ORDINANCE NO. 1562


The Board of Supervisors of the County Solano, State of California does hereby ordain as follows:

SECTION I
Chapter 28, Section 50 is amended as follows:

Sec. 28-50.01. WIRELESS COMMUNICATION FACILITIES.

(a) Purpose. This section is enacted to establish a consistent set of standards regulating the placement and design of wireless communication facilities in unincorporated areas of Solano County. These standards are intended to protect and promote public health, safety, community welfare and the unique visual character of Solano County by encouraging the orderly development of wireless communication infrastructure.

(b) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this sub-section.

Amateur Radio (HAM) Operator. A person holding a written authorization to be the control operator of an Amateur Radio Facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission or a foreign national or multinational license or permit recognized by treaty as valid in the United States.

Amateur Radio (HAM) Service. The radio communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, Part 97 and regulated thereunder.


Antenna. Any system of towers, poles, panels, rods, wires, drums, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves. The distinction is made between the support structure and the antenna(s) mounted thereon. See also Satellite Dish or Satellite Antenna.
Broadcast. To transmit a signal for direct reception by the general public.

Broadband. Pertaining to a transmission system or facility with an information bandwidth capacity greater than a single voice channel (3 kHz).

Cell. A geographic area covered by a single cellular, ESMR or PCS transmitter.

Cellular Network. A system providing mobile telephone services through all the cells in a coverage area. A coverage area consists of multiple adjacent cells operating on slightly different frequencies. Calls are “handed-off” from one cell to the next as a mobile unit moves from cell to cell. This is the fundamental innovation that has allowed for the development of cellular, ESMR and mobile PCS services.

Cellular Telephone System. A mobile radio system that connects subscriber hand held devices to each other through the cellular network and with wireline telephones through the public switched network.

Co-location. The installation of wireless communication facilities owned and/or operated by two or more entities on a single structure or tower.


Commercial Private Wireless Communication Facility. A wireless communication facility operated by a for-profit business for its own internal purposes and without supplying access to members of the general public. See, by contrast, Non-Commercial Wireless Communication Facility and Commercial Public Wireless Communication Facility.

Commercial Public Wireless Communication Facility. A wireless communication facility operated by a for-profit business whose business is provision of wireless communication services to subscribers or the general public. See, by contrast, Non-Commercial Wireless Communication Facility and Commercial Private Wireless Communication Facility.

Enhanced Specialized Mobile Radio Service (ESMR). A Specialized Mobile Radio Service (SMR) system (see definition below) which utilizes digital cellular technology to enable wide-area coverage as well as interconnection with other users and the cellular and public switched (landline) telephone networks.

Federal Communications Commission (FCC). The Federal regulatory agency established and provided for in Title 47, U.S. Code, and charged with regulation of communication by wire and radio (which includes broadcast and non-broadcast communication of any type).

Gigahertz (GHz). A unit of measurement of radio frequency equal to one billion Hertz (cycles per second). One gigahertz is equivalent to 1000 megahertz (MHz). Microwave frequencies are usually expressed in gigahertz.

Ground-Mounted Antenna. An antenna which is attached to a support structure resting on the ground, and has an overall height not greater than fifteen feet above finished grade at the
base of the structure. This definition includes antennas which are sometimes referred to as "post mounts" and "ground builds."

**Grouped Facility.** The installation of several wireless communication facilities owned and/or operated by two or more entities on separate structures or towers within a single parcel and with each facility no more than 100 feet from at least one other facility.

**Kilohertz (kHz).** A unit of measurement of radio frequency equal to one thousand Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz (MHz). AM and "shortwave" Broadcast frequencies are usually expressed in kilohertz.

**Megahertz (MHZ).** A unit of measurement of radio frequency equal to one million Hertz (cycles per second). One thousand kilohertz is equivalent to one megahertz, and one thousand megahertz is equivalent to one gigahertz. FM and TV Broadcast frequencies and "VHF" and "UHF" communication frequencies are usually expressed in megahertz.

**Non-Commercial Wireless Communication Facility.** A wireless communication facility operated by a government agency, a non-profit organization, or a private citizen for personal use. It includes all Amateur Radio Facilities. See, by contrast, Commercial Wireless Communication Facility.

**Operator.** Any person or organization that controls the operation and maintenance of a wireless communication facility.

**Paging.** A wireless communication service that communicates a limited message to a subscriber units which are relatively small and can be carried on the subscriber’s person. Current paging systems are one-way (subscriber receives the message) but future systems can be two-way in nature. Paging systems are not considered "real time" interactive systems.

**Personal Communications Services (PCS).** Digital wireless services that offer high quality voice and data communication.

**Radio.** A generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes "radio" includes the popular terms "television" and "microwave". The term "wireless" is interchangeable with "radio" and is the popular term in several other English-speaking countries and some translations.

**Radio-frequency (RF).** A description pertaining to the electromagnetic spectrum between the audio-frequency portion and the infrared portion.

**Radio-frequency Exposure Professional.** A certified professional electrical engineer, health physicist or other technical expert with an understanding of the effects and measurement of exposure of the human body to radio frequency energy. Such professional must have substantial professional experience performing environmental measurements of radio frequency (RF) exposure and preparing radio frequency exposure evaluation reports for a variety of entities.

**Roof-Mounted.** An antenna that is mounted directly to, or on a support structure mounted to, the roof or otherwise on the top most level or levels of a building exterior.
**Satellite Dish or Satellite Antenna.** An antenna incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn-or cornucopia used to transmit and/or receive electromagnetic signals to or from a satellite. This definition includes antennas that are sometimes called "SES," "TVRO," "TVBS," and "DBS" antennas.

**Satellite Transmission.** A communication system involving signals sent to ("uplink") and/or by ("downlink") an orbiting communication relay satellite.

**Site.** A legal parcel accommodating a wireless communication facility.

**Specialized Mobile Radio (SMR).** A radio system in which licensees provide land mobile communication services in the 800 MHZ and 900 MHZ bands on a commercial basis to entities eligible to be licensed in the Private Radio Services (Part 90 of the FCC Rules), federal government entities and individuals. See also Enhanced Specialized Mobile Radio System (ESMR).

**Stealth Mount.** A way of mounting an antenna that hides the antenna by making it appear to be a part of a structure, tree or other natural object.

**Structure-Mounted.** Any antenna which (1) is not attached to a dedicated support structure resting on the ground and (2) is attached to a building, billboard, tank, sign, utility pole, or other structure. This definition includes antennas sometimes referred to as "facade mounts" and "sign mounts."

**Tower.** A dedicated support structure resting on the ground or attached to another structure, whose principal use is to support wireless communication equipment.

**Tower-Mounted.** Any antenna which is attached to a tower and has an overall height greater than ten feet above finished grade at the base of the structure. This definition includes antennas that are sometimes referred to as "monopoles," "lattice towers" and "guyed towers."

**Wireless Communication.** Electronic communication using radio signals sent between two or more points.

**Wireless Communication Facility.** The equipment and associated unmanned structures needed to transmit and/or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures, enclosures and/or cabinets housing associated equipment, cable, service parking, and access. Receive-only radio and television antennas and satellite dishes or antennas are excluded from this definition.

**Wireline Communication.** Electronic communication using physical connections such as wire cables or fiber optics to transmit signals between two or more points.

**Exemptions.** The following wireless communication facilities shall be exempt from this section, and shall be permitted without review by the Planning Commission or Zoning Administrator, provided that the specified conditions are met:

1. Receive-only radio and television antenna, including satellite dishes, provided that:
a. The antenna must meet all height, setback, lot coverage and other limitations on structures in its zoning district;
b. The antenna may not be installed between a public street and a structure;
c. All required building permits must be obtained;
d. If installed in the R-S, R-D, R-M or R-E zoning districts and the antenna is mounted on a tower less than 12 feet high; and
e. These requirements do not (1) unreasonably delay or prevent the installation, maintenance or use; (2) unreasonably increase the cost of installation, maintenance or use; or (3) preclude reception of an acceptable signal.

(2) Temporary wireless communication facilities providing public information coverage of a news event, provided that they are set up for a duration of 72 hours or less.

(3) Cell on Wheels (C.O.W.) and Cell on Light Truck (COLT) facilities replacing a damaged facility and/or meeting the public need in the event of a public emergency or disaster declared by the County of other governmental authority.

(4) Temporary crank-up towers up to 100 feet erected for a duration of 24 hours or less for the purposes of testing.

(5) Amateur radio station facilities, provided that all antennas and supporting structures meet the following requirements:

a. Only one amateur radio station facility shall be installed on any single parcel, and all fixed radio equipment, antennas and antenna support structures so installed shall be included as part of that single facility.
b. All fixed radio equipment, antennas and antenna support structures shall comply with setback, lot coverage and other standards, except height, required in its zoning district.
c. In the R-S, R-D, R-M and R-E zoning districts, the height of the supporting tower shall not be more than 35 feet above natural grade when the station is not in use, and not more than 75 feet above natural grade when the station is in use.
d. In non-residential districts and the Rural Residential (R-R) district, the height of the supporting tower shall not be more than 75 feet above natural grade at any time.
e. Multiple antennas shall be grouped so as not to exceed 16 square feet in area when feasible.
f. All required building permits shall be obtained.
General Requirements. All new, altered and re-permitted wireless communication facilities in unincorporated Solano County, with the exception of those exempted in Sub-Section (c), shall meet the following general requirements, regardless of the zoning district in which they occur:

(1) **Zoning Districts.** Wireless communication facilities may be located in all zoning districts, except the Marsh Preservation (MP) District, upon approval of a Use Permit as described below.

(2) **Use Permit Required.** All wireless communication facilities, other than those designated as exempt in Sub-Section (c), require a Use Permit. To obtain a use permit, a hearing is required before either the Zoning Administrator or the Planning Commission, as described in Sub-Section (e).

(3) **Building Permit Required.** All wireless communication facilities shall require a building permit issued by the County of Solano.

(4) **Design Consistency with the Surrounding Environment.** To the maximum extent feasible, all wireless communication facilities shall blend in with the predominant features of the existing natural and/or built environments in which they are located. To this end, co-location, stealth mounts, structure mounts and ground mounts are particularly encouraged.

(5) **Height.** All wireless communication facilities shall conform to the following height requirements:

   a. All wireless communication facilities shall be of the minimum functional height, with additional provisions for co-location, as allowed in Sub-Section c., below.

   b. All wireless communication facilities constructed within 3/4 mile of a designated scenic corridor shall conform with the height limit in the zoning district in which they are located. New facilities that are co-located with an existing facility may exceed their zoning district’s height limit, provided that the installation of the new facility does not require a height increase of the existing facility.

   c. Outside of 3/4 mile of a designated scenic corridor, no wireless communication facility, except an exempt facility, may exceed 65 feet. A bonus of 20 additional feet per facility, up to a maximum height of 105 feet, is permissible for operators co-locating on a single tower.

   d. No roof-mounted wireless communication facility, except an exempt facility, may be more than 15 feet taller than the roof of the building on which it is mounted.

   e. If an operator wishes to apply for an exception to these height limitations, then the facility shall be subject to a Use Permit before the Planning Commission, as described in Sub-Section (e) 2., below.

(6) **Screening.** All wireless communication facilities shall be screened to the maximum extent possible, pursuant to the following requirements.
a. Ground- and tower-mounted antennas and all accessory structures shall be located within areas where substantial screening by vegetation, landform and/or buildings can be achieved. Additional vegetation and/or other screening may be required as a condition of approval.

b. The projection of structure-mounted antennas from the face of the structure to which they are attached shall be minimized.

c. Roof-mounted antennas shall be set back from the edge of the roof a distance greater than or equal to the height of the antenna. For roof-mounted antennas, a screening structure that is architecturally compatible with the building on which it is mounted may also be required as a condition of approval.

(7) **Radio-frequency exposure.** No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no wireless communication facility or combination of facilities shall produce at any time power densities that exceed the current FCC adopted standards for human exposure to RF fields. Certification that a facility meets this standard is required as described in Sub-Section (h).

(8) **Cabling.** For structure mounted antennas, all visible cabling between equipment and antennas shall be routed within the building wherever feasible. Cabling on the exterior of a building or monopole shall be located within cable trays painted to match. All cabling shall be performed in accordance with the NEC.

(9) **Painting and Lighting.** No wireless communication facility shall be installed at a location where special painting or lighting will be required by FAA regulations unless technical evidence acceptable to the Planning Commission is submitted showing that this is the only technically feasible location for this facility. Facilities shall be generally unlit except when authorized personnel are present at night. All facilities shall be painted or constructed of materials to minimize visual impact.

(10) **Noise.** All wireless communication facilities shall be designed to minimize noise. If a facility is located in or within 100 feet of a residential district, noise attenuation measures shall be included to reduce noise levels to a maximum exterior noise level of 50 $L_{dn}$ at the facility site’s property lines.

(11) **Accessory Structures.** Enclosures and cabinets housing equipment related to a wireless communication facility shall meet setback and height restrictions for such structures in their zoning districts. Such structures shall appear architecturally compatible with their surroundings and be designed to minimize their visual impact. To meet this requirement, underground vaults may be required.

(12) **Roads and Parking.** Wireless communication facilities shall be served by the minimum roads and parking areas necessary and shall use existing roads and parking areas whenever possible.

(13) **Provisions for Future Co-location.** All commercial wireless communication facilities shall be encouraged to promote future facility and site sharing. Technical evidence will be provided as to the infeasibility of co-location or grouping prior to the issuance of a new
use permit for a facility that would not be considered to be co-located or grouped under this ordinance.

(14) Removal Upon Discontinuation of Use. All equipment associated with a wireless communication facility shall be removed within 90 days of the discontinuation of the use and the site shall be restored to its original pre-construction condition. The operator's agreeing to such removal and allowing the County access across private property to effect such removal shall be a condition of approval of each permit issued. At its discretion, the County may require a financial guarantee acceptable to the County to ensure removal.

(e) Permitting Requirements. All wireless communication facilities not specifically exempted from these regulations are subject to one of the two permit processes described below.

(1) Use Permit before the Zoning Administrator. Certain wireless communication facilities may be conditionally approved by the Zoning Administrator, as described in this subsection.

a. Qualifying Facilities. The following types of wireless communication facilities qualify for a use permit before the Zoning Administrator:

1. Receive-only radio and television antennas and satellite dishes or antennas that do not qualify for exemption under Sub-Section (c), including multiple antennas or dishes on a single parcel.

2. Amateur radio facilities that do not qualify for exemption under Sub-Section (c). When required, a Use Permit before the Zoning Administrator shall be granted to amateur radio operators with no fee.

3. Wireless communication facilities installed on publicly-owned property, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d) and hold an executed license or lease agreement.

4. Co-located wireless communication facilities, regardless of zoning district, provided they comply with the general requirements in Sub-Section (d).

5. Wireless communication facilities located on sites that would be considered to be co-located or grouped under this ordinance in a Commercial District (C-H, C-G, C-S, C-O), Industrial Districts (M-L, M-G, I-WD) or Agricultural Districts (A, A-L) provided they comply with the general requirements in Sub-Section (d) and are not located within 500 feet of a residential zone (R-R, R-E, R-S, R-D, R-M).

b. Required Findings. In order for the Zoning Administrator to approve a proposed wireless communication facility under a Use Permit, the Zoning Administrator shall make the findings required for a Use Permit, as well as the following additional findings:

1. The facility complies with all applicable sub-sections of this section.
2. The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative radio-frequency energy emitted by the facility and any near-by facilities will be consistent with FCC regulations.

3. The facility blends in with its existing environment and will not have significant visual impacts.

(2) Use Permit before the Planning Commission. All other wireless communication facilities or any facility requiring an exception to these regulations shall require a Use Permit with a public hearing before the Planning Commission.

a. Qualifying Facilities. A Use Permit is required for any wireless communication facility that is not exempt under these regulations and that does not qualify for a Use Permit before the Zoning Administrator, including all commercial wireless communication facilities proposed on privately-owned property in Watershed and Residential zoning districts or on sites that would not be considered to be co-located or grouped under this ordinance.

b. Required Findings. In order for the Planning Commission to approve a proposed wireless communication facility under a Use Permit, the Commission shall make the findings required for a Use Permit, as well as the following additional findings:

1. No alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility. This finding shall be based on the results of an Alternatives Analysis, as described in Sub-Section (f), below.

2. The facility either 1) does not require an RF Environmental Evaluation Report as described in Sub-Section (h), or 2) the RF Environmental Evaluation Report for the facility shows that the cumulative Radio-frequency exposure emitted by the facility and any near-by facilities will be consistent with FCC regulations.

3. The facility blends in with its existing environment and will not have significant visual impacts.

(f) Alternatives Analysis. For a facility requiring a Use Permit before the Planning Commission, an Alternatives Analysis shall be prepared by or on behalf of the Operator, as described below.

(1) Alternatives to be Considered. The Alternatives Analysis shall consider alternative locations and designs for the proposed facility, including those which would not require a Use Permit. At a minimum, alternatives included in the analysis shall include 1) co-location at all existing wireless communication facilities whether in the unincorporated County, a city or an adjacent county, 2) lower, more closely spaced wireless communication facilities; and 3) mounting on any existing non-residential structure within
½-mile of the proposed facility in unincorporated Solano County. The alternatives analyzed shall be approved by the Zoning Administrator. For facilities to be located near an incorporated city, the analysis shall also explain why siting within the city is not possible.

(2) **Findings.** The Alternatives Analysis shall show whether or not the proposed siting and design would have the least possible environmental and visual effect on the community and whether any alternative site or design is available that would allow for issuance of a Use Permit before the Zoning Administrator for the facility.

(3) **Review.** The Zoning Administrator may, at his/her discretion, employ on behalf of the County an independent technical expert to review this Alternatives Analysis. The Operator shall bear the reasonable costs of this review.

(g) **Visual Analysis.** For a facility requiring review before the Planning Commission and located within 3/4 mile of a designated scenic roadway, a visual analysis shall be prepared by or on behalf of the Operator, as described below. This visual analysis shall demonstrate compliance with provisions of the Scenic Roadway Element of the Solano County General Plan.

(1) **Contents.** The visual analysis shall include the following contents.

   a. A map of the visual units (as defined in the Scenic Roadway Element) from which the proposed facility will be visible.

   b. A map of foreground and distant view components, as defined by the Scenic Roadways Elements.

   c. A narrative discussion of the visual impact of the proposed facility based on the items above.

(2) **Findings.** The visual assessment shall compare the proposed facility's visual impacts to the criteria contained in the Solano County General Plan Scenic Roadway Element. It shall make conclusions as to whether the facility would comply with the Element and suggest changes to the facility that would make it more compatible with the Element.

(h) **Radio-frequency Exposure Review.** An RF Environmental Evaluation Report shall be prepared for any proposed wireless communication facility meeting the specifications below. In order for a proposed facility that requires an RF Environmental Evaluation Report to be approved, the report must demonstrate that RF emissions from the facility in combination with existing RF emissions from nearby facilities will meet the current FCC adopted exposure standard.

(1) **Facilities Requiring an RF Environmental Evaluation Report.** Wireless communication facilities meeting any of the following criteria require an RF Environmental Evaluation Report before they may be permitted under these regulations:

   a. Facilities described in Table 1 Section 1.1307 "Transmitters, Facilities and
Operations Subject to Routine Environmental Evaluation" of the FCC Rules and Regulations, 47 C.F.R. § 1.1307, or any superseding regulation.

b. Facilities proposed to be installed within 50 feet of an existing wireless communication facility.

c. Facilities with one or more antenna to be installed less than ten feet above any area that is accessible to untrained workers or the public.

(2) Evaluation Report Requirements. The RF Environmental Evaluation Report shall meet the following requirements:

a. The RF Environmental Evaluation Report is subject to approval of the Zoning Administrator.

b. The RF Environmental Evaluation Report shall be prepared by a Radio-frequency Exposure Professional.

c. The RF Environmental Evaluation Report shall explicitly state that "operation of the proposed facility in addition to other ambient RF emission levels will not exceed current FCC-adopted standards with regard to human exposure in controlled and uncontrolled areas as defined by the FCC."

d. Assumptions utilized for the calculations of RF exposure shall be conservative in nature and at a minimum be in accordance with the most recent FCC guidance on assessment of RF exposures.

e. The RF Environmental Evaluation Report shall compare RF measurements and/or calculations of RF exposure to the applicable FCC exposure standard. The comparison shall include the power density in micro-watts per square centimeter and as a percentage of the applicable FCC exposure standard.

f. RF field measurements of power density of the proposed facility and/or surrounding facilities are required to be included in the RF Environmental Evaluation Report when:

1. Adequate technical information regarding other wireless communication facilities that may substantially contribute to RF exposure at the subject site is unavailable;

2. Calculations of RF exposure indicate the possibility of exposures in excess of the FCC exposure standard; or

3. So directed by the Zoning Administrator because of concerns about the number of near-by facilities.

g. All required RF field measurements shall be performed by a Radio-frequency Exposure Professional. Evidence must be submitted showing that the testing instrument(s) used were calibrated within their manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National
Institute of Standards and Technology. Measurements shall be performed in compliance with FCC guidance regarding the measurement of RF emissions and shall be conducted during normal business hours on a non-holiday week day.

h. The Zoning Administrator or his/her designee may monitor the performance of testing required for preparation of the RF Environmental Evaluation Report. The cost of such monitoring shall be borne by the Operator.

i. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.

(3) Modifications to Facilities. To the extent necessary to ensure compliance with adopted FCC regulations regarding human exposure to RF emissions, or upon the recommendation of the Zoning Administrator, the operator shall modify the placement of the facilities; install fencing, barriers or other appropriate structures or devices to restrict access to the facilities; install signage, including the radio-frequency hazard warning symbol identified in ANSI C95.2-1982 and multi-lingual warnings if deemed necessary by the Zoning Administrator to notify persons that the facility could cause exposure to RF emissions; and/or implement any other practice reasonably necessary to ensure that the facility is operated in compliance with adopted FCC RF emission standards.

(4) Changes to FCC Standards. If the FCC RF emission standards are modified, the operator shall ensure that the facility is reevaluated for compliance with the new standards, and a recertification statement prepared by a Radio-frequency Exposure Professional shall be submitted by the Operator to the Zoning Administrator prior to the effective date of the new FCC RF emission standards. For an amateur radio station facility, self-certification of compliance by the amateur radio station license is acceptable if permitted by FCC regulations and conducted under standards and procedures set forth by the FCC.

(l) Application: Applications for use permits shall be made in writing on a form prescribed by the Zoning Administrator, and shall be accompanied by plans and data to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee or fees as may be set by the Board of Supervisors. Not part of such fee shall be refundable.

(j) Life of Approval

(1) General Term. Permits for wireless communication facilities issued under these regulations shall generally be valid for five years, unless such term is reduced through the permitting process.

(2) Co-located facilities. A permit for a new co-located facility at a facility with an existing permit that has more than five years remaining on it shall have the same term as the existing permit. If a permit is issued for a new co-located facility at a facility with an existing permit that has less than five years remaining on it, than the existing permit shall be extended to the same term as the new permit.
(3) Revocation. If the conditions of a Use Permit granted under this Section are not complied with, the Use Permit may be revoked pursuant to Section 28.53 (j) of the Zoning Code.

(4) Renewal. All permits, regardless of the method by which they were originally given, may be extended administratively by the Zoning Administrator or his/her designee upon verification of the permit-holder’s continued compliance with the findings and conditions of approval under which the application was originally approved. As a part of the renewal process, the Zoning Administrator or his/her designee may require submission of certification by a Radio-frequency Exposure Professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions. At his/her discretion, the Zoning Administrator or his/her designee may require a public hearing for renewal of a permit for a wireless communication facility under a Use Permit.

(k) Facilities in Existence Prior to Adoption of these Regulations

(1) Facilities Permitted Prior to Adoption of these Regulations. Wireless communication facilities that obtained valid permits from Solano County and were constructed prior to the enactment of this Ordinance are not subject to these regulations. However, permits that require renewal will be renewed under these regulations, and any facilities operating with existing permits which are proposed for modification must acquire new permits under these regulations.

(2) Facilities Operating Without Permits but Existing Prior to Adoption of these Regulations. All non-exempt wireless communication facilities without permits issued by Solano County must acquire them under the provisions of these regulations within 90 days of the adoption of these regulations.

SECTION II

Chapter 28, Section 21(c)(16) is added to read as follows:

(16) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION III

Chapter 28, Section 22(c)(9) is added to read as follows:

(9) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION IV

Chapter 28, Section 23(c)(10) is added to read as follows:

(10) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.
SECTION V
Chapter 28, Section 24(c)(6) is added to read as follows:

(6) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION VI
Chapter 28, Section 25(c)(6) is added to read as follows:

(6) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION VII
Chapter 28, Section 26(c)(6) is added to read as follows:

(6) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION VIII
Chapter 28, Section 27(c)(8) is added to read as follows:

(8) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION IX
Chapter 28, Section 28(c)(4) is added to read as follows:

(4) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION X
Chapter 28, Section 29(c)(8) is added to read as follows:

(8) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XI
Chapter 28, Section 30(c)(8) is added to read as follows:

(8) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XII
Chapter 28, Section 31(c)(11) is added to read as follows:
(11) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XIII
Chapter 28, Section 32(c)(8) is added to read as follows:

(8) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XIV
Chapter 28, Section 33(c)(8) is added to read as follows:

(8) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XV
Chapter 28, Section 34(c)(3) is added to read as follows:

(3) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XVI
Chapter 28, Section 35(c)(7) is added to read as follows:

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XVII
Chapter 28, Section 36(c)(7) is added to read as follows:

(7) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.

SECTION XVIII
Chapter 28, Section 37(c)(6) is added to read as follows:

(6) Wireless communication facility as defined in Section 28-50.01(b), and subject to the procedures and conditions described in Section 28-50.01.
SECTION XIX

Chapter 28, Section 50(a) is amended to read as follows:

(a) Use:

(1) No dance hall, nightclub, commercial club, or any establishment where liquor is served, commercial place of amusement or recreation shall be established in any district closer than two hundred feet to any boundary of any residential district unless a use permit is first secured in each case.

(2) Circuses, carnivals, fairs, revivals or similar temporary establishments involving assemblages of people and automobiles shall be permitted in any T, A, R-R, P, C-H, C-S, M-L and M-G district for a brief duration, provided, a use permit is first secured in each case.

(3) Removal of minerals or natural materials, including building and construction materials to be used for commercial purposes, shall be allowed for a limited period in any district, provided a use permit is first secured in each case, as provided in Chapter 29 of the Solano County Code.

(4) On-site excavation or removal or filling of materials for normal facilities, or where such removal or filling is motivated by land leveling as its prime objective, shall be allowed in any district; provided, that no finished grades exceed a two-to-one slope.

(5) Concrete and asphaltic concrete mixing plants and construction storage yards incidental to construction or public works projects may be allowed in any T, A, P or R-R district for a limited period, provided a use permit is first secured in each case.

(6) Public utility, electric, gas, water, oil and telephone transmission and distribution lines shall be permitted in any district without the necessity of first obtaining a use permit; provided, that maps showing proposed routes of such transmission lines, together with a written statement of approximate structure heights and right-of-way widths, shall be submitted to the Planning Commission, and routes mutually acceptable to the Planning Commission and utility agencies concerned shall be determined in writing prior to acquisition of any rights-of-way. Each transmission line route proposal submitted in accordance herewith shall be accompanied by a fee or fees as may be set by the Board of Supervisors by resolution pursuant to Section 11-111 of this Code. No part of such fee shall be refundable.

(7) Non-public utility lines and all accessory uses and structures for transmission or distribution of electricity, gas, water, oil, gasoline, telephone, television or other utility may be permitted in any district; provided, that in any case necessitating right-of-way acquisition or use of property outside of a right-or-way, a use permit shall be secured in each case prior to such acquisition or use. Accessory uses and structures shall include, but not limited to, compression, drying or regeneration stations.

(8) In any A, P or C-H district, one directional sign, not exceeding three hundred square feet, placed adjacent to a freeway in advance of the turn-off to a roadside commercial district or a by-passed community for the sole purpose of giving approaching motorists notice of such turn-off and of such commercial district or community, may be permitted,
provided a use permit is first secured in each case.

(9) Vacant land in any district shall not be required to lie fallow.

(10) The Planning Commission shall have power to hear and decide questions involving the enforcement of this Chapter when such questions are based upon the interpretation thereof.

(11) Temporary mobile home sites in any T, A-L, A, MP, R-R, R-E, P and M-G districts may be permitted for a temporary term corresponding to the circumstances of the particular case, and provided a use permit is first secured by the owner of the mobile home site in each case except that a temporary mobile home may be utilized on any such site to provide emergency replacement housing in the event of loss due to fire, flood or other disaster for up to 18 months without the granting of a use permit.

(12) A temporary commercial coach site may be permitted in any district for a term corresponding to the circumstances of the particular case, and provided a use permit is first obtained in each case except that a temporary commercial coach may be utilized on any construction site as an office or storage area while construction is being actively conducted pursuant to a valid building permit for up to 18 months without the granting of a use permit. The commercial coach may not be used as a residence and shall meet all building setbacks applicable to permanent development on the parcel.

(13) Injection wells may be allowed in the exclusive agricultural district for a limited period and subject to the permit standards set forth in Chapter 13.6 of this Code, provided a use permit is first secured in such case.

SECTION XX

This ordinance will be effective thirty (30) days after its adoption.

SECTION XXI

A summary of this ordinance will be published once within fifteen (15) days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation.

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On the motion of Supervisor Gojkovich, and second of Supervisor Thomson, the Solano County Board of Supervisors adopted this ordinance on November 10, 1998, by the following vote:

AYES: Supervisors Gojkovich, Kondylis, Thomson, and Vice-Chairman Silva

NOES: Supervisors None

ABSTAINED: Supervisors None

ABSENT: Supervisors Chairman Carroll

ATTEST:

Michael Johnson, Clerk
of the Board of Supervisors

By: Maggie Jimenez, Deputy Clerk
Reggi Blancett, Deputy Clerk

Chief William Carroll, Board of Supervisors

r.finalord (September 30, 1998)