


Chapter 6 Telecommunications Element - PC Final Markup 09-16-10


Plan Alternative				Chapter 6. Telecommunications Element	Staff Remarks/ Implementation	Position R, M, D
				6.4 Goals		
A	B	C		T-G1. <u>Deployment and Availability.</u> TeleC ommunications , <u>including high speed broadband</u> , available to every resident, business, and institution in Humboldt County at a level of service and <u>at</u> price comparable to statewide availability and standards <u>urban communities.</u>		M Straw Vote 7-0
				COMMENTS: 8-26-10: All support the wording revisions provided by the BWG and modified by C. Kreb.		
A	B	C		T-G2. <u>Broadband Access.</u> A broadband internet infrastructure that reliably connects Humboldt to national networks and extends throughout urbanized areas to our most rural communities.		R
				COMMENTS: 8-26-10: All support the wording provided by staff.		
A	B	C		T-G3. <u>New Construction.</u> Broadband service capability integrated into new buildings and developments.		R
				COMMENTS: 8-26-10: All support the wording provided by staff.		
A	B	C		T-G4. <u>Communication Facilities.</u> Orderly <u>planning</u> and appropriate development of wireless communication facilities within the county to achieve reliable access <u>while protecting public health and safety; in a manner that will protect and promote public health and safety; prevent minimizing</u> visual blight; <u>preserving</u> the county's rural character; <u>and including</u> protect scenic, natural, and cultural resources.		M Straw Vote 7-0

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				COMMENTS: 8-26-10 All support the BWG recommended revisions.		
A	B	C		T-G5. Telecommuting and Workforce Development. Promoting and seeking resources to ensure that the county has a broadband infrastructure that encourages economic and workforce development and promotes telecommuting.	NEW Goal recommended by BWG	Revise & Move to Ch. 9
				COMMENTS: 8-26-10 All support the recommendation provided by staff to revise and move to the Economic Development Element.		
A	B	C		T-G6. Embraces new communication technology. Assure that we are a county that welcomes new technology advancements put resources into assuring that broadband infrastructure keeps up with the capacity and demand needs of new technologies.	NEW Goal recommended by BWG	Revise & Move to Ch. 9
				COMMENTS: 8-26-10 All support the recommendation provided by staff to revise and move to the Economic Development Element.		
				6.4 Policies		
A	B	C		T-P1. Development of Communications Infrastructure and Services. Advocate for Support the development of communications infrastructure and services to facilitate the use of the best available technology for business, households, and government.	Iss, IM6, IM8	M Straw Vote 7-0
				COMMENTS: 8-26-10: All support with the substitution of the word "support" for "advocate".		
A	B	C		T-P2. Broadband Service Reliability. Support efforts to increase reliability and continuity of service by broadband media and communications providers through market development, installation of redundant infrastructure, diversification of providers, and system modernization.	Iss	M Straw Vote 7-0

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				COMMENTS: 8-26-10 All support the BWG recommended revisions.		
A	B			T-P3. Communications Facility Siting. Design and site all facilities to minimize their visibility, prevent visual clutter, and reduce conflicts with surrounding land uses while recognizing that all communities in Humboldt County need should have access to broadband and communication infrastructure.	Leg, Prog, QJ, Min, S1, IM1, IM6-7 	M Straw Vote 6-0
				COMMENTS: 8-26-10 There was concern by the Commissioners that the BWG revision reduces the County's ability to regulate visual impacts; however, there was consensus on the Commission to support access by all communities to broadband services. The Chair requested that staff reword the BWG language to make this clearer. 9-9-10: The Commission voted to accept the staff's revisions to the BWG policy language recommendations.		
A	B	C		T-P4. e-Government Infrastructure. Continue to expand the County's website and communications capabilities, including the use of geographic information system resources, as a source of public information and as an aid in the delivery of public services, to deliver online as many public services as possible to decrease trips and reduce impacts on the environment. The County shall work towards providing online all policies, plans, ordinances, and information about the jurisdiction.	Iss, Prog, IM10	M Straw Vote 7-0
				COMMENTS: 9-9-10 Staff suggested that the Commission may want to put in the Circulation Element (because of the trip reduction language). C. Emad stated that this is a goal that drives land use policy. Counsel stated that this works as a goal or a policy and you can add in the implementation later. The Commission all supported the revised language of the BWG but recommended that it be moved to the Circulation Element.		
				T-PX PEG Access. Work to Encourage the expansion PEG of Public, Education and Government (PEG) access media in all communities in the county.		NEW POLICY 6-0

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				<p>COMMENTS: 9-9-10 This is a new policy proposed by the BWG. It was accepted by the Commission with the deletion of the acronym “PEG” while keep the wording “public, education, and government” in instead.</p>		
A	B	C		<p>T-P5. Communications Facilities Within County Rights of Way. Strongly encourage communications service providers to size underground and overhead facilities to accommodate future expansion, changes in technology, and, where possible, the facilities of other communications providers.</p>	Iss, Prog, IM3	M Straw Vote 5-2
				<p>COMMENTS: 9-9-10: The Broadband Working Group provided the following revisions:</p> <ul style="list-style-type: none"> T-P5 Communications Facilities within the County Right-of-Way— Communications installers shall size underground and overhead facilities to accommodate future expansion, changes in technology. <p>Staff suggested that it is unlikely that the County can do anything more than just to negotiate work in the ROW. This is a very strict standard – if it doesn’t happen, you can’t use the ROW. We recommend using the word “encourage” instead.</p> <p>Straw Vote: Commissioners Krebs, Faust, Gearheart, Nelson and Emad supports the original policy language with the inclusion of the word “strongly” before “encourage”. Commissioners Mayo and Smith recommended deleting the policy altogether.</p>		
A	B			<p>T-PX County Right-Of-Way and Net Neutrality. In negotiating franchise agreements and the use of county right-of-ways, the County shall require strongly encourage providers to serve underserved communities and using its right of ways to agree to adhere to the principal of net neutrality or unfiltered access to internet information.</p>		New Policy Straw Vote 5-2
				<p>COMMENTS: 9-9-10 Staff suggested the two new policies recommended by the BWG be combined and to take out the “shall require” wording. The Board is responsible for ROW agreements and the Commission felt it was up to them to decide how they may want to negotiate franchise agreements.</p> <p>Straw Vote: Commissioners Faust, Mayo, Krebs and Gearheart supported staff’s revisions with C. Krebs’s addition of the phrase “strongly encourage”.</p> <p>C. Emad agrees with C. Smith but will support the new language.</p> <p>C. Smith and Nelson – support the first half but would like to remove” net neutrality”.</p>		

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A	B	C	T-P6. Telecommuting. Telecommuting and home-based businesses that use internet shall be considered principally permitted accessories to residential uses when operated in compliance with cottage industry performance standards.	Iss	R Straw Vote 7-0
			COMMENTS: 9-9-10: All okay as written.		
A	B	C	T-P7. Broadband Internet. Promote the provision of broadband infrastructure in all communities throughout the County.	Iss, Prog, IM4-9	M Straw Vote 7-0
			COMMENTS: 9-9-10 All support the wording provided by staff with minor revisions.		
A			T-PX. Local Government Broadband Communications Services. Encourage and support the efforts of community based organizations or community services districts to construct, own, improve, maintain, and operate broadband facilities and to provide broadband services within communities where communications service providers are unwilling or unable to so do.		R Straw Vote 7-0
			COMMENTS: 9-9-10 Commissioner Nelson stated that he “pulled” this because he was uncomfortable having the government provide services to everyone. Connie Steward of the Center for Rural Policy provided information regarding State law SB135. This law mandates that after a provider moves in to the area it (government) must sell to provider at a reasonable cost. The Commission unanimously supported after this explanation.		
A	B	C	T-P8. Broadband Internet. Support the development and management of an alternative fiber optic line that connects to the fiber backbone running along the U.S. 5 corridor. The County shall support the expansion and delivery of redundant, open broadband internet service throughout the county, in the rural or remote communities in the county through all appropriate technologies and support the use of public resources to serve community anchors such as court houses, schools, libraries, civic and media access centers, public safety and health care facilities.	Iss, Prog, IM9	M Straw Vote 7-0

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			COMMENTS: 9-9-10: The Commission voted to accept the staff's revisions to the BWG policy language recommendations.		
A	B	C	T-P9. Workforce Development. Continue to work with local businesses and educational and other institutions to identify special communications needs, and to ensure that there are a variety of service providers and training opportunities available to address those needs.	Iss	M Straw Vote 7-0
			COMMENTS: 9-9-10: C. Emad requested the inclusion of "colleges" in this policy, in particular CR. The Commission agreed but did not want to limit to just one educational institution and voted to add "educational and other institutions" to the policy language. All supported the wording revisions.		
A	B		T-P10. Subdivision Improvement Requirements. New residential and commercial development projects shall include the infrastructure components necessary to support modern communication technologies, such as conduit space within joint utility trenches for future high-speed data equipment, and flexible telephone conduit to allow for easy retrofit for high-speed data systems.	Leg, Prog, QJ, Min, IM2 	R Straw Vote 7-0
			COMMENTS: 9-9-10 All supported the policy as written.		
A	B	C	T-P11. Joint Telecom Planning. Work with local governments, utilities, schools, medical, communications and other service providers, and neighboring counties, tribes, state and federal entities to unify and coordinate communication infrastructure planning on a local, regional, and global basis.	Iss	M Straw Vote 7-0
			COMMENTS: 9-9-10 The Commission voted to accept the Commission's addition of the words "communications and other" to the BWG policy language recommendations.		
A	B	C	T-P12. E-911. Ensure that the county's radio, communications, and internet services broadcast and broadband media using wireless and wireline communications are capable of providing timely emergency information and facilitating to facilitate rapid and reliable emergency response.	Iss, Prog	M Straw Vote 7-0

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				COMMENTS: 9-9-10: All support the wording revisions provided by the BWG and modified by staff.		
A	B	C		T-P13. Cable Franchise Ordinance. Ensure that the county's cable franchise ordinance is kept up-to-date to deal with the changing nature of federal and state law, as well as the changing nature of communications technology so that the best possible services are available to residents, businesses, community based organizations, educational institutions and other public agencies.	Prog, lss	M Straw Vote 7-0
				COMMENTS: 9-9-10 All support the wording revisions provided by the BWG.	Local to local channels	
A	B	C		T-P14. Free internet Access Wireless "Hot Spots". Encourage the installation and availability of free public-use wireless broadband antennas services at every County-owned building and other community anchor facilities.	lss	M Straw Vote 6-1
				COMMENTS: 9-9-10: All support the wording revisions provided by the BWG and modified by staff except Commissioner Smith.		
A	B	C		T-P15. Trip Reduction. Encourage communications infrastructure improvements and expansion as a means to reduce transportation impacts and improve air quality.	lss	
				COMMENTS: 9-9-10: All support the wording revisions provided by the Tom McMurray and modified by staff.		M Straw Vote 7-0
A	B			T-P16. Public Broadband Communications Service Providers. Support the provision of broadband communications services by public agencies and community based organizations.	lss, Prog, IM8	
				COMMENTS: 9-9-10 The Commissioners were concerned regarding the redundancies of this policy and the earlier PX policy (Local Government Broadband Communications Services found on page 6-5) and it was noted that the PX policy was an A policy. The Commission recommended that this PX policy be designated as an A/B policy and delete this one. All support new wording.	.	

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A	B	C	<p>T-P17. Technology Awareness. Promote awareness, innovation and utilization of broadband communications technology by businesses and residents especially for least served people and places.</p>	lss	M Straw Vote 7-0
			<p>COMMENTS: 9-9-10: The Commission reviewed the wording provided by the BWG and requested to change the wording “sustainable adoption” to “utilization” but supported the other revisions offered by the BWG.</p>		
A	B		<p>T-P18. Localism: Promote development of locally owned networks through deployment and sustainable adoption utilization of broadband media and communications services in all communities.</p>	NEW policy recommended by BWG	
			<p>COMMENTS: 9-9-10: The Commission supported the new policy recommended by the BWG but requested to substitute the same wording used for T-P17 (“sustainable adoption” to “utilization”) and T-P7 “throughout the county” for “communities”.</p>		
			<p>6.5 Standards ---Broadband Working Group recommends removing ABC&E</p>		
	B		<p>T-S1. Communications Siting Standard. Siting of new communications facilities shall comply with standards contained in a Communications Facilities Ordinance that incorporates the following: certain protections for public health and safety, with priority consideration for the goals and policies put forth in the Chapter. The Ordinance may also consider: Community Benefits, Site Co-location, Performance Standards, Tiered Permitting and other issues to be addressed. (A,B,C, and E removed)</p> <p>A. Tiered Permitting. Utilize permit processes that vary depending upon the physical characteristics of the facility, its location, and its compliance with specific development and performance standards, and provisions for expanded noticing. okay as modified</p> <p>B. Performance Standards. Standards for siting design, visibility, construction impacts, noise, on-going operation, and other characteristics that affect the compatibility and environmental and safety impacts of proposed</p>	This standard is consistent with a draft version of a proposed communications ordinance.	M Straw Vote 6-0

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	<p>facilities. okay as modified</p> <p>C. Site Co-location. When feasible, communications facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings, towers, or other structures. The County shall require new facilities to accommodate future co-location to the maximum extent feasible. okay as written</p> <p>D. Public Health and Safety. Applicants shall demonstrate that proposed facilities operate within Federal Communications Commission (FCC) emission regulations and guidelines including initial and ongoing monitoring for compliance with FCC regulations.</p> <p>E. Location and Siting. 1) When designing and siting towers screening should be used if possible to reduce minimize visual impacts. 2) Stealth siting methods should be used if possible within views of scenic highways, public parks, cultural facilities and coastal scenic areas. 3) Stealthing and/or setbacks shall be used when near residential dwelling units, public or private schools, and child daycare facilities to ensure community compatibility. 4) An alternatives analysis may be required at the time of application that documents why the project as proposed is the best way to accomplish project alternatives while minimizing project impacts.</p> <p>#3 – C. Faust is okay with staff revised language. C. Gearheart– okay with language with staff's revision (write in generic term not a list). C. Smith – wants list off E(3) for specifics (review of visual impacts only). C. Kreb, Mayo and Emad okay with these revisions – All support changes.</p> <p>#4. Commissioners were concerned with the release of proprietary information. It was explained that this is required in a CEQA document. There are ways to deal with proprietary information to remain confidential.</p>		

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	<p>All support #4 as written.</p> <p>F. Design and Screening.</p> <p>1) Support structures shall be designed and painted to minimize visibility, where appropriate, with a preference towards each of the following in the order so listed: 1) use of existing structures, 2) stealth designs for concealment, and 3) monopoles. <i>okay as modified</i></p> <p>2) Component parts, equipment cabinets, buildings, and security fencing shall be designed to achieve a minimum profile through painting, screening, landscaping, and architectural compatibility with surrounding structures. <i>okay as written</i></p> <p>3) <i>Photo simulations or balloon tests with views from various vantage points may be required to show visual impact of the proposed facility. okay as modified.</i></p> <p>G. Removal of Un-used Facilities. Require the timely removal of communications towers and equipment when they are no longer needed as a condition of approval. <i>okay as written</i></p> <p>H. Independent Review. Applicants may be required to pay the cost of independent review to evaluate siting alternatives, necessity based on adequacy of coverage or evaluation of radio frequency emissions in relation to FCC Maximum Permissible Exposure Limits <i>Commissioners Smith, Mayo – vote to remove Section H Commissioners Faust, Krebs, Gearheart, and Emad support H as written</i></p> <p>I. Waiver or Modification of Standards. Allow for a waiver or modification to standards and requirements based on specific findings showing non-detriment and necessity or that strict compliance would result in noncompliance with applicable federal or state law. <i>okay as written</i></p>		
	<p>COMMENTS: COMMENTS: 9-16-10 There was extensive discussion on S1. The Commission voted on each subsection separately.</p>		

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A	<p>T-S1. Communications Siting Standard. Siting of new communications facilities shall comply with standards contained in a Communications Facilities Ordinance that incorporates the following:</p> <ul style="list-style-type: none"> A. Tiered Permitting. Utilize permit processes that vary depending upon the physical characteristics of the facility, its location, and its compliance with specific development and performance standards. B. Performance Standards. Standards for siting design, visibility, construction impacts, on-going operation, and other characteristics that affect the compatibility and environmental and safety impacts of proposed facilities. C. Site Co-location. When feasible, Communications facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings, towers, or other structures. The County shall require new facilities to accommodate future co-location to the maximum extent feasible. D. Public Health and Safety. Applicants shall demonstrate that proposed facilities operate within Federal Communications Commission (FCC) emission regulations and guidelines. E. Location and Siting. <ul style="list-style-type: none"> 1) Avoid Prohibit siting along ridgelines unless screened from public view <u>unless stealth design techniques are utilized.</u> 2) Avoid Prohibit siting within views of scenic highways, public parks, recreation or cultural facilities or other public lands and coastal scenic or view areas <u>unless stealth design techniques are utilized</u> 	See <u>underline</u> and strike through text for differences with Alternative B.	D

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	<ul style="list-style-type: none"> 3) Setbacks shall be required between communication facilities and residential dwelling units, public or private schools, and child daycare facilities. 4) An alternatives analysis shall be provided at the time of application that documents why the project as proposed is the best way to accomplish project alternatives while minimizing project impacts. F. Design and Screening. <ul style="list-style-type: none"> 1) Support structures shall be designed and painted to minimize visibility <u>to the maximum extent</u> with a preference towards each of the following in the order so listed: 1) use of existing structures, 2) stealth designs for concealment, and 3) monopoles. 2) Component parts, equipment cabinets, buildings, and security fencing shall be designed to achieve a minimum profile through painting, screening, landscaping, and architectural compatibility with surrounding structures. 3) Photosimulations or balloon tests with views from various vantage points shall be used to show visual impact of the proposed facility. G. Removal of Un-used Facilities. Require the timely removal of communications towers and equipment when they are no longer needed as a condition of approval. H. Independent Review. Applicants may be required to pay the cost of independent review to evaluate siting alternatives, necessity based on adequacy of coverage or evaluation of radio frequency emissions in relation to FCC Maximum Permissible Exposure Limits. I. Waiver or Modification of Standards. Allow for a waiver or modification to standards and requirements based on specific findings showing non-detriment and necessity or that strict compliance would result in noncompliance with applicable federal or state law. 		

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				COMMENTS:		
				6.6 Implementation Measures		
A	B			T-IM1. Communications Facilities Ordinance. Adopt a Communications Facilities Ordinance that: ensures compatibility of communications facilities with nearby land uses, is proactive in the design and siting of wireless communications facilities, provides incentives for unobtrusive and compatible wireless antennas, and establish clear standards for such facilities.		R Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as written.		
A	B			T-IM2. Broadband Deployment. Revise subdivision regulations to require the provision, where feasible, of infrastructure for broadband internet. facilities for broadband communications network deployment"		M Straw Vote 6-0
				COMMENTS: All supported the policy as modified by the BWG.		
A	B	C		T-IM3. Improvement Specifications within Road Rights-of-Way. Review the Standard Improvement Specifications for Public Improvements to determine if a location for the placement of conduit for communications use can be designated and to develop safe zones for installing new communications infrastructure.		R Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as written.		
A	B			T-IM4. Communications Infrastructure Inventory. Create and maintain an inventory of communications infrastructure located within and outside public rights-of-way and all existing and proposed communications facilities and their locations in the county, including all available tall structures that could be used for communications antennas.		R Straw Vote 6-0

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				COMMENTS: 9-16-10: All supported the policy as written.		
A	B			T-IM5. Public Conduit. Work with other local, and state and tribal jurisdictions to develop a standard for evaluate the feasibility of installing publicly owned communications conduit as part of capital construction projects such as water, wastewater, power, roads, and sidewalks.		M Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as revised by the BWG and modified by staff.		
A	B			T- IM6. Ongoing Communications Planning. Prepare and periodically update a communications improvement program based on existing local, countywide, and regional communications planning studies that identifies existing conditions, needed improvements, and funding programs and that establishes criteria for prioritizing projects.		R Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as written.		
A	B			T- IM7. Pre-planning Facility Locations. Establish and utilize wireless and wireline communications siting standards, in coordination with other jurisdictions, to pre -identify areas where future commercial or public communications facilities can be located.		R Straw Vote 4-1-1
				COMMENTS: 9-16-10: All supported the policy as modified except C. Smith (C. Mayo is neutral).		
A	B	C		T- IM8. Communications for Rural Communities Under Served Communities. Advocate for and seek grant funding to deliver improved communications to outlying rural communities areas and other least under served communities. Provide technical assistance to community service districts, other local government jurisdictions and community based organizations interested in offering broadband communications services for public, education and government purposes.		M Straw Vote 6-0

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				COMMENTS: 9-16-10: All supported the policy as revised by the BWG and modified by staff.		
A	B	C		T- IM9. Broadband Reliability. Advocate for and seek grant funding to support broadband service diversity and redundant network capacity fiber optic service and from the county.		M Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as revised by the BWG.		
A	B	C		T- IM10. e-Government. Continuously improve County government's use of broadband communications and digital technology to educate and provide public services with a focus on internet services, geographic information systems, and public safety and emergency communications.		M Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the policy as revised by the BWG.		
A	B	C		T-IM11 Remote Deployment Planning. The County should seek funding to undertake a study and environmental review to determine appropriate places to deploy wireless communication facilities that would provide reliable coverage to every community within the county. Areas approved in the report should receive expedited and streamlined permitting.	NEW Implementation Measure recommended by BWG	M Straw Vote 6-0
				COMMENTS: 9-16-10: There was discussion regarding the duplication of IM11 and IM7. Commissioners Smith and Mayo favored replacing IM7 with IM11 and Commissioners Gearheart, Kreb, Faust, Emad supported retaining both 11 and 7. The final tally included support of this IM by all the Commissioners present.		
A	B	C		T-IM12 Increasing PEG Access. The County of Humboldt will engage Work with local, state, tribal and federal governments, community based organizations and private sector entities to develop, improve, and maintain high quality communications service providing increased community access to affordable, broadband media services for	NEW Implementation Measure recommended	M Straw Vote 6-0

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				public, education and government (PEG) purposes.	by BWG	
				COMMENTS: 9-16-10: Commissioner Gearheart requested modest revisions to the BWG language and all the Commissioners supported these revisions.		
A	B	C		T-IM13 Communication Marketing. Market the County to the outside world as a tech-aware place to live and work.	NEW Implementation Measure recommended by BWG	M Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the implementation measure as written by the BWG.		
A	B	C		T-IM14. Live remote of public meetings. The County will seek funding and deploy live remote coverage of public meetings in public spaces in to communities without access to public, education, and government channels.	NEW Implementation Measure recommended by BWG	M Straw Vote 6-0
				COMMENTS: 9-16-10: All supported the implementation measure as written by the BWG and modified by staff.		
A	B	C		T-IM15. Research Possible Monitoring Policy. Host community workshops to discuss the issue of monitoring radiation outputs from wireless equipment.	NEW Implementation Measure recommended by BWG	M Straw Vote 3-3
				COMMENTS: 9-16-10: Commissioners Smith, Mayo, Emad voted no (felt this was unnecessary) and Commissioners Faust, Krebs, and Gearheart voted yes. Commissioner Emad requested that the county make sure we are in line with FCC regulations regarding monitoring.		