or similar structure. A facility which includes an antenna(s) placed upon a tower which is attached to a structure is considered to be a freestanding facility. Telecommunication facilities operated in whole or part by public agencies are included in this category. However, a telecommunication facility installed by a public utility

for the sole purpose of monitoring and protecting its gas and electric facilities shall not be considered a telecommunication facility and shall be exempt from the telecommunication standards of this chapter.

- a) **Minor Freestanding Facility.** Such facility which involves a combination of towers and antennas less than or equal to fifty feet (50') in height.
  - b) **Intermediate Freestanding Facility.** Such facility which involves a combination of towers and antennas greater than fifty feet (50') and less than or equal to one hundred thirty feet (130') in height.
  - c) **Major Freestanding Facility.** Such facility which involves a combination of towers and antennas greater than one hundred thirty feet (130') in height.
- 5) **Noncommercial Telecommunication Facility.** A telecommunication facility which is operated solely for personal use and not for commercial purposes.
- 6) **Substantial Change.** A modification to an existing wireless tower or base station that constitutes a “substantial change” under applicable federal law, including 47 C.F.R. § 1.6100, as amended from time to time, or any successor provision. A modification shall be deemed a substantial change if it exceeds the dimensional, structural, or other limitations established therein, including any applicable height, width, equipment, excavation, concealment, or other thresholds defined by federal regulation.
- B) Commercial and Noncommercial Facilities.** All commercial and noncommercial telecommunication facilities must comply with the standards in this section. The Department will review and act on telecommunication facilities consistent with state and federal law. In case of conflict between this section and higher law, higher law governs.
- C) Commercial Facilities. Required Permits.** Table 30-1 shows permits required for commercial telecommunication facilities. “P” is permitted and planning clearance (e.g. zoning permit) may be required. “C” means a Use Permit is required.
- 1) **SR District.** Facilities located in the SR District may be subject to additional permit requirements pursuant to Section 26-64-040.
  - 2) **PF Zone.** Freestanding facilities in the PF zone are allowed subject to the standards and requirements in the base district which is predominant in the area outside of the boundary of the PF zone and in closest proximity to the proposed facility.
  - 3) **Facilities Exceeding Standards.**
    - a) A freestanding facility that exceeds the development standards for its classification will be processed and reviewed as the next larger facility type and shall be subject to the corresponding permit requirements.
    - b) An attached commercial telecommunication facility that exceeds the applicable development standards in subsection (G) (including but not limited to silhouette limits or other dimensional constraints) shall require design review.
    - c) A collocated facility that does not qualify as an eligible facilities request and exceeds the applicable thresholds in subsection (F)(3) shall be subject to the review requirements set forth therein.
- c) Consistency with Federal Law.

This subsection shall be applied in a manner consistent with federal law, including but not limited to limitations on the regulation of Eligible Facilities Requests and modifications that do not constitute a substantial change.

**Table 30-1. Required Permits for Commercial Telecommunication Facilities**

Type of Facilities	LIA, LEA, DA, RRD, TP, AR, RR Zones	R1, R2, R3 Zones	CO, C1 Zones	C2, C3, LC, CR, AS, K Zones	MP, M1, M2, M3 Zones	PC Zones	PF Zone
Attached	P	P	P	P	P	P	P
Collocated	P	P	P	P	P	P	P
Eligible Facilities Requests	P	P	P	P	P	P	P
Minor Freestanding	P	P	P	P	P	P	—
Intermediate Freestanding – 50 to 80 feet	C	C	C	C	P	—	—
Intermediate Freestanding – More than 80 feet	C	C	C	C	C	—	—
Major Freestanding	C	—	—	C	C	—	—

**D) Noncommercial Telecommunication Facilities.** Table 30-2 shows permits required for noncommercial telecommunication facilities.

**Table 30-2. Required Permits for Noncommercial Telecommunication Facilities**

Facility Height	Agricultural and Resource-Based, Residential, and PC Zones	Commercial, Industrial, and PF Zones
Less than 50 ft.	P	P
50 ft. to 80 ft.	ZP	P
More than 80 ft.	C	C

**E) Eligible Facilities Requests.**

- 1) Applications qualifying as Eligible Facilities Requests under 47 U.S.C. §1455(a) and FCC rules shall be processed ministerially. Review shall be limited to verifying compliance with applicable

federal criteria and confirming the proposed modifications do not amount to a substantial change of the facilities' physical dimensions.

- 2) No discretionary permit, design review, aesthetic standard, or public hearing shall apply to a qualified Eligible Facilities Request.

**F) Standards - Facility Type.** The following are the minimum criteria applicable to telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, additional mitigation measures or other conditions may also be necessary.

- 1) **All Facilities.** Telecommunication facilities shall comply with all state and federal regulations and license/permit requirements and, except as noted, the following:
  - a) **Applicability and Regulatory Compliance.** All telecommunication facilities shall comply with all applicable legal and regulatory requirements, including but not limited to: recorded easements, applicable land-use plans, and county code.
  - b) **Measurement and Facility Classification.**
    - (1) The height of any freestanding facility includes the height of any structure upon which it is mounted.
    - (2) Required setbacks shall be measured from the base of the tower closest to the applicable property line or structure.
    - (3) A facility that exceeds the development standards for its classification will be processed and reviewed as the next larger facility type and shall be subject to the corresponding permit requirements.
  - c) **Radiofrequency Exposure Compliance.** Facilities shall be operated so that human exposure to nonionizing electromagnetic radiation (NIER) does not exceed the standards applied by the Federal Communications Commission (FCC). The applicant shall demonstrate compliance through one of the following:
    - (1) Documentation of an FCC license or construction permit reflecting acceptance of compliance certification.
    - (2) Documentation that the facility is categorically excluded from demonstrating compliance.
    - (3) An independent technical analysis demonstrating compliance using methods consistent with FCC policies and procedures.
  - d) **Maintenance and Ongoing Condition.** The facility and surrounding site, including screening and design elements, shall be maintained in good condition consistent with approved plans.
    - (1) The permit holder shall inspect the facility annually and within 90 days of notice from the department identifying potential deterioration.
    - (2) Within 60 days of each inspection, the permit holder shall submit an inspection report identifying findings, required maintenance, and a completion schedule.
    - (3) Required repairs shall be completed within 180 days of date of inspection or date of request, unless otherwise approved.
    - (4) Documentation of completed maintenance, including before-and-after photographs and completion date, shall be provided to the department.
  - e) **Lighting.** Unless otherwise required by state or federal law, exterior lighting shall be low-mounted, downward-directed, and fully shielded to prevent glare, light spill, or sky illumination. Flood lighting is prohibited.

- f) Facilities shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with the surrounding visual character to the extent feasible considering the technological requirements of the proposed telecommunication service.
- 2) **Attached Commercial Facilities.** In addition to subsection (F)(1), attached commercial telecommunication facilities shall meet the following:
- a) Application materials shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.
  - b) Attached commercial facilities may be flush-mounted on the side or roof of a structure but are subject to a limit of five (5) square feet of silhouette above the structure ridgeline or twenty-five (25) square feet above the roof.
  - c) Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;
  - d) All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the telecommunication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.
  - e) The director may allow these limits to be exceeded without requiring a zoning or use permit provided that the attached facility would be effectively unnoticeable.
- 3) **Collocated Commercial Facilities.** In addition to subsection (F)(1) and (G)(1), collocated commercial telecommunication facilities shall meet the following:
- a) A collocated facility that does not qualify as an eligible facilities request shall be permitted ministerially where the proposed collocation:
    - (1) Does not increase the overall height of the structure by more than 10 percent or 20 feet, whichever is greater; and
    - (2) Horizontal extension does not exceed 25 feet or 110% the width of the tower structure at the level of the appurtenance, whichever is greater.; and
    - (3) Does not increase the overall silhouette of the structure by more than 15 percent, as measured from the existing structure at the time of application.
  - b) A collocated facility that exceeds any of the above thresholds shall require an application for a Use Permit. Where the existing facility includes concealment elements, the application shall include:
    - (1) A design that maintains and extends the existing concealment elements to the maximum extent feasible;
    - (2) Alternative designs that incorporate new or modified concealment measures to screen the proposed collocation; and
    - (3) An unconcealed or minimally concealed design for comparison purposes.
- 4) **Freestanding Commercial Facilities.** In addition to subsection (F)(1) and (G)(1), freestanding commercial telecommunication facilities shall meet the following:

- a) Potential adverse visual impacts which might result from project related grading or road construction shall be minimized.
- b) Facility towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
- c) Facilities shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.
- d) The facility operator and property owner are encouraged to make available unutilized space for future co-located or multiple-user telecommunication facilities, including space for those entities providing similar, competing services.
- e) All applications for discretionary permits shall include a statement or other documentation that all owners of property within one thousand (1000) feet of the subject property have been provided with a written notification of the filing of the application.
- f) An alternatives analysis (required for all major and intermediate freestanding facilities in all districts where subject to a use permit) shall be prepared.
- g) Tower setbacks may be waived under any one (1) of the following circumstances:
  - (1) The facility is proposed to be collocated onto or clustered with an existing, legally established telecommunication facility.
  - (2) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
- h) Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- i) Facilities shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.
- j) Significant adverse impacts on biotic resources, including any threatened, rare or endangered species, shall be mitigated.

**G) Standards - District Standards.**

- 1) **Applicability of Table.** Table 1 establishes district-specific development standards, limitations, and review requirements for commercial telecommunication facilities.
- 2) **Required Findings for Certain Conditional Facilities.** Intermediate or major freestanding commercial telecommunication facilities in the AR, RR, R1, R2, and R3 districts, and PC with a UR or RR land use designation, may be approved only upon a finding that no technically feasible site or method exists in districts where such facilities are permitted outright.

**Table 1**

**District Standards**

<b>Zoning District</b>	<b>Facility Type</b>	<b>Minimum Setback</b>	<b>Max Silhouette (Cumulative, Full Buildout)</b>
LIA, LEA, DA, RRD, RRDWA, TP	Minor Freestanding	≥110%*	165 square feet
	Intermediate Freestanding	Same as minor	165 square feet
	Major Freestanding	Same as minor	165 square feet
AR, RR	Minor Freestanding	≥110%*	70 square feet
	Intermediate / Major Freestanding	Same as minor	70 square feet
R1, R2, R3	All Freestanding	≥110%*	45 square feet
CO, C1	Minor Freestanding	Base district setback only	210 square feet
	Intermediate Freestanding	≥50%*	210 square feet
C2, C3, LC, RC, AS, K, MP, M1, M2, M3	Minor Freestanding	Base district setback only	210 square feet
	Intermediate Freestanding	≥50%*	210 square feet
	Major Freestanding	≥100% *	210 square feet

**\* Towers shall be set back from the nearest off-site dwelling unit a minimum distance equal to the more restrictive of the following: (1) the Minimum Setback percentage applicable to the zoning district, as set forth in Table 1, multiplied by the height of the facility; or (2) the minimum yard setback required by the applicable base zoning district. Notwithstanding the above, such setback requirement may be waived pursuant to subsection (F)(4)(g) of this section.**

**H) Alternative Site and Design Analysis.** A conditional use permit application shall include an alternatives site and design analysis required by this section which shall include the following minimum requirements:

- 1) **Site Alternatives.** Identify and assess a minimum of three sites which may include alternative parcels, alternative sites on a single parcel, or a combination of both. Each site shall be evaluated

for technical feasibility, service coverage, zoning compliance, and potential to reduce visual or land-use impacts.

- 2) **Design Alternatives.** For each feasible site, provide at least two design alternatives in addition to a monopole tower that differ in structural type, form factor, or concealment method (for example: water tower and faux tree). Describe how each design responds to the surrounding context, including visual compatibility, architectural integration, and community character – consistent with the visual analysis section of this checklist.
- 3) **Height Alternatives.** Provide at least two height alternatives for each design option to demonstrate that the proposed height is the lowest feasible height capable of substantially addressing the identified service gap. Each height alternative shall be supported by coverage mapping and a brief technical justification. The proposed height shall reflect only the antenna(s) included in the current application and may not include additional height intended solely to accommodate potential future collocations.
- 4) **Collocation.** Identify all potential collocation opportunities within or near the target service area which would address the identified service gap. All viable collocation options shall be evaluated and documented, including a record of outreach and negotiation efforts with property or facility owners.
- 5) **Coverage Comparison.** In addition to coverage maps demonstrating existing conditions - for each alternative site, and height, the applicant shall submit one coverage map per service type identified in the defined coverage gap (e.g., indoor, outdoor, in-vehicle). Each map shall clearly illustrate coverage differences and any remaining gaps. Maps shall show how each alternative performs relative to the attributes used to define the gap (e.g., signal quality, speed, service consistency) and identify the area, population, and number of households served under each alternative.
- 6) **Least-Impact Feasible Alternative.** Applicants shall demonstrate that the proposed facility represents the least-impact feasible alternative capable of substantially closing the identified service gap. The analysis should present a meaningful range of technologically feasible alternatives, supported by coverage and visual evidence, to demonstrate that no other combination of siting, design, or height would substantially address the service gap with fewer overall impacts. Compare the key differences among all evaluated alternatives, addressing issues relevant to identified service gap:
  - a) Service quality and reliability, including number of customers served
  - b) Indoor vs. in-transit performance
  - c) Number of towers required
  - d) Tower heights and silhouettes
  - e) Visual impacts
  - f) Compatibility with surrounding visual context
  - g) Environmental impacts
- 7) **Zoning and Policy Consistency.** For the preferred alternative, provide a preliminary assessment of consistency with applicable zoning, the General Plan, and other relevant land-use policies.
- 8) **Public Safety and Emergency Communication.** If applicable, explain how the proposed facility supports or enhances local emergency response or communications networks.
- 9) **Engineering and Technological Feasibility.** Document relevant technical factors, including signal propagation, terrain, RF interference, construction methods and maintenance.

- 10) **Community and Agency Input.** Summarize outreach efforts with property owners of each alternative parcel, outreach efforts with property owners surrounding the preferred site, consultation with local officials if applicable, with responses to community or agency concerns.
- 11) **Visual Analysis for Alternatives.** Provide a visual analysis for each alternative site, design, and height. The visual analysis shall be consistent with the application requirements on file with the Department.

**(I) Decommissioning and Removal of Wireless Communication Facilities.**

- 1) **Purpose.** To ensure that wireless communication facilities that are abandoned, discontinued, or at the end of their service life are safely removed, and that sites are restored to a safe and visually unobtrusive condition.
- 2) **Applicability.** This section applies to all wireless communication facilities, including towers, antennas, base stations, and accessory equipment, whether freestanding, mounted to structures, or collocated on existing facilities.
- 3) **Definitions.**
  - a) **Abandonment** – A facility shall be considered abandoned when:
    - (1) It has not been operated for a continuous period of 180 days, or
    - (2) The operator provides written notice of intent to permanently discontinue use, or
    - (3) For facilities requiring an FCC license for operation, the license is cancelled, terminated, or expired due to non-operation.
  - b) **Decommissioning** – The physical removal of all facility components (including antennas, towers, foundations, accessory equipment, and utilities) and the restoration of the site to a condition compatible with the surrounding area.
- 4) **Demolition Plan Required.** Demolition permits are required to demolish a building or structure in whole or in part. The application shall include a plan for restoring the site, including regrading and revegetation as appropriate.
- 5) **Abandonment and Notification**
  - a) Facility owners or property owners shall notify the Planning Director in writing at least 30 days prior to discontinuation of use.
  - b) For facilities requiring FCC authorization, the operator shall also notify the Department within 30 days of filing notice with the FCC or upon FCC license expiration/termination due to non-operation.
  - c) If a facility remains unused for the period defined in subsection J(3)(a)(1), the facility shall be deemed abandoned and subject to removal under this section.
  - d) The Department may require documentation from the facility owner verifying the operational status of the facility upon request.
- 6) **Removal Requirements.** Within 90 days after abandonment or discontinuation of use, the facility owner shall:
  - a) Remove all antennas, mounts, towers, equipment shelters, and above-ground equipment;
  - b) Remove all foundations and underground equipment to a minimum of [4 feet below grade];  
and

- c) Restore the site to a condition compatible with surrounding land uses, including stabilization and revegetation.
  - 7) **Failure to Comply.** If the owner fails to remove an abandoned facility within the required timeframe, the Department may:
    - a) Issue a notice of violation;
    - b) Remove or contract for removal of the facility; and
    - c) Recover removal and restoration costs from the property owner, facility owner, or posted financial assurance; costs may be collected as a lien or by any lawful means.
  - 8) **Transfer of Ownership.** Prior to transferring ownership or responsibility for a wireless communication facility, the existing owner shall:
    - a) Notify the Department in writing at least 30 days prior to transfer; and
    - b) Provide updated contact and financial assurance information for the new owner or operator.
  - 9) **Extensions.** Upon written request demonstrating good cause, the Director may grant a single extension of up to 90 days for removal, provided that the applicant maintains valid financial assurance and security for the site.
  - 10) **Enforcement.** Failure to comply with this section constitutes a violation of this code and is subject to applicable penalties, enforcement proceedings, and cost recovery provisions, as set forth in Chapter 1 of this Code.
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**Section III.** Sonoma County Code Section 26-64-040 (Telecommunication Facilities in the SR District) is amended as follows with additions underlined and deletions shown with strike through:

**SEC. 26-64-040. TELECOMMUNICATION FACILITIES IN THE SR DISTRICT.**

The following provisions shall apply to telecommunication facilities on properties in community separators, scenic landscape units, and scenic corridors as designated in the general plan open space element.

Telecommunication facilities which are allowed by the applicable base district shall meet the provisions of said base district and the applicable standards of Section 26-64-020 or 26-64-030, except that:

- (a) An attached or collocated commercial telecommunication facility shall also be subject to design review approval.
- (b) A noncommercial telecommunication facility shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts to the extent feasible. While cuts and fills are discouraged, they should be considered if, on balance, they enhance the overall scenic quality of the designated scenic resource area.
- (c) A freestanding commercial telecommunication facility may be considered subject to the following additional criteria:
  - (1) The facility shall be subject to approval of a use permit.

- (2) While cuts and fills are discouraged, they should be considered if they result in enhancement of the overall scenic quality of the designated scenic resource area.
- (3) An alternatives analysis shall be prepared by or on behalf of the applicant which meets the requirements of Section 26-30-120(H)~~26-88-130~~.
- (4) A visual analysis consistent with the Department's published application guidance shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility and its feasible alternatives. Consideration shall be given to views from public areas as well as from private residences, but shall focus on preservation of scenic resources.

(d) Federal Law. To the extent any proposed modification qualifies as an Eligible Facilities Request under 47 U.S.C. § 1455(a) and applicable FCC rules, federal law governs its processing and the provisions of this section do not apply.

(Ord. No. 4973 § 12(c), 1996.)

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**Section IV.** Sonoma County Code Section 26-88-130 (Telecommunication Facilities) is repealed and replaced as follows:

**SEC. 26-88-130. TELECOMMUNICATION FACILITIES. Reserved.**