

# Comprehensive Antennas Proposal (CAP)\*

The Comprehensive Antennas Proposal (CAP) increases protections for all residents from the adverse impacts of every Wireless Telecommunications Facility (WTF). CAP revises sections of the Zoning Ordinance and related County regulations, policies, and provisions. The purpose of CAP is to:

- Ensure safety and protect aesthetics;
- Prevent hazards and nuisances;
- Minimize adverse visual or auditory impacts of WTFs;
- Guarantee procedural justice through transparent information, timely notice of actions, and opportunities for meaningful input in review processes;
- Facilitate reasonable and balanced delivery of quality WTFs and wireless services; and
- Require review processes to be fully funded by the applicants, and for the County to receive just compensation for any land occupied or rented.

*\*CAP has been inspired and informed by the many resident-protective WTF principles and practices in jurisdictions throughout the nation.*

# Protective Residential Setback Standards

*CAP:*

60-ft setbacks from houses and duplexes are retained.



*Inspired and informed by jurisdictions such as:*

- Elgin, IL\*
- Glenview, IL
- Ashland, OR

The Conditional Use standards for all new Telecommunications Towers are retained.



- Ashland, OR
- Rye, NY
- Snoqualmie, WA

*\* Suburban IL jurisdictions are widely expected to receive Chicago-like exemptions to their state's recent pre-emption bill.*

# Completely Concealed Facility

*CAP:*

The WTF is established as a “Completely Concealed Facility,” meaning all elements are stealth, camouflaged, or concealed.

Per the FCC Spectrum Act, expansions must not diminish concealments. So concealment standards are protections from expansions, too.

*Inspired and informed by jurisdictions such as:*

 San Diego, CA

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- San Diego, CA
  - Ventura, CA
  - Palo Alto, CA
  - Denver, CO

# Equipment – Vaulted, Concealed, & Minimized

*CAP:*

Equipment in public rights-of-way is generally vaulted, and cables between WTFs are run underground.

Equipment in public rights-of-way that cannot practicably be vaulted meets strict standards for size and complete concealment.

Most above-ground equipment that is not in public rights-of-way also meets complete concealment standards.

*Inspired and informed by jurisdictions such as:*



- Rancho Palos Verdes, CA (RPV)
  - Santa Barbara County, CA
  - Matthews, NC
  - Bridgewater, MA
  - Snoqualmie, WA
- (Also consulted with a vaults vendor.)



- San Diego, CA
- Eden Prairie, MN
- New York, NY



- Palo Alto
- San Diego, CA
- Ventura, CA

# Sensitive Use

*CAP:*

*A Sensitive Use* is protected from the adverse impacts of a WTF through established:

- Setbacks and Buffers
- Lower-Priority Siting Locations
- Community Notice Processes

*Inspired and informed by jurisdictions such as:*

- RPV
- San Diego, CA
- Santa Barbara County, CA
- Hempstead, NY
- Rye, NY

The term *Sensitive Use* refers to a structure intended or used for occupants to sleep, learn, or convalesce.

# Notice to Affected Residents

## *CAP:*

Timely notice is provided to affected residents prior to the filing of a WTF application.

Notice of the proposed facility is effected through a/an:

- Posted sign at the proposed location and by mail;
- Temporary mock-up of the WTF;
- Informational meeting for the affected community.

Notice of the DPS permit is provided to affected residents.

High-priority siting locations, generally in non-residential zones, are exempt from the Notice requirements.

*Inspired and informed by jurisdictions such as:*

- Hillsborough, CA
- Palo Alto, CA
- Napa County, CA
- RPV
- Boston, MA
- Prince George's County, MD

Similar requirements for Community Notice are also provided in parallel Montgomery County zoning regulations.


# Fair and Consistent Review Standards

*CAP:*

TFCG and DPS receive and fairly consider written public comments that are submitted in advance of a WTF application review.

A WTF permit application – building or zoning – is filed within 90 days after the TFCG Recommendation, and the Recommendation is attached to the permit application at the time of filing. The Recommendation expires if no building or zoning application is timely filed.

*Inspired and informed by jurisdictions such as:*

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- Hillsborough, CA
  - Malibu, CA
  - Rye, NY

- 
- Palo Alto, CA
  - Prince George's County, MD
  - Montgomery County  
*(in comments to FCC)*

# Protective Micro-Tower Road and Height Standards

*CAP:*

WTFs are only sited along certain rights-of-way, not along streets or roads that DOT classifies as “Residential” or “Rustic.”

WTFs have varying height limits; no WTF in a right-of-way exceeds 50 feet in height. Standards also limit WTF height in relationship to the height of the prior existing structure.

Processes and regulations incentivize deployments on select County-owned-and-controlled poles, located in the County rights-of-way.

*Inspired and informed by jurisdictions such as:*



- Glenview, IL
- Gaithersburg, MD
- Snoqualmie, WA



- RPV
- Des Plains, IL
- Elgin, IL
- Glenview, IL
- Schaumburg, IL
- Rye, NY



- San Jose, CA
- Lincoln, NE

The City of Huntington Beach, CA plans deployment of low-profile “Smart Fusion Poles” in its downtown areas — evidence of evolving opportunities for more community-compatible facilities.



# More Stringent Application Standards

*CAP:*

Owners of all property utilized by the applicant are co-applicants.

The complete application provides independently verifiable information of the applicant's need, and it demonstrates that the proposal is the least obtrusive means of achieving that need.

Qualified engineers certify the WTF, as proposed, to be:

- safe from catastrophic failure or damage to surrounding properties,
- in compliance with RF emissions standards,
- in compliance with (strict) County noise regulations.

WTF applicant fees cover all County and contractor work, including: processing, reviewing, inspecting, and monitoring. Fees do not rely upon revenues from taxpayers.

*Inspired and informed by jurisdictions such as:*

- RPV
- Palo Alto, CA
- Denver, CO
- Chatham County – Savannah (GA) Metropolitan Planning Commission



San Diego requires that application fees cover all costs.

# Clear and Transparent Regulatory Standards

*CAP:*

DPS issues formal Zoning Interpretations and posts notice of each Interpretation on the County website.

Regulatory language is clarified:

- For *Telecommunications Towers* and their antenna attachments, the Telecommunications Towers are support structures that are primarily designed for WTFs, including monopoles.
- For *Antennas on Existing Structures*, the existing (support) structures are those structures that are not primarily designed for WTFs.



*Inspired and informed by jurisdictions such as:*

- Elk Grove, CA
- Annapolis, MD
- Park City, UT



- Denver, CO
- Duck, NC

# Appropriate WTF Permitting Standards

## *CAP:*

Qualified engineers certify compliance with safety standards, RF emissions standards, and strict noise and vibration standards.

The site is completely restored, including removal of a prior pole or equipment being replaced, and DPS conducts a field inspection to ensure proper completion before issuing a final permit.

The WTF permit application filed with DPS posts and displays the TFCG permit number.

*Inspired and informed by jurisdictions such as:*



- Palo Alto, CA
- RPV
- Chatham County – Savannah (GA) Metro. Planning Commission



- Des Plaines, IL
- Edina, MN
- Portland, OR



Montgomery County  
(TFCG COMCOR Regulations)

# More Stringent Monitoring and Enforcement

*CAP:*

Qualified-Expert Inspections ensure initial and ongoing compliance, such as with strict Noise Standards and RF Emissions Standards.

A WTF permit is valid for 10 years; necessary facility updates take place before renewal.

Concealment Methods utilize Existing and Added ROW Trees; and Protections ensure WTF-related disturbance is outside the Tree Dripline.

“Use-it-or-Lose-It” deadlines for all facility components minimize clutter and speculation.

*Inspired and informed by jurisdictions such as:*



- Palo Alto, CA
- RPV
- Santa Cruz, CA
- Snoqualmie, WA



- Palo Alto, CA
- RPV
- Snoqualmie, WA



- Hillsborough CA
- Matthews, NC
- Rye, NY



- RPV
- Rye, NY

# Fair Access to OZAH & Board of Appeals

*CAP:*

*Inspired and informed by jurisdictions such as:*

Residents are afforded comprehensive access to OZAH and the Board of Appeals.



- Palo Alto, CA
- Howard County, MD

Only “Eligible Facilities” applications that qualify for co-locations or modifications under the Spectrum Act by-pass certain standards or discretionary reviews.



- Palo Alto, CA
- Gaithersburg, MD

A fully-funded and operational Office of the People’s Counsel is essential in assisting and supporting residents with WTF matters.



- Baltimore County, MD
- Harford County, MD
- Prince George’s County, MD

Rules, policies, and practices of OZAH and the Board of Appeals ensure that all persons, regardless of their means, legal representation, or group affiliation, receive fair and equitable treatment.



Montgomery County  
(OZAH Rules, pre-2014)

# Fair and Transparent Franchising Process

*CAP:*

Meaningful notice precedes decisions on franchise agreements and ROW installations.



- RPV
- Boston, MA

*Inspired and informed by jurisdictions such as:*

Franchisees are expected to:

- Fairly compensate the County for ROW occupancies;



Baltimore, MD

- Provide fair and equitable services; and
- Uphold underlying public commitments.



Montgomery County

Each wireless franchisee:

- Is required to not discriminate against any protected class; and
- Has published Public Notices that its facilities will be located “throughout” the County.