

From: [Angelika Hofmann](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 8:17:50 PM

Support Item #8

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you

From: [Barbara Barry](#)
To: [LPCtestimony](#)
Subject: Support item 8
Date: Sunday, November 17, 2024 8:47:49 PM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo,

Barbara Barry

Ha'ikū, HI

From: [Deva Chappell](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 11:46:39 PM

Greetings:

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written.

Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you!

Dale Chappell

Maui resident 42 yrs

From: [Dianne Washington-Kay](#)
To: [LPCtestimony](#)
Subject: Bill 194
Date: Sunday, November 17, 2024 9:24:11 PM

#8):

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo Nui Loa

DIANNE WASHINGTON-Kay

Licensed

Esthetician & Massage Therapist

Dianne's Beauty Bar & Day Spa L.L.C.

Sent from my iPhone

From: [apurvolove9](#)
To: [LPCtestimony](#)
Subject: SUPPORT ITEM 8
Date: Sunday, November 17, 2024 8:22:24 PM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo

Fern Taryn Sutherland

Maui Resident

From: [George 2024](#)
To: [LPCtestimony](#)
Subject: Support Item #8....
Date: Sunday, November 17, 2024 8:46:07 PM
Importance: High

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo and Aloha.

"Wisdom lies in simplifying and
reducing our needs, not in expanding them endlessly."

~~ Ernst Friedrich Schumacher (1911 - 1977)

From: [Helena Berg](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 7:11:54 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [Nathan Little Brave](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 8:55:29 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo

Janine little Brave

From: [Juhl Rayne](#)
To: [LPCtestimony](#)
Subject: support item #8
Date: Sunday, November 17, 2024 7:36:08 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you
Juhl Rayne



Virus-free. www.avg.com

From: [kara plumb](#)
To: [LPCtestimony](#)
Subject: Support item 8
Date: Sunday, November 17, 2024 8:39:32 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Blessings and aloha,
Kara

From: [Heart of Hawaii](#)
To: [LPCtestimony](#)
Subject: BILL 194
Date: Sunday, November 17, 2024 9:16:13 PM

ITEM #8

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

MAHALO and Sincerely, Maile Orme
Kaunakakai, HI.

From: [Marsha Andreola](#)
To: [LPCtestimony](#)
Subject: Support Item # 8
Date: Monday, November 18, 2024 8:26:26 AM

Dear Leeward Planning Commission,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you for your consideration,
Marsha Andreola

302 Kealahou Street
Honolulu, HI 96825

From: [MESHGLASS](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 7:37:34 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

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From: [M - Engineer, Scientist, NAEMT TECC](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 8:39:08 PM
Attachments: [ICD-10-Electromagnetic-Hypersensitivity-1.pdf](#)

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Comment:

I'm one of the world's 1st high-band 5G Network Design Engineers, designing the Ericsson 6701 5G radio and supporting routers into the VzW wireless network. Teammates & colleagues died, stroked, were victims of cancers, tachycardia, and became legally medically-disabled.

Many, additionally, suffer from Traumatic Stress Disorder and PTSD. Exposure is almost impossible to avoid and many are now shut-ins despite that we used to be active and athletes. I was. I used to thrive outdoors, cycling 50 miles a day, swimming 1-2 miles a day, running 4-10 miles per day, singing nationally, being available to help fellow citizens and rescue lives relying on the training of my NAEMT TECC - Tactical Emergency Casualty Care earned certificate.

My team of engineers was the first in the world to make a successful mobile call with the 5G NR mmW. VzW told our engineering team, on a conference call, "Do not to tell anyone...not at work or outside of work...", when my teammate died, who sat the closest of my teammates to the conference room where we put the Ericsson 6701 5G NR engineers and the radio. The Ericsson engineers who were invited to bring the radio said that they were afraid of the radio and insisted that it only be turned on for scheduled testing purposes and not left on. It broadcasted 28 GHz and 39 GHz, the latter a government-only owned frequency that the FCC did not sell to VzW, as far as I understand. I was the POC - Point of Contact for everything 5G related on my engineering team.

I became "medically disabled" by the cell tower in my back yard and became "permanently medically disabled" by the disturbance exposure to that first Ericsson 6701 5G NR (new radio), in the world, that we tested & implemented at VzW, in the work office of the atrium building on our leased work floor.

I implore you to become well-educated and not allow monetary or government pressures to manipulate your decisions. Advocate for your people.

Below are just a few trustworthy resources. I have more available to you upon request:

- [Medical Disability: ICD-10 Electromagnetic Hypersensitivity - Medical Codes for Cause & Effect:](#)

EMF / RF Poisoning - World Health Organization: Not all presentations of pain are referenced in the above said URL, ie sensation of burning hands, lap, back, hips, all-over body. .pdf attached.

- <https://mdsafetech.org/science/es-science/> Global M.D.s' site. "Electrohypersensitivity - "A phenomenon where individuals experience adverse health effects while using or being in the vicinity of devices emanating electric, magnetic or electromagnetic fields (EMFs)". Bergqvist et al. (1997) Sweden"
- <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>: EHT Et. Al. v FCC and USA: A United States higher D.C. court ruled against the USA and the FCC, ruling that cell phones are a Type 1 Carcinogen. 11,000 scientific papers proved that children and pregnant women should not be near them or use them - August 13, 2021. USA exfilled from Afghanistan that same day. Media buried the higher D.C. court ruling.
- <https://ehtrust.org/congress> Instead of fast-tracking wireless networks, Congress should ensure it is protecting the public and environment.
- <https://publichealth.berkeley.edu/people/joel-moskowitz>
- <https://www.saferemr.com/> Joel M. Moskowitz, Ph.D. Director - Center for Family and Community Health School of Public Health, University of California, Berkeley
- <https://icbe-emf.org/> The International Commission on the Biological Effects
- <https://safertecheducation.org> Engineer, "Dad-to-Dad" 10 min vid. Safer Tech Education.
- <https://mdsafetech.org> Global Doctors educate & legally battle against wireless-related deaths/injuries
- <https://scientists4wiredtech.com> Global Scientists educate & legally battle against wireless-related deaths/injuries
- <https://magdahavas.com> Professor Emerita, 5G Global Scientist, Global anti-5G podcast
- <https://ehtrust.org/about/dr-devra-davis> '07 Nobel Scientist - wireless tech is lethal; legal action; education
- Free Print: <https://free-printable-signs.com/no-cell-phone-sign/>
- <https://www.nature.com/articles/nature13290>: Anthropogenic electromagnetic noise disrupts magnetic compass orientation in migratory bird

Most Sincerely and Respectfully,

Mrs. Michelle Turner

Engineer; Citizen Scientist; [NAEMT TECC](#) First Responder Certified

Federal Laws Protecting & Providing Public Access Without Injury & Reasonable Accommodation to All Persons with Disabilities:

Americans with Disabilities Act - Trainings-Certified

Rehabilitation Act - Trainings-Certified

Fair Housing Act - Trainings-Certified

Air Carrier Access Act - Trainings-Certified

Access Board - Trainings-Certified

U.S.A. DOJ - advocate and supporter of persons with RF and EMF/ELF Disabilities

[LinkedIN: swimriderun](#)

"A joyful heart is good medicine, but a crushed spirit dries up the bones."

King Solomon 970-931 BCE.

Sent from my CAT7 SSTP-triple-shielded Ethernet-wired-then-grounded-computer. We are strictly
hardwired for home/work/play/automotive.

Sent with [Proton Mail](#) secure email.

Electromagnetic Hypersensitivity (EHS) and World Health Organization (WHO)¹

PART 1: International Classification of Disease and Functioning

- A. International Classification of Diseases (ICD-10)
- B. International Classification of Functioning, Disability and Health (ICF)

A. International Classification of Diseases (ICD-10): Classification of electromagnetic hypersensitivity (EHS) requires two or more codes. (The WHO does not use the term “Electromagnetic Hypersensitivity.” Rather they call it, “idiopathic environmental intolerance (IEI) attributed to electromagnetic fields (EMF).”

EHS or IEI should be classified under:

- (1) Cause – Two codes are available for illness/injury resulting from exposure:
 - **W90.0** for exposure to **radiofrequency radiation** (RFR). Note this includes **intermediate frequencies** (IF) that flow along wires, **microwave radiation** (MWR) as well as **millimeter waves** (mmW).
 - **W90.8** for exposure to other non-ionizing radiation, for example **extremely low frequency** (ELF) **electric and magnetic fields** (EMF) and **ground current**. <http://apps.who.int/classifications/icd10/browse/2010/en#/W90>
- (2) Effects – various classifications are available for the illnesses/injuries caused by the exposure to EMF radiation, for example ...
 - **ICD-10 G43** for **migraine**:
<http://apps.who.int/classifications/icd10/browse/2010/en#/G43>
 - **ICD-10 R42** for **dizziness** and **giddiness**:
<http://apps.who.int/classifications/icd10/browse/2010/en#/R42>
 - **ICD-10 H93.1** for **tinnitus**:
<http://apps.who.int/classifications/icd10/browse/2010/en#/H93.1>

B. International Classification of Functioning, Disability and Health (ICF): ICF Checklist – Version 2.1a, Clinician Form for disability benefits, ill-health pensions etc.
<http://www.who.int/classifications/icf/icfchecklist.pdf?ua=1>

You must state your disability in the presence of EMF radiation, e.g.:

- “my vision is so badly affected that it would be unsafe for me to take charge of a group of 8 year olds while on a school trip in a busy city”,
- “my thoughts become so jammed in the presence of EMF Wi-Fi in the hospital that it would be unsafe for me to administer drugs to my patients in hospital”

¹ Based on information provided by ESUK

Further details:

PART 2: Activity Limitations & Participation Restrictions

- *Activity* is the execution of a task or action by an individual. Participation is involvement in a life situation.
- *Activity limitations* are difficulties an individual may have in executing activities.
- *Participation restrictions* are problems an individual may have in involvement in life situations.
- The *Performance qualifier* indicates the *extent of Participation restriction* by describing the person's *actual performance* of a task or action *in his or her current environment*. Because the current environment brings in the societal context, performance can also be understood as "involvement in a life situation" or "the lived experience" of people in the actual context in which they live. This context includes the environmental factors – all aspects of the physical, social and attitudinal world that can be coded using the Environmental.
- The Performance qualifier measures the difficulty the respondent experiences in *doing things, assuming that they want to do them*.
- The *Capacity qualifier* indicates the *extent of Activity limitation* by describing the *person's ability* to execute a task or an action. The Capacity qualifier focuses on limitations that are inherent or intrinsic features of the person themselves. These limitations should be direct manifestations of the respondent's health state, *without the assistance*. By assistance we mean the help of another person, or assistance provided by an adapted or specially designed tool or vehicle, or any form of environmental modification to a room, home, workplace etc. The level of capacity should be judged relative to that normally expected of the person, or the person's capacity before they acquired their health condition.

PART 3: Environmental Factors

- *Environmental factors* make up the physical, social and attitudinal environment in which people live and conduct their lives.
- *Qualifier in environment, Barriers or facilitator:*

0 No barriers	0 No facilitator
1 Mild barriers	+1 Mild facilitator
2 Moderate barriers	+2 Moderate facilitator
3 Severe barriers	+3 Substantial facilitator
4 Complete barriers	+4 Complete facilitator

From: [Nai`a](#)
To: [LPCtestimony](#)
Subject: Support item #8
Date: Sunday, November 17, 2024 8:29:13 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code. Thank you.

Nadine NEWLIGHT
Ha`iku, HI

I acknowledge that this ‘āina is part of the larger territory recognized by Indigenous Hawaiians as their ancestral grandmother, Papahānaumoku. I recognize that Her Majesty Queen Lili‘uokalani yielded the Hawaiian Kingdom and these territories under duress and protest to the United States to avoid the bloodshed of her people. I further recognize that Hawai‘i remains an illegally occupied state of America.

From: [Rachael Ziebold](#)
To: [LPCtestimony](#)
Subject: Support Bill 194
Date: Sunday, November 17, 2024 7:15:07 PM

I am writing to express my support for Bill 194 as written. We need to have sensible regulations to prevent uncontrolled proliferation of cell towers and antennas on our island. Our ecosystem and the health of our residents need to be protected, and these towers have not been thoroughly enough tested for human and wildlife safety. There needs to be a more sensible balance between the need to expand Internet and cell service and excess electromagnetic exposures.

Thank you,
Rachael Ziebold
Papaikou, HI

From: [Roger Christie](#)
To: [LPCtestimony](#)
Subject: Please SUPPORT Bill 194. Thank you.
Date: Sunday, November 17, 2024 11:10:39 PM

@@@

Aloha.

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written.

Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

All the very best to you and yours and to the people you serve,

Roger Christie

Hilo, Hawai'i
808 464-3966

@@@

From: [Ruth Moore](#)
To: [LPCtestimony](#)
Subject: BILL 194
Date: Sunday, November 17, 2024 10:52:30 PM

(Item #8)

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you

Ruth Moore

From: [Sarah Hoffman](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 7:53:25 PM

Hello,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you!
Sarah Hoffman

From: [Seth McDonough](#)
To: [LPCtestimony](#)
Subject: Support Item # 8
Date: Sunday, November 17, 2024 8:05:35 PM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo,

Seth

From: [TC W](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Sunday, November 17, 2024 7:41:27 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [Adele Henkel](#)
To: [LPCeslimony](#)
Subject: BILL 194 (Item# 8)
Date: Monday, November 18, 2024 10:58:23 AM

To all commissioners on the Leeward Planning Commission,

Please give a FAVORABLE recommendation to the County Council proposed telecommunications ordinance, BILL 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Appreciate it!

Adele Henkel
POB 4344
Kailua Kona, HI 96745
808-756-0046

From: betsyduerr@gmail.com
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 10:13:30 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

I personally know people whose health has been adversely affected by being in close proximity to cell towers. More research into its impacts and effects on those sensitive needs to be considered before allowing an indiscriminate proliferation of cell towers. Mahalo for your consideration in this matter,

Adriana E Duerr
99 Honolii Pl
Hilo, HI 96720

Sent from my iPhone Betsyduerr@gmail.com

From: [aerie waters](#)
To: [LPCtestimony](#)
Subject: re: Bill 194
Date: Monday, November 18, 2024 12:37:47 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [akya azarael](#)
To: [LPCtestimony](#)
Date: Monday, November 18, 2024 4:22:15 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo, akya Azarael big island resident

From: [Alana Ross](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 11:13:55 AM

To whom it may concern,

Re: Bill 194

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo,
Alana Ross
Hāna, HI 96713

From: [Sophia's Mom](#)
To: [LPCtestimony](#)
Subject: I support Council Member Cindy Evans' proposed telecommunications ordinance, Bill 194.
Date: Monday, November 18, 2024 8:52:42 AM
Attachments: [image1731955915886](#)

Aloha Honorable Planning Commission Members,

I understood this was tabled until a meeting in December. I wonder why this has come back on your agenda in advance of what you informed the public of at the last public testimony meeting??

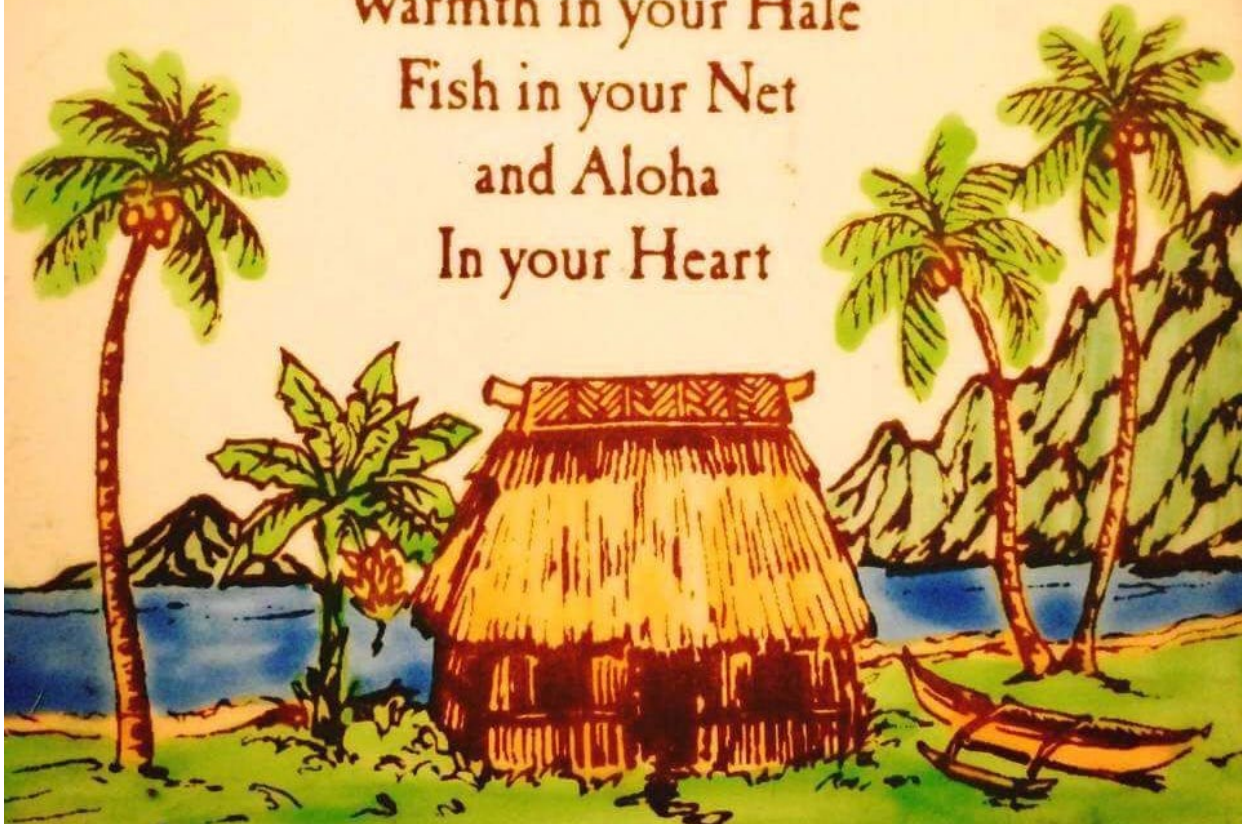
This is the 5th time I have shared my concern based on the science of frequencies at this speed upon many of our citizenry. These studies are peer-reviewed and have been media available to the public for over 10 years. I did not know you can not open links...I sent you 14 pages of the scientific testing. It IS damning. Please support Bill 194 because it reflects what we, the people, want and what honest medical researchers have proven is harmful to health in humans. I remarked in my last public testimony...both Wuhan China and Northern Italy who suffered the most casualties in the CoVid crisis had 5G installed.

Council Member Evans introduced the bill in response to our concerns in the North Kohala community. It includes 5G small wireless facilities which must be regulated. Hawaii County already passed a resolution to halt 5G. Bill 194 follows up on that by providing necessary regulations that include 5G small cells.

**Mahalo for your email,
April**

Hawaiian Blessing:

May there Always be
Warmth in your Hale
Fish in your Net
and Aloha
In your Heart



Sent with [Proton Mail](#) secure email.

From: [chelle claire](#)
To: [LPCtestimony](#)
Subject: Support #8
Date: Monday, November 18, 2024 5:41:29 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.
Chelle Galarza

From: [Colleen L](#)
To: [LPCtestimony](#)
Subject: Bill 194
Date: Monday, November 18, 2024 5:51:11 AM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code. Please help protect our amazing Hawaii Nei

Colleen Lisowski

From: [Dawn Singleton](#)
To: [LPCtestimony](#)
Subject: Support item 8
Date: Monday, November 18, 2024 10:44:46 AM

Please give a favorable recommendation to the County Council's proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers essential updates to the code.

Thank-you
Dawn

Dawn Eshelman Singleton, PhD, DHS, CTP, DNM

'Board Certified'

Quantum Biofeedback Specialist & Author

"FEEL BETTER THE NATURAL WAY"

www.quantumhealthhawaii.com



From: [Debra Greene](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 4:15:30 PM
Attachments: [11-22-24 Leeward written testimony.pdf](#)

Aloha Planning Commission Staff,

Attached please find my PDF document of written testimony submitted in support of Item #8 for the upcoming meeting on November 21,
Mahalo!

Sincerely,

Debra

Debra Greene, PhD
Founding Director
Safe Tech Hawaii

PHONE: 808-874-6441
WEBSITE: www.SafeTechHawaii.com

Sent from my faster, safer, more secure HARDWIRED computer

Aloha Leeward Commissioners,

Thank you for your attention to the proposed Bill 194. I'm the Founding Director of Safe Tech Hawaii, a grassroots coalition of thousands of residents across the state concerned about safe technology. I'm writing in support of County Council Bill 194. Below I address each of the concerns the Director used to justify his unfavorable recommendation.

1) Regarding proposed Section 25-2-74(1)

The Subsection requires a plot plan showing the location of the proposed antenna or tower and all buildings and uses within 300 feet thereof. The Director claimed this requirement is excessive without providing any rationale for his assessment. This is ironic because he stated that lack of a detailed rationale for this requirement was a "particularly significant" concern and grounds for an unfavorable recommendation.

Since both Bill 194 and the Director's proposed ordinance contain setback requirements for residences and schools, one could easily see how a plot plan showing buildings and uses could be very helpful. Further, the rationale for this requirement could have been easily attained had the Director simply asked, as the draft ordinance was shared with Planning over six months before the Director introduced his ordinance. Cooperation was demonstrated by Council Member Evans, but not by the Director.

2) Regarding Proposed Section 25-2-74(5)

This Subsection proposes a report prepared by a licensed professional electrical engineer certifying that the proposed use complies with all applicable standards and regulations, including RF emissions regulations set by the FCC and the state of Hawaii.

The Director has raised three concerns:

First: The Director stated that the FCC already regulates RF emissions so an additional report is redundant; yet, ironically, his proposed ordinance requires an additional report from the FCC verifying compliance. Why is that not redundant?

Further, The Director's requirement that the FCC provide a statement of compliance or that no compliance is necessary is of grave concern. Obtaining such a statement from the FCC, a Federal agency that is not equipped to provide such statements to local jurisdictions across the U.S., could take weeks and violate the 60-day approval timeline mandated by HRS 4689.

Second: The Director stated that the proposed report places responsibility on planners who lack technical expertise to review technical engineering reports; however, no such burden would be placed on planners. The responsibility is with the licensed professional who prepared the report. As is customary, planners simply would check a box indicating that the report was provided.

A report by an independent professional is absolutely necessary because the FCC does not send representatives onsite to test RF emissions, so there is no way to verify compliance. According to telecommunications attorney [Andrew Campanelli](#) who has successfully won lawsuits against telecommunications corporations, independent testing done in other jurisdictions has shown instances in which RF emissions exceeded the FCC guidelines. This is deeply troubling for the community because the FCC has some of the most lenient emission standards in the world.

Third: The Director stated that this report requirement could conflict with federal law as local governments cannot impose stricter RF standards than the FCC. How can a report *certifying compliance with Federal Law* conflict with Federal law? There is absolutely nothing in the proposed ordinance that would impose stricter RF standards than are required by Federal law - quite the opposite. Again, the proposed requirement, as stated, is to ensure compliance with Federal law. To suggest it potentially violates Federal law reflects an inability to properly understand the ordinance. Or maybe there's something else at play?

- 3) Regarding Proposed Subsections 25-2-74(6), (7), (8), (12), (13) and 25-4-12(i)(3) & (4) These Subsections constitute plan approval application requirements. The Director stated that these sections are outside the purview of Planning but this is not a valid claim as there is nothing unusual about these sections. Conditions such as these are routine for various permit applications here. They include conditions such as flood control, fire prevention, Department of Health requirements, County code compliance, and so forth. In addition, jurisdictions across the country have implemented ordinances such as Bill 194 through their local planning departments. It's common practice here and elsewhere to include such provisions.
- 4) Regarding Proposed Subsection 25-4-12(f)
This Section states that "the director **may** [emphasis mine] engage a private consultant to inspect and determine whether the proposed use violates any" FCC standards provided that the consultant's time not count toward the time limit.

The Director repeatedly and incorrectly stated that Bill 194 includes the "Use of Private Consultants" when there is no required use of private consultants anywhere in the bill. His claim is misleading as the proposed ordinance does not mandate hiring a private consultant. The choice to engage a private consultant is mentioned once, is optional, and is at the discretion of the Director.

The Director raised four concerns.

First, he stated that "engaging private consultants may significantly raise costs for the County, creating unnecessary financial burdens," but this claim is alarmist and unfounded. Again, the proposed ordinance does not require hiring a private consultant. The choice is optional and at the discretion of the Director.

Second, he stated “the current wording suggests that the consultant’s determination occurs after Plan Approval” but this claim is unfounded as the language refers to “the proposed use” which indicates this option is part of an application process and does not occur after Plan Approval. Even if the language needs to be tweaked a bit, that hardly constitutes a “significant concern” that merits an unfavorable recommendation.

Third, the Director stated that “it would be more logical to hire a consultant before Final Plan Approval rather than afterward” but, again, the language in this Section refers to “the proposed use” which indicates this option is part of an application process and does not occur after Plan Approval.

Fourth, the Director stated that “relying on private consultants could introduce delays in the approval process” that may violate the 60-day timeframe mandated by HRS 4689. Again, this claim is unfounded and alarmist because nothing in Bill 194 includes “relying on private consultants”. The choice to engage a private consultant is mentioned only once, is optional, and is at the discretion of the Director.

- 5) Regarding Proposed Section 25-4-12(h)
This Section describes tower siting prioritization. It says:

(h) Telecommunication antennas and towers shall be sited in accordance with the following order of priority:

- (1) On building sites with existing telecommunication antennas or towers;
- (2) On industrial zoned lands;
- (3) All other lands, exclusive of industrial zoned lands and residential zoned lands;
- and
- (4) Residential zoned lands.

The Director stated five concerns.

First: The Director’s stated concern is that it’s “unclear how staff should prioritize applications across zoning districts”, which is confounding since the proposed Section describes exactly how applications should be prioritized.

Second: He stated it “lacks guidance on whether applicants must analyze unviable lower-priority sites.” This statement is baffling. Why would an applicant need guidance about analyzing unviable lower-priority sites? Why is this even a concern for the Director? And even if it was a valid concern, telecommunications corporations have endless resources at their disposal. They are free to do any and all analyzing of unviable, low-priority sites if they so choose without that being stipulated in the ordinance.

Third: The Director stated it's "uncertain if staff must deny applications for underserved areas without proper zoning or suggest alternative sites", a concern that could easily be remedied.

Fourth: He stated that "prioritization could delay permitting, exceeding the 60-day approval timeframe" but the Director gives no rationale for what could cause such delays, so at this time that claim is purely speculative.

Five: He stated that "Enforcement remains undefined." If Planning is doing its job, they will adhere to the prioritization and no enforcement would be required. Is the Director suggesting planners may not adhere to the law and need to be policed, in which case all of the provisions would need enforcement, not just this one?

Finally, the Director's proposed ordinance exempts eight zoning districts from setbacks. This is of grave concern as several of those zones have residential and schools nearby and even mixed in, so those zones should not be exempted from setbacks. Further, the Director's ordinance requires a 1200-foot setback for residential and schools and, given the proximity issue, this could potentially create a planning nightmare in trying to differentiate the setbacks versus exemptions. Such exemptions could delay permitting and exceed the 60-day approval timeframe mandated by HRS 4689. To avoid this potential violation, the easy remedy would be to uniformly require setbacks with no exemptions, which is exactly what Bill 194 does.

The one major difference that the Director failed to highlight is that Bill 194 includes small cell infrastructure whereas his bill doesn't. This is a major oversight as small cells are a novel and untested technology that absolutely require regulation for the good of the public.

In closing, Council members are elected to enact legislation in a democratic process - we elect them and they represent our needs. The Director has submitted comments that are critical of Bill 194 and gave an unfavorable recommendation. At the same time he submitted his own ordinance that goes far beyond simply updating the code to bring it into compliance with state law, a law that's actually been on the books for years. Just couldn't help but notice that timing.

We also couldn't help but notice that the Director only consulted with telecommunication corporations and telecom advocacy groups. There was no actual input from the community. In contrast, Council Member Evans consulted with us, and other community groups, over the course of a year to craft her ordinance. Months of research went into it, using ordinances already adopted in other jurisdictions as examples to make sure it met all legal and policy requirements. It was cross-checked, double-checked and re-checked. It's a good, solid piece of legislation that aligns with others across the country. It deserves a favorable recommendation.

Thank you for your kind and thoughtful consideration of our comments. Please feel free to reach out with any questions.

Sincerely,

Debra

Debra Greene, PhD
Founding Director
Safe Tech Hawaii
808-874-6441
debra@SafeTechHawaii.com

From: [SONGVILAY, ELIZABETH](#)
To: [LPCtestimony](#)
Subject: Nov 21 Leeward Planning Commission - Agenda #9
Date: Monday, November 18, 2024 4:35:42 PM
Attachments: [Nov 21 Leeward Planning Commission Wireless Industry testimony Bill 194.pdf](#)

Aloha,

Please see the attached written testimony for Agenda #9 (PL-CCI-2024-000009) (Bill 194) from the wireless industry for the Nov. 21 Leeward Planning Commission meeting.

Mahalo,
Elizabeth

[Elizabeth Songvilay](#)

Director, External Affairs – Hawai'i, Alaska
AT&T External & Legislative Affairs



November 18, 2024

Leeward Planning Commission
County of Hawai'i
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Re: November 21, 2024 Agenda Item #9 (PL-CCI-2024-000009)

Dear Chair DeFranco and Leeward Planning Commissioners,

As providers of wireless services to residents, businesses and visitors across Hawai'i Island, we write to concur with the Planning Director's unfavorable recommendation of Bill 194. As stated by the Planning Department¹ and in comments submitted by the wireless industry included in the Department's report, many of the new requirements proposed by Bill 194 extend beyond the Zoning Code's authority or are preempted by federal law.

To provide services that wireless customers can continue to rely upon each day, reasonable zoning requirements and permit review timelines are essential. Bill 194 would put the industry's ability to provide wireless services unnecessarily at risk by creating a regulatory framework that is over-reaching, nearly impossible to comply with, and out of compliance with applicable federal regulations.

The construction of new telecommunication facilities is typically initiated in response to increased wireless data traffic and user demand. In 2023, Americans used more than 100 trillion megabytes of data, the largest single-year increase ever and double that of two years ago.² This increase in demand comes from a proliferation of wireless devices (e.g., security/weather cameras, smartwatches, and GPS systems), as well as enhanced technological capabilities that require more network data to provide important daily services (e.g., livestreaming, videoconferencing, and telehealth services).

Further, as the Hawai'i County Police Department notes, telecommunications facilities are critical for public safety. In addition to providing wireless services for first responders, our facilities provide access to 9-1-1 services that deliver emergency help more quickly and

¹ BR-CC Initiated-Telecommunication Towers and Antennas.doc 9/16/24.

² CTIA, "2024 Annual Survey Highlights," Sept. 10, 2024, <https://www.ctia.org/news/2024-annual-survey-highlights>.

effectively, regardless of the service provider.³ To highlight the importance of wireless access to 9-1-1 service, in 2022, over 80 percent of 9-1-1 calls (over 1 million calls) made in Hawai‘i came from a wireless phone.⁴

We appreciate the desire within the County to update the county code as it relates to wireless facilities and look forward to working with the Planning Department, County Council, and other stakeholders on achieving the County’s goals without compromising deployment of wireless services.

Thank you for the opportunity to provide written testimony.

Sincerely,

CTIA
WIA
AT&T
Crown
T-Mobile
Verizon

³ A wireless facility would be critical for 9-1-1 access if it is the only available facility in the area. See “911 Reliability,” Federal Communications Commission, <https://www.fcc.gov/911-reliability>. “Wireless, wireline, and interconnected VOIP service providers must connect all 911 calls and transmit the caller’s location information to 911 call centers.”

⁴ “911 Stats & Data,” National 911 Program, [911 Statistics & Data | 911.gov](https://www.911.gov/911-stats-data).

From: [Esther Felix](#)
To: [LPCtestimony](#)
Subject: Bill 194
Date: Monday, November 18, 2024 1:04:20 PM

To Whom it may go

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo
Esther Felix

From: [George Chyz](#)
To: [LPCtestimony](#)
Subject: Leeward Planning Commission meeting November 21, 2024
Date: Monday, November 18, 2024 11:48:11 AM

Aloha,

Regarding **Item #8:**

I support passage of Bill 194 to regulate the deployment of towers and antennas.

Thank you,

George Chyz
25 year Hawaii Resident
213 Hoolawa Rd.
Haiku, HI 96708

From: [Heidi Lapray](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 9:29:06 AM

November 18, 9:30am HST

Leeward Planning Commission
Big Island of Hawaii

Please give a favorable recommendation to the County Council proposed telecommunications ordinance,

Bill 194, as it is written.

Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment

of towers and antennas.

It is aligned with all Federal and State laws and offers important updates to the code.

Heidi Lapray

From: [Joan Heller](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 5:12:17 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you, I am a state of Hawaii resident living on Kauai, and would like to see repairs and maintenance completed first on all current utility infrastructures before any new additions are even considered.

Regards,

Joan Heller
3820 Uakea Place
Lawai 96765

From: [June Haygood](#)
To: [LPCtestimony](#)
Subject: Support Item 8
Date: Monday, November 18, 2024 9:18:24 AM

Please give a FAVORABLE recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written.

Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas.

It is aligned with all Federal and State laws and offers important updates to the code.
Mahalo

June Haygood
Kihei HI 96753

From: [Kalei Kailikini](#)
To: [LPCtestimony](#)
Cc: [Stand Together Hawaii](#); miles.yoshioka@hicc.biz; [Roger Christie](#); [Claudia Schimmer](#)
Subject: Bill 194 - Amendments to Chapter 25 by Planning Director
Date: Monday, November 18, 2024 5:18:09 PM

Aloha, my name is Kalei Kailikini (Ms), resident of Hilo, island of Hawaii representing myself and my Ohana. I support Bill 194 and vehemently oppose an ordinance to amend Chapter 25 (Zoning), Article 2, Article 4, Article 5, and Article 7 of the Hawaii County Code 1983 (2016 Edition, as amended) relating to telecommunication antennas and towers. The purpose is to remove the requirement for a use permit to establish telecommunication antennas and towers in certain zoning districts, add application requirements, and amend standards for the establishment of telecommunication antennas and towers by the current Planning Director for Hawaii County. I congratulate the Hawaii County Council Members who are as follows:

A. Chung A. Kierkiewicz
M. David S. Lee Loy
Eoff V. Poindexter
M. Kaneali'i-Kleinfelder and Villega

All of the above Council Members voted to cease the buildout of 5G wireless infrastructure until such technologies have been proven through independent research and testing to be safe to human health and the environment with Resolution 678-20 in July 2020. One County Council Member, T. Richards voted against Resolution 678-20. I commend these County Council Members for their concern and safety extended to Hawaii County residents. The Federal Communications Commission (FCC) is derelict in it's obligation as a federal agency to protect the people of the United States of America by overriding any County regulations initiated for public safety.

Thousands of scientists, medical doctors, and research have proven that EMFs (electromagnetic frequencies) are dangerous causing hundreds of illnesses, e.g. brain cancers, dementia, skin rashes, headaches, loss of vision, more. These concerned scientists and medical doctors are sounding the alarm. I got involved in research of EMFs in 2002 because it was known to cause cancer. The 2G, 3G, 4G have been studied and scientists already discovered these EMFs can cause disease & illnesses. Everyone can research EMF dangers and pollution, there are no reasons why our Hawaii County Council Members cannot research, especially those mentioned who did vote to cease buildout of 5G wireless infrastructure until it can be proven to be safe. The FCC's last research on EMF pollution/dangers was done in 1996 or 28 yrs. ago! More research and more injuries have been reported which

are reasons why more scientists, medical doctors and the public are becoming involved. Another consideration should be the legal actions that may be initiated due to deaths and injuries.

It was proven to be dangerous especially for our children. Scientists and medical doctors agree that children from age 1 day old to 15 yrs. of age are most susceptible to EMF pollution because they are just developing their brain, eyes, heart, liver, etc. Also, our seniors (that's me) are highly susceptible because they tend to have illnesses e.g. diabetes, cancers, dementia, arthritis & more. Therefore, these two groups of residents in Hawaii County should be our primary concern. I strongly recommend that the County Council Members do not allow the Telecommunications companies the freedom to just build their infrastructures. 5G is used by the US Military as a biological weapon, therefore, with 5G on Hawaii Island anyone, anything and all are subject to being injured or death with its more powerful electromagnetic frequencies. 5G technology should be a priority for all our elected officials to research & know well before voting in favor of any Telecommunications company allowing 5G installations.

I know that many of our County Council Members are very good people, love their families, and caring and Resolution 678-20 is evidence of this statement that happened in July 2020. Today in 2024, please do not lose sight of the importance of safety for our children, our kupuna and all who live in Hawaii. The Federal Communications Commission is just a federal agency, and that agency is well aware that they do not have jurisdiction in any state e.g. California, Texas, Nevada - the people have the power and that is why you are elected. Please do not forsake or breach your oath of office “_____, do solemnly swear that I will support and defend the Constitution of the United States of America, and the Constitution of the State of Hawaii, and I will faithfully discharge my duties as Council Member to the best of my ability.”

I know that you are caring human beings. Please do not lose sight of your obligations to our children as they depend on us (elders) to love them, care for them, and keep them safe!

Mahalo nui loa,
Kalei Kailikini

From: [Kalia Naia](#)
To: [LPCtestimony](#)
Subject: Testimony
Date: Monday, November 18, 2024 2:09:46 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [Karola Kueppershaus](#)
To: [LPCtestimony](#)
Subject: Support item #8
Date: Monday, November 18, 2024 9:35:26 AM

To whom it may concern,

Dear people in the government,

Thank you for all you do for the people.

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Aloha

Karola Kueppershaus

From: [Kap](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 4:19:29 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank you, Katrina Caputo

From: [Larry Turner, MSET](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 1:47:33 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

You have received an email from my wife, Michelle Turner. I would urge you to not injure your community any more than they are currently being injured with 4G technology.

Thank you for choosing responsibly,
Larry Turner

From: [Laurie West](#)
To: [LPCtestimony](#)
Subject: SUPPORT ITEM #8
Date: Monday, November 18, 2024 8:57:23 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [lilyran](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 2:56:50 PM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo for your service,
Leslee Rachel Cooper
Hana, HI

From: [Lisa Kerman](#)
To: [LPCtestimony](#)
Subject: Support #8
Date: Monday, November 18, 2024 10:48:23 AM

To Anyone Listening,

Please do what's right in supporting the health of Hawaii's population and support #8.

Thank you,
Lisa Kerman
Kauai

Sent from my iPhone

From: [Lucrezia Oddie](#)
To: [LPCtestimony](#)
Subject: Support item #8
Date: Monday, November 18, 2024 6:46:59 AM

Please support bill 194 as it is written. Regulation of telecommunications towers at a local level is important! Repeatedly evidence shows that these can affect the health of us and that of animals that cannot speak out.

Thank you.

Lucrezia Oddie
700 East Kuiaha Rd
Haiku HI 96708

From: [Luke](#)
To: [LPCtestimony](#)
Subject: Support Item 8
Date: Monday, November 18, 2024 9:05:31 AM

Aloha,

Please limit the deployment of cell towers and 5g towers. These are not wanted by the people of Hawaii. They may have unknown health effects on our future generations. Plant trees not towers!

From: [Melarie Broome](#)
To: [LPCtestimony](#)
Subject: SUPPORT ITEM 8
Date: Monday, November 18, 2024 12:32:50 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

This is very important to me.
Melanie Broome

From: [Millicent Cummings](#)
To: [LPCtestimony](#); [Millicent Cummings](#)
Subject: Testimony for Bill 194 with NO Amendments
Date: Monday, November 18, 2024 11:57:11 AM

Aloha!

My name is Millicent Cummings, a Hilo resident. I ask that you give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written with NO Amendments. Use permits should NOT be issues and ALL Health and Safety Regulations should be upheld. 5G technology has been proven to be dangerous and toxic to both the human organism and the eco-systems upon which we depend to maintain life here on this planet. There are no long-term studies to assess the accumulative effects of adding even more radio frequencies on top of already dangerous levels of radiation poisoning at present.

The radiation from radio frequencies is placed in the same category of carcinogen as led. This is a bioweapon that can in fact be used when and how it is employed. 5G has and will cause injuries, illnesses, disorders, cancers, headaches, brain disfunction, fatigue and a host of other physical ailments that we need to be protected in immediate and unconditional terms. To allow any more experimentation by increasing the amount of radiation in a literal toxic bath compromises the immune system, nervous system and ultimately all body functions.

To allow this said harms to come to us is simply and unequivocally unconscionable. Mahalo for your due diligence and upholding your oath of office to protect us. Thank you so much! Sincerely,

Millicent Cummings

From: [Naomi Melamed](#)
To: [LPCtestimony](#)
Subject: Bill 194 support testimony
Date: Monday, November 18, 2024 4:32:50 PM

Aloha Commissioners,

Mahalo for your time and your work here reviewing an updated solution for wireless infrastructure on the Big Island. My name is Naomi Melamed and I am an Hawaii Island leader for Safe Tech Hawaii, a voluntary group serving statewide for several years. We educate and support our local communities and we engage with the legislative process to promote the balance of connectivity and safety in Hawaii. We are composed of thousands of local members that care deeply for the protection of clean air space in Hawaii.

I would like to request that the planning department favorably recommend Bill 194 to the council, and allow for the council members to work out the differences between the two bills through their process. We have seen that both the PD's proposed ordinance and Bill 194 have some language to be worked out. It is unfair, despite some kinks in both bills, to favorably recommend one over the other. Especially as there was an attempt early on in the process by the council member introducing Bill 194 to collaborate - which was not honored. I appreciate that both bills will be heard alongside one another and careful consideration will be made with regards to both of them.

I am not an authority on county code, but I include here links to dozens of other jurisdictions that we follow. Many of them have more strictly protective ordinances instated in their areas around the US, and similar state laws, which have stood up in court. Bill 194 is in compliance with USC 47 section 332, C-7-b-4 as it is not excessive in its request for information from applicants, such as regarding the levels of EMF that they emit. Bill 194 encourages more transparency with citizens and gives valuable information, taking those who may be disabled from EMF exposure into account. I appreciate that the RF emission has a mechanism for update with each co-location. Our group has conducted a state-wide monitor of EMF emission from towers and we have found some extremely high levels, which is a genuine concern for our population, regardless of zone.

As some other testifiers have noted, there was a court ruling on the federal level in 2020 stating that the FCC's failure to update their acceptable levels for EMF exposure to humans and the environment was "arbitrary and capricious" and they IGNORED (judges words) the evidence (11,000 pages of it in court!) from multiple reputable sources in their most recent review. The FCC is under close watch at this time. Bill 194 does not impose stricter EMF standards than the FCC. It is simply asking to know what the emissions are and have a process outlined for how to go

about measuring.

Bill 194 was in the works for about a year. It has been crafted with careful consideration taken from a wide-range of community members and groups. Even the planning dept. was approached for collaboration, but chose to take another path. Our group was pleased to offer our expertise where appropriate, particularly as we document other jurisdictions who have enacted protective ordinances related to wireless infrastructure.

Bill 194 is robust legislation as it accordingly reflects the will of the residents of this island over the desires of big business from abroad. Simultaneously, it lays out a process which allows for connectivity for all. I appreciate that two bills related to the same topic coming through the Commission can be confusing, but I encourage the Commission to favorably recommend Bill 194 and allow the elected council members to make sense of both bills upon equal ground.

Technology is changing rapidly and one thing I appreciate from Bill 194 is it includes the regulation of small cells, which are a new and untested part of 5G. Small cells pose greatly increased exposure due to their buildout and must be considered in any modern-day legislation. In contrast, they are not mentioned in the Planning Director's proposed bill. This is a very important point which was not outlined in the Nov. 1st Commission meeting as a difference between the PD proposed ordinance and Bill 194.

The Big Island is in great need for Bill 194 to protect the beauty, safety, well-being, and property values of all who live on or frequent our island. Council member Evans bill goes into great detail about a fire plan, and site approval requirements, which puts me as a resident at ease. In contrast I have noticed that in the Directors bill, there are question marks about who will operate security cameras, also a lack of easements for access by the fire department, and lack of a comprehensive fire plan, despite there being other provisions.

I do not see it as a competition, as I support collaboration and consideration. But I must admit that after following both Bill 194 and the Directors bill, the timing of the two has been interesting, and I hope for cohesion moving forward.

Thank you very much for reading my testimony.

Mahalo for your time and consideration,
Naomi Melamed
Safe Tech Hawaii, Hawaii Island Leader

Sent from Proton Mail

From: [Naomi Melamed](#)
To: [LPCtestimony](#)
Subject: Re: Bill 194 support testimony attachment for Naomi Melamed item 8
Date: Monday, November 18, 2024 7:33:26 PM

Here are my attached resources mentioned in my testimony today:

POLICIES & ORDINANCES

Note: These were compiled from EHT research of various sources and a special thank you to [Physicians for Safe Technology](#), [My Streets My Choice](#), [Scientists for Wired Technology](#) and [Last Tree Laws](#) for their extensive resources utilized on this page. Please be sure to go to these pages for more information.

In addition, Americans For Responsible Technology has created a [Sample Small Cell Ordinance](#) that cities can use as a starting point which incorporates several- although not all- of these issues. Please download their model ordinance and [utilize their extensive resources at this link](#).

New York

White Plains, New York Wireless Ordinance

- ***In order to ensure and maintain the safety, property values, and aesthetic qualities of White Plains streets and neighborhoods***, the following setback provision shall apply: *residential districts, a minimum of 250 feet from the nearest structure*;
- Notifications to property owners located within 500 feet shall be **written in a factual manner devoid of marketing promotion and approved by the Commissioner of Public Works**;
- All small wireless facilities... shall at all times be operated in compliance with the RF standards established by the Federal Communications Commission. *These RF safety standards shall apply to the aggregate emissions of co-located and nearby facilities not just the emissions of a single antenna*;
- Liability insurance without a pollution exclusion, pollution being defined as **any solid, liquid, gaseous or thermal pollutant, irritant or contaminant including but not limited to artificially produced electric fields, magnetic fields, electromagnetic fields and all artificially**

produced ionizing and non-ionizing radiation;

- The following unique clause was also inserted: ***no new small wireless facilities, as defined in 47 CFR §1.6002 (1), shall be approved unless the applicant can establish that failure to approve such an application would violate federal or state law.*** This clause was inserted to allow the City of White Plains to deny an application if federal law continues to uphold the 'significant gap' provision. At the same time, it allows the City to approve an antenna if the law changes;
- [Link to White Plains New York Ordinance PDF](#)

Ithaca New York Ordinance

- A 1500 foot setback between antennas (old code: 0 feet)
- A 300 foot setback between antennas and homes (old code: 0 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by 'in-kind' testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant's claim that it needs the proposed tower for "future capacity" is not sufficient to establish that it suffers from a significant gap in coverage
- Requiring the least intrusive methods to fill any coverage gap for antennas
- Requiring that a visual impact analysis be submitted for any new proposed antennas
- Requiring General Liability Insurance without a pollution exclusion
- Allowing for random, unannounced radiation testing for all towers done by the City at the expense of the applicant
- Including fall-zone requirements that wireless facilities are maintained at a sufficient distance from other structures and the general public
- Establishing a procedure for any disabled persons suffering from EHS to submit requests/grievances in accordance with the ADA
- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (OTARD)
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that the submittal of key items by the applicant is done so

under oath and penalty of perjury

- [Link to Ithaca New York Wireless Ordinance PDF](#)

Massachusetts

Randolph MA

500 foot setback from any residence or business. Randolph requires a certified engineer to take radio frequency radiation readings of the tower once a year and requires the tower company to recertify it's tower every year. [Link to Code](#)

Lunenburg, MA

500 foot setbacks from any residence. [Link to Code](#)

Great Barrington MA has 500 foot setbacks away from residences AND their zoning ordinances state; "Towers and personal wireless service facilities shall be located so as to minimize the following potential impacts: [Safety from excessive electromagnetic radiation, in case the tower or personal wireless service facility is found to exceed the FCC guidelines.](#)" <https://ecode360.com/28653470>

Stockbridge MA prohibits a tower from being built 1000 feet from a school, park or athletic field and 600 feet away from any residence.

<https://townofstockbridge.com/wp-content/uploads/2017/10/TOWN-OF-STOCKBRIDGE-MASSACHUSETTS-Zoning-Bylaws-2017.pdf>

Florida

RESOLUTION NO. 2021-58: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF LAVALLETTE CONDITIONALLY APPROVING AN APPLICATION OF VERIZON/TILSON TECHNOLOGY FOR A RIGHT OF WAY PERMIT AT 3 LIGGETT ROAD IN THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN

The conditional requirement for deployment in Lavallette, and the City expressly made this a condition precedent before deployment: "The applicant shall obtain certification from the Federal Aviation Administration and the United States Department of Defense demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft." The City also requires the applicant to provide RF meters used by their technicians and training the City employees.

Arkansas

Booneville, Arkansas

- Proposed Ordinance would limit cell towers to 250 ft max; industrial zones
- [Cell tower ordinance read for first time at council meeting](#), Sept 5, 2018

Danville, California

Proposed Ordinance No. 2018-07: Wireless Communication Facilities

- Aesthetic requirements (design guidelines may be developed and amended from time to time to clarify aesthetic and public safety goals and standards)
- Utilities must be underground to extent feasible. “Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible”.
- Permits valid for initial period of 10 years max
- “Where feasible, the location of wireless communication facilities shall be encouraged to be located on publicly owned or controlled property or right-of-way.”
- Would allow small cells in residential districts:

–“All facilities shall be substantially screened from the view of surrounding properties and the public view or collocated with existing facilities or structures so as not to create substantial additional visual, noise, or thermal impacts. “

–Property owners within 300 ft of proposed site must be notified

[Danville, California: Ordinance No. 2018-07 Wireless Communications Facilities PDF](#)

<http://mystreetmychoice.com/danville.html>

<http://scientists4wiredtech.com/danville/municipal-wireless-code/>

Encinitas, California

- Urgency Ordinance
- [5G opponents cite health concerns in urging city to limit wireless antennas](#)

Fairfax, California

Urgency Ordinance to Establish New Regulations for Wireless

Telecommunications Facilities; Ad hoc committee to study viability of fiber network

[Ordinance No.819](#) An Urgency Ordinance Enacting Title 20 (“Telecommunications”) of the Fairfax Municipal Code to Establish New Regulations for Wireless Telecommunication Facilities [small cell devices a.k.a. 5G]

- [Redlined version](#)
- News: Marin Independent Journal [Fairfax to study fiber-optic broadband amid protest against 5G](#)

Los Altos, California

- installation of small cells on public utility easements in residential neighborhoods is prohibited
- 500 foot setbacks for small cells for multi-family residences in commercial districts
- 500 ft separation from schools
- 1500 ft separation between nodes
- [Los Altos Urgency Ordinance:](#)
- [Los Altos Citing Guidelines:](#)

This ordinance was passed in 2019. Then the Los Altos City Council then rejected 12 applications from AT&T and one from Verizon because they didn't meet those rules. In response, both cell companies sued in federal court, arguing the denial wasn't based on evidence. **The lawsuit is still pending** while consultants hired by the city of Los Altos worked on a new ordinance. The new ordinance, which was reviewed by the Los Altos Planning Commission on Thursday, says that cell nodes can go in residential streets as long as they are near a main road, within 200 to 500 feet.

[According to WireAmerica.org](#): The new Los Altos ordinance “says the city will grant exceptions if a cell company has evidence they need a site in a residential neighborhood to eliminate a significant gap in telecommunications coverage. The company would have to demonstrate, with substantial evidence in the public record, that not putting the antenna at that location would result in an effective prohibition of telecommunications service — **a tough row to hoe for Wireless companies because everyone can make a wireless phone call on every carrier network in Los Altos today.** The ordinance has several other restrictions on things like height, noise and Wireless Telecommunications Facility (WTF) design. Attorney Deborah Fox, who is representing the city

against AT&T and Verizon, said the ordinance is “state of the art” and she is confident that it meets federal law.”

Marin County, California

Draft as of June 21, 2019 The city is mapped to show where the cell towers are allowed. [Marin drafts preferences for 5G rollout](#), Point Reyes Light

- “Marin’s draft rules select industrial, commercial or agricultural sites, or sites near public facilities, as preferred locations for the antennas; residential and mixed-use sites and areas within 1,500 feet of schools and daycare centers are the least-preferred locations. The draft favors placing antennas on existing street poles or traffic lights, versus new poles or small cell facilities. It limits antennas to one per pole and stipulates they must be at least 1,000 feet apart. It also includes aesthetic requirements that aim to blend equipment, and prohibits equipment on historic buildings.”

Mill Valley, California

Urgency Ordinance No 18, September 6, 2018

- New or updated facilities prohibited in residential zones. Commercial only.
- Facilities installed on poles in public right of way must be 1,500 feet apart
- Design, noise standards
- Facilities in public right of way that would interfere with future projects / improvements must be relocated
- Promptly remove facilities when no longer needed; replace with smaller facilities as feasible
- Defend and indemnify the City
- [Mill Valley, California: Urgency Ordinance No 18, September 6, 2018](#)
- [Tech Crunch” Bay Area Blocks 5G Deployment Over Cancer Concerns](#)
- [Marin Post Mill Valley Council Adopts Wireless Ordinance Protects Community](#)

Palo Alto, California

City Council voted unanimously to approve a Resolution and amended Wireless Ordinance that City Staff had proposed. Council *a/so* voted unanimously in favor of a motion to direct City Staff “to come back as soon as possible but [in] no more than [one year], with an updated Ordinance/Resolution that considers”

(and e summarizing):

1. Disfavoring the placement of cell towers in, for example, residential zones and near schools;
2. Minimum setbacks for cell towers from homes and schools, and minimum distances between cell towers;
3. Creating a list of city-owned buildings that would be appropriate sites for macro cell towers (i.e., as an alternative to small cell node cell towers next to people's homes);

Council also voted to direct City Staff to return to Council with a recommendation for "best practices" with respect to inspecting antennas.

"Seeking to strike a balance between federal requirements and resident concerns, Palo Alto approved on Monday night new rules for reviewing the flurry of applications that the city has been receiving from telecommunication companies seeking to install antennas on local streetlights and utility poles.

By a 6-0 vote, with Councilman Greg Tanaka absent, the council adopted a set of "objective standards" for wireless communication facilities, including a menu of preferred design alternatives for radio equipment and antennas. And in a nod to the dozens of residents who have raised alarms about the proliferation of cellular facilities on their blocks, the council launched a new effort to further restrict where such technology can be installed and to explore "minimum distance" requirements for wireless equipment in relation to local schools and homes."

[Palo Alto looks to distance cell antennas from homes, schools](#)

Palos Verdes, California

According to citizens of the city, after citizen uproar, Crown Castle began complying with municipal aesthetic requirements and moving proposed locations out of neighborhoods and away from homes. The ordinance has four key components, if these are met the site will almost certainly be approved:

- Minimal antenna size with screening
- All accessory equipment underground (everything except the antenna)
- Combining sites with existing vertical infrastructure (streetlights, traffic signals, etc.)
- Strict location restrictions, no sites on local, residential streets without an exception granted

If they don't comply with these, then the applicant must demonstrate the site is required to fill a significant gap and there is no less intrusive alternative to receive an exception. This is not simply checking a box (i.e. the applicant just claiming these conditions exist) but has to be demonstrated to the City planning commission via engineering analysis.

Palos Verdes, California Ordinance Chapter 12.18 – WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Petaluma, California

Ordinance of the City Council of Petaluma

- Protect environmental resources; protect residents against adverse health effects
- Protect visual character; don't create visual blight
- Protect environmental resources; protect residents against adverse health effects
- Commercial or industrial zones
- Antennas must connect to an already existing utility pole that can support its weight.
- Servicing wires must be installed within the width of the existing utility.
- All ground-mounted equipment not to be installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
- Dedicated power source to be installed and metered separately.
- 1,500 feet minimum between each Small Cell facility.
- No Small Cell shall be within 500 feet of any residence.
- An encroachment permit must be obtained for any work in the right-of-way.
- [Petaluma, California: Ordinance of the City Council of Petaluma PDF](#)

Ross Valley, California

Wireless Telecommunications Facilities

- Modeled after Mill Valley's
- Adopted regulations prohibit facilities in residential and downtown zoning district.

Facilities proposed in the public right-of-way subject to separate design criteria.

- Limits height and width of facilities to a minimum necessary for property function.
- Maximum height of 24 feet above the height of the existing utility pole and 7 feet above a street light standard.
- Requires equipment to be placed underground.

[Ross Valley, California: Wireless Telecommunications Facilities PDF](#)

SAN ANSELMO, CALIFORNIA

Council Policy

- People within 300 feet of proposed antenna will be notified
- Town is entitled to employ independent consultant at applicant's expense to evaluate exceptions
- [San Anselmo, California PDF](#)

San Diego County, California

Draft ordinance (5-31-2019) for small cell antenna sites in San Diego County has the following requirement:

"SCWs shall not be located within 1,000 feet of schools, child care centers, hospitals, or churches. Distance, without regard to intervening structures, shall be a straight line measured from the closest property lines."

[San Diego County Ordinance](#)

San Jose, California

Negotiated agreement

"officials made improved access to areas with low internet participation a precondition for reducing fees...agreement set tiered costs per network node installation, with lower fees for companies deploying more nodes. Along with this incentive, three companies pledged to contribute a total of \$24 million over the next decade to a digital inclusion fund." ([GovTech](#))

- News Stories [The Future of 5G: The Bitter Battle for Local Control](#)

Suisin CA

500 ft setback and all facilities permitted pursuant to this chapter shall comply with the ADA.

San Anselmo, CA

300ft setback residents notified

Calabasas, CA

1000 feet setback for small cells.

Westlake, CA

500 feet setback

San Clemente, CA

500 feet setback

San Rafael, California

City Council Report

Dec. 5, 2018 front page news story: <https://www.marinij.com/2018/12/04/san-rafael-officials-work-to-tighten-5g-antenna-rules/>

Dec. 18, 2018 front page story: <https://www.marinij.com/2018/12/18/san-rafael-adopts-urgency-ordinance-to-keep-grip-on-5g-proliferation/>

- City Staff Report: URGENCY ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE TITLE 14 (ZONING) AND ACCOMPANYING POLICY RESOLUTION TO ESTABLISH PROVISIONS AND PROCEDURES FOR REGULATING THE PLACEMENT OF SMALL WIRELESS FACILITIES
- San Rafael, California: December 2018 Documentation for City Action on 12/18/2018

"I want the city and county government to clearly say no to the FCC," said resident Arthur Saftlas. "No 5G installations of any kind in Marin, until it can be proven safe for us and the environment." - San Rafael, Calif., Officials Work to Tighten 5G Regulation

- San Rafael Residents Take Pre-emptive Strike Against 5G

Sebastopol, California

City Council Agenda Item Report and Urgency Ordinance (Recommended)

- Purpose: Institute a moratorium on applications for small cells in the public right-of-way until adoption of a permanent ordinance

Previous regulations on telecommunications facilities (according to the recommended urgency ordinance, these did not anticipate 5G and do not address installation of telecommunications facilities in the right-of-way):

- Purpose: Protect visual character, inhabitants, environmental resources

Cannot be located in any required yard setback area

- Facilities within 400 feet of residential areas, schools, churches, hospitals etc must comply with NIER standards
- Minor facilities must be 75 feet away from a “residential dwelling unit” except 1 single family residence on the property where it is located

Sebastopol, California: City Council Agenda Item Report and Urgency Ordinance Establishing a Moratorium on Small Cells in the Public Right of Way

Other Links

- <http://scientists4wiredtech.com/sebastopol/sb-muni-code/>
- <http://mystreetmychoice.com/sebastopol.html>

Sonoma, California

Report and Urgency Ordinance

On Nov 5, 2018 Sonoma [approved](#) their 5G urgency ordinance.

500 ft setback and residents notified.

“Based on the foregoing, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.”

- The City also has a [Small Cell Tower page](#).
- [Sonoma California Ordinance on 5G](#)

WALNUT CITY, CALIFORNIA

- “Telecommunication towers and antennas shall not be located within 1,500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones.”
- [Screenshot of Ordinance from Walnut Website](#),
- To see the code online go to <https://qcode.us/codes/walnut/>, Click on “Title 6: Planning and Zoning” Click on “Chapter 6.88 ANTENNAS AND COMMUNICATION FACILITIES”, Click on “6.88.060 Design standards, See Item “O.

Warren, Connecticut

This policy defines adequate coverage and adequate capacity. It details that it was designed “to locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens of Warren and all those who visit this community, minimize the total number and height of towers throughout Warren, and provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers.”

- “Coverage is considered to be “adequate” within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural environment like Warren, this would be a signal strength of at least -90 dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station.”
- “Capacity is considered to be “adequate” if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question.”

TOWN OF WARREN SECTION 29 – SPECIAL PERMIT FOR
TELECOMMUNICATIONS: FACILITIES AND TOWERS December 11,
2012, Warren website link

BURLINGTON, MASSACHUSETTS

Town of Burlington Policy Applications for Small Cell Wireless Installations,
October 22, 2018

- Small Cell Committee drafted a policy with annual recertification fees. Verizon withdrew its application, concerned by the precedent it would set and questioning its legality.
- Verizon attorney Mr. Klasnick stated “My client respectfully requests to withdraw the petition rather than have a fee,” he said.([BCATTV](#))

[The Town of Burlington Policy / Application for Small Cell Wireless Installations approved by the Burlington Board of Selectmen on October 22, 2018 PDF.](#)

According to [BCATTV Verizon Drops Small Cell Wireless Booster Application in Face of Fees](#):

“This week Selectman Jim Tigges, the board’s representative on the Small Cells Committee, said the group had come up with a new policy for small cell applications. The policy contains a number of provisions while filing an application, including setting installation fees, listing the town department that must receive a copy for review and setting up the timeline for approval.

The Verizon application, however, would not be subject to the policy because it was submitted before its adoption. However, Tigges and the committee did have a number of conditions for the project it recommended to the board. They included:

- No apparatus on double poles
- An agreement to annual recertification
- Equipment shall be located on top of the poles, colored similarly to the pole so as to blend in.
- Equipment shall not interfere with other equipment on the pole, nor obstruct or interfere with access to or operation of street lights or traffic controls devices on the pole.
- Poles must meet ADA standards.”

-NEWS: [Verizon Drops Small Cell Wireless Booster Application in Face of Fees](#),
October 23, 2018

Holyoke, Massachusetts

- Draft policy \$500 fee for city inspection of rooftop poles/roofs every 2 years
- Holyoke has submitted an order from councilor Bartley Roman to limit equipment and require \$500 apiece per small cell—\$500 may exceed FCC limits. At-large councilor Rebecca Lisi, on behalf of a Holyoke resident, recently submitted to the town lawyer a copy of the ordinance drafted by Pittsfield.

Information from <https://www.lasttreelaws.com/ordinances.html>

Pittsfield, Massachusetts

Proposed Section: Wireless Communications Facilities

- Telecom company must prove preferred site/existing structure does not work
- Above ground aesthetic requirements
- Sound and light restrictions with emphasis on industry proving compliance

Pittsfield, Massachusetts: Proposed Section: Wireless Communications Facilities PDF

Little Silver, New Jersey

- Carriers should provide notice to property owners within five hundred (500') feet of the proposed Telecommunications Facility.
- The applicant must demonstrate to the reasonable satisfaction of the Borough that no existing personal wireless Telecommunication Service Facility within a reasonable distance can accommodate needs.
- Indemnification clause: "Each license grantee shall indemnify and hold the Borough and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering

Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter.”

- “Little Silver New Jersey: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16A “LAND USE AND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING SECTION 16A-2 “DEFINITIONS” AND 16A-5 GENERAL PROVISION ADDING NEW SUBSECTION 5-28 “PLACEMENT OF TELECOMMUNICATIONS FACILITIES”

New York

Ithaca , New York

Ithaca’s code of 250 feet

- A 1500 foot setback between antennas (old code: 0 feet)
- A 250 foot setback between antennas and homes/schools (old code: 8 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by ‘in-kind’ testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant’s claim that it needs the proposed tower for “future capacity” or to “improve coverage” is not sufficient to establish that it suffers from a significant gap in coverage
- Requiring the least intrusive methods to fill any coverage gap for antennas
- Requiring that a visual impact analysis be submitted for any new proposed antennas
- Requiring General Liability Insurance without a pollution exclusion
- Allowing for random, unannounced radiation testing for all towers done by the City at the expense of the applicant
- Including fall-zone requirements that wireless facilities are maintained at a sufficient distance from other structures and the general public
- Allowing for revocability (a clause allowing the voiding of any contract requiring its modification in the event of a regulatory change)
- Mandating certified mail notices of any proposed tower be sent to people living near a proposed site before approval, paid for by the applicant.
- Establishing a procedure for any disabled persons suffering from EHS to

submit requests/grievances in accordance with the ADA

- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (aimed at the OTARD challenge)
- Deputizing any citizen to test for RF emissions
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that everything submitted by the applicant is done so under oath and penalty of perjury
- **Download PDF of Ithaca code here.**

Scarsdale, New York

Scarsdale, New York Passed a [Wireless Ordinance](#) To Limit Cell Antennas 500 Feet From Homes, Schools and Daycares

1. Pre- and post-installation RF testing requirements by independent contractor; additionally, routine annual monitoring
2. Pre-notification of small cell application to residents within a 1,000-foot radius of proposed installation
3. Pre-notification of small cell application to President-At-Large of the neighborhood association and to the president of neighborhood association in which the wireless facility is proposed
4. Location preferences (restricted zones) that require special exceptions for installations
 - Any location within 500 feet from a residential dwelling unit
 - Any location within 500 feet from a daycare facility or school
 - Any location within 500 feet from a house of worship
 - Any location within parkland
5. Village is insured against any liability for personal injury or property damage or claims pertaining to RF exposure
6. Existence of appeals process (de novo hearing in front of Planning Board)

Copake New York

([Link to Copake NY code](#))

Pretesting and post testing by RF engineer

Annual monitoring of RF emissions by the independent RF engineer using actual field measurements

Hempstead, New York

Wireless Communications Facilities

- Requires a special use permit for cell towers that encourages location of new wireless facilities so as to minimize their impact on historically sensitive areas around residences, schools, houses of worship, day-care centers. Seven consideration factors are listed in order from more to least preferred, with existing towers being most preferred and new towers in residential zones least preferred.
- Prohibits towers from exceeding a height that permits it to operate without artificial lighting
- Allows the town to hire consultants and do inspections
- Set a fee schedule of \$500 per pole
- Requires a 4 foot warning sign on the pole
- Utilities at wireless installations should be underground when possible
- [Hempstead, New York: Wireless Communications Facilities Ordinance](#)
[eCodeChapter 142](#)
- Other Links
- <https://mdsafetech.org/cell-tower-and-city-ordinances/>
- <https://hempsteadny.gov/permits-and-applications/wireless-telecom-ordinance>

Mason, Ohio

Zoning Ordinance – Wireless Communications Systems

- No small cells in residential areas or within 100 feet of property used for residential use
- Small cells must be 2000 feet apart (unless colocated)
- Small cells are between 20-30 ft high (may be able to exceed 30 ft if colocated)
- Every attempt shall be made to locate small cells on existing structures; if not

available, within public right of way

- All related equipment should be underground or wholly contained so not visible
- Each facility shall consist of no more than 1 antenna/user and capable of providing communication for at least 2 users

[Mason, Ohio Zoning Ordinance PDF](#)

Lancaster, Pennsylvania

Zoning Changes via Ordinance 9-2016

- City Council rushed through zoning changes to declare many streets off limits to new poles (said they could be much taller than existing ones)
- Public Utility Commission stripped Mobilitie and other distributed-antenna companies of utility status, meaning that they would not get any more “certificates of public convenience” in Pennsylvania.

[Lancaster, Pennsylvania Ordinance No. 9-2016 PDF](#)

News Stories

- <http://www.philly.com/philly/business/comcast/philly-and-suburbs-brace-for-attack-of-the-small-cells-20170601.html?arc404=true>
- <http://www.govtech.com/dc/articles/Philadelphia-Braces-For-Small-Cell-Future.html>

Note: This list was compiled from EHT research of various sources and a special thank you to [Physicians for Safe Technology](#), [My Streets My Choice](#) and [Last Tree Laws](#) for their extensive resources. Please contact EHT to add your Cities information.

Sent with [Proton Mail](#) secure email.

On Monday, November 18th, 2024 at 4:32 PM, Naomi Melamed <hinaomi@protonmail.com> wrote:

Aloha Commissioners,

Mahalo for your time and your work here reviewing an updated solution for wireless infrastructure on the Big Island. My name is Naomi Melamed and I am an Hawaii Island leader for Safe Tech Hawaii, a voluntary group serving statewide for several years. We educate and support our local communities and we engage with the legislative process to promote the balance of connectivity and safety in Hawaii. We are composed of thousands of local members that care deeply for the protection of clean air space in Hawaii.

I would like to request that the planning department favorably recommend Bill 194 to the council, and allow for the council members to work out the differences between the two bills through their process. We have seen that both the PD's proposed ordinance and Bill 194 have some language to be worked out. It is unfair, despite some kinks in both bills, to favorably recommend one over the other. Especially as there was an attempt early on in the process by the council member introducing Bill 194 to collaborate - which was not honored. I appreciate that both bills will be heard alongside one another and careful consideration will be made with regards to both of them.

I am not an authority on county code, but I include here links to dozens of other jurisdictions that we follow. Many of them have more strictly protective ordinances instated in their areas around the US, and similar state laws, which have stood up in court. Bill 194 is in compliance with use 47 section 332, C-7-b-4 as it is not excessive in its request for information from applicants, such as regarding the levels of EMF that they emit. Bill 194 encourages more transparency with citizens and gives valuable information, taking those who may be disabled from EMF exposure into account. I appreciate that the RF emission has a mechanism for update with each co-location. Our group has conducted a state-wide monitor of EMF emission from towers and we have found some extremely high levels, which is a genuine concern for our population, regardless of zone.

As some other testifiers have noted, there was a court ruling on the federal level in 2020 stating that the FCC's failure to update their acceptable levels for EMF exposure to humans and the environment was "arbitrary and capricious" and they IGNORED (judges words) the evidence (11,000 pages of it in court!) from multiple reputable sources in their most recent review. The FCC is under close watch at this time. Bill 194 does not impose stricter EMF standards than the FCC. It is simply asking to know what the emissions are and have a process outlined for how to go about measuring.

Bill 194 was in the works for about a year. It has been crafted with careful consideration taken from a wide-range of community members and groups. Even the planning dept. was approached for collaboration, but chose to take another path. Our group was pleased to offer our expertise where appropriate, particularly as we document other jurisdictions who have enacted protective ordinances related to wireless infrastructure.

Bill 194 is robust legislation as it accordingly reflects the will of the residents of this island over the desires of big business from abroad. Simultaneously, it lays out a process which allows for connectivity for all. I appreciate that two bills related to the same topic coming through the Commission can be confusing, but I encourage the Commission to favorably recommend Bill 194 and allow the elected council members to make sense of both bills upon equal ground.

Technology is changing rapidly and one thing I appreciate from Bill 194 is it includes the regulation of small cells, which are a new and untested part of 5G. Small cells pose greatly increased exposure due to their buildout and must be considered in any modern-day legislation. In contrast, they are not mentioned in the Planning Director's proposed bill. This is a very important point which was not outlined in the Nov. 1st Commission meeting as a difference between the PD proposed ordinance and Bill 194.

The Big Island is in great need for Bill 194 to protect the beauty, safety, well-being, and property values of all who live on or frequent our island. Council member Evans bill goes into great detail about a fire plan, and site approval requirements, which puts me as a resident at ease. In contrast I have noticed that in the Directors bill, there are question marks about who will operate security cameras, also a lack of easements for access by the fire department, and lack of a comprehensive fire plan, despite there being other provisions.

I do not see it as a competition, as I support collaboration and consideration. But I must admit that after following both Bill 194 and the Directors bill, the timing of the two has been interesting, and I hope for cohesion moving forward.

Thank you very much for reading my testimony.

Mahalo for your time and consideration,

Naomi Melamed
Safe Tech Hawaii, Hawaii Island Leader

Sent from Proton Mail

From: [Naomi Melamed](#)
To: [LPCtestimony](#)
Subject: Re: Bill 194 support testimony attachment for Naomi Melamed item 8
Date: Monday, November 18, 2024 7:33:26 PM

Here are my attached resources mentioned in my testimony today:

POLICIES & ORDINANCES

Note: These were compiled from EHT research of various sources and a special thank you to [Physicians for Safe Technology](#), [My Streets My Choice](#), [Scientists for Wired Technology](#) and [Last Tree Laws](#) for their extensive resources utilized on this page. Please be sure to go to these pages for more information.

In addition, Americans For Responsible Technology has created a [Sample Small Cell Ordinance](#) that cities can use as a starting point which incorporates several- although not all- of these issues. Please download their model ordinance and [utilize their extensive resources at this link](#).

New York

White Plains, New York Wireless Ordinance

- ***In order to ensure and maintain the safety, property values, and aesthetic qualities of White Plains streets and neighborhoods***, the following setback provision shall apply: *residential districts, a minimum of 250 feet from the nearest structure*;
- Notifications to property owners located within 500 feet shall be **written in a factual manner devoid of marketing promotion and approved by the Commissioner of Public Works**;
- All small wireless facilities... shall at all times be operated in compliance with the RF standards established by the Federal Communications Commission. *These RF safety standards shall apply to the aggregate emissions of co-located and nearby facilities not just the emissions of a single antenna*;
- Liability insurance without a pollution exclusion, pollution being defined as **any solid, liquid, gaseous or thermal pollutant, irritant or contaminant including but not limited to artificially produced electric fields, magnetic fields, electromagnetic fields and all artificially**

produced ionizing and non-ionizing radiation;

- The following unique clause was also inserted: ***no new small wireless facilities, as defined in 47 CFR §1.6002 (1), shall be approved unless the applicant can establish that failure to approve such an application would violate federal or state law.*** This clause was inserted to allow the City of White Plains to deny an application if federal law continues to uphold the 'significant gap' provision. At the same time, it allows the City to approve an antenna if the law changes;
- [Link to White Plains New York Ordinance PDF](#)

Ithaca New York Ordinance

- A 1500 foot setback between antennas (old code: 0 feet)
- A 300 foot setback between antennas and homes (old code: 0 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by 'in-kind' testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant's claim that it needs the proposed tower for "future capacity" is not sufficient to establish that it suffers from a significant gap in coverage
- Requiring the least intrusive methods to fill any coverage gap for antennas
- Requiring that a visual impact analysis be submitted for any new proposed antennas
- Requiring General Liability Insurance without a pollution exclusion
- Allowing for random, unannounced radiation testing for all towers done by the City at the expense of the applicant
- Including fall-zone requirements that wireless facilities are maintained at a sufficient distance from other structures and the general public
- Establishing a procedure for any disabled persons suffering from EHS to submit requests/grievances in accordance with the ADA
- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (OTARD)
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that the submittal of key items by the applicant is done so

under oath and penalty of perjury

- [Link to Ithaca New York Wireless Ordinance PDF](#)

Massachusetts

Randolph MA

500 foot setback from any residence or business. Randolph requires a certified engineer to take radio frequency radiation readings of the tower once a year and requires the tower company to recertify it's tower every year. [Link to Code](#)

Lunenburg, MA

500 foot setbacks from any residence. [Link to Code](#)

Great Barrington MA has 500 foot setbacks away from residences AND their zoning ordinances state; "Towers and personal wireless service facilities shall be located so as to minimize the following potential impacts: [Safety from excessive electromagnetic radiation, in case the tower or personal wireless service facility is found to exceed the FCC guidelines.](#)" <https://ecode360.com/28653470>

Stockbridge MA prohibits a tower from being built 1000 feet from a school, park or athletic field and 600 feet away from any residence.

<https://townofstockbridge.com/wp-content/uploads/2017/10/TOWN-OF-STOCKBRIDGE-MASSACHUSETTS-Zoning-Bylaws-2017.pdf>

Florida

RESOLUTION NO. 2021-58: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF LAVALLETTE CONDITIONALLY APPROVING AN APPLICATION OF VERIZON/TILSON TECHNOLOGY FOR A RIGHT OF WAY PERMIT AT 3 LIGGETT ROAD IN THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN

The conditional requirement for deployment in Lavallette, and the City expressly made this a condition precedent before deployment: "The applicant shall obtain certification from the Federal Aviation Administration and the United States Department of Defense demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft." The City also requires the applicant to provide RF meters used by their technicians and training the City employees.

Arkansas

Booneville, Arkansas

- Proposed Ordinance would limit cell towers to 250 ft max; industrial zones
- [Cell tower ordinance read for first time at council meeting](#), Sept 5, 2018

Danville, California

Proposed Ordinance No. 2018-07: Wireless Communication Facilities

- Aesthetic requirements (design guidelines may be developed and amended from time to time to clarify aesthetic and public safety goals and standards)
- Utilities must be underground to extent feasible. “Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible”.
- Permits valid for initial period of 10 years max
- “Where feasible, the location of wireless communication facilities shall be encouraged to be located on publicly owned or controlled property or right-of-way.”
- Would allow small cells in residential districts:

–“All facilities shall be substantially screened from the view of surrounding properties and the public view or collocated with existing facilities or structures so as not to create substantial additional visual, noise, or thermal impacts. “

–Property owners within 300 ft of proposed site must be notified

[Danville, California: Ordinance No. 2018-07 Wireless Communications Facilities PDF](#)

<http://mystreetmychoice.com/danville.html>

<http://scientists4wiredtech.com/danville/municipal-wireless-code/>

Encinitas, California

- Urgency Ordinance
- [5G opponents cite health concerns in urging city to limit wireless antennas](#)

Fairfax, California

Urgency Ordinance to Establish New Regulations for Wireless

Telecommunications Facilities; Ad hoc committee to study viability of fiber network

[Ordinance No.819](#) An Urgency Ordinance Enacting Title 20 (“Telecommunications”) of the Fairfax Municipal Code to Establish New Regulations for Wireless Telecommunication Facilities [small cell devices a.k.a. 5G]

- [Redlined version](#)
- News: Marin Independent Journal [Fairfax to study fiber-optic broadband amid protest against 5G](#)

Los Altos, California

- installation of small cells on public utility easements in residential neighborhoods is prohibited
- 500 foot setbacks for small cells for multi-family residences in commercial districts
- 500 ft separation from schools
- 1500 ft separation between nodes
- [Los Altos Urgency Ordinance:](#)
- [Los Altos Citing Guidelines:](#)

This ordinance was passed in 2019. Then the Los Altos City Council then rejected 12 applications from AT&T and one from Verizon because they didn't meet those rules. In response, both cell companies sued in federal court, arguing the denial wasn't based on evidence. **The lawsuit is still pending** while consultants hired by the city of Los Altos worked on a new ordinance. The new ordinance, which was reviewed by the Los Altos Planning Commission on Thursday, says that cell nodes can go in residential streets as long as they are near a main road, within 200 to 500 feet.

[According to WireAmerica.org](#): The new Los Altos ordinance “says the city will grant exceptions if a cell company has evidence they need a site in a residential neighborhood to eliminate a significant gap in telecommunications coverage. The company would have to demonstrate, with substantial evidence in the public record, that not putting the antenna at that location would result in an effective prohibition of telecommunications service — **a tough row to hoe for Wireless companies because everyone can make a wireless phone call on every carrier network in Los Altos today.** The ordinance has several other restrictions on things like height, noise and Wireless Telecommunications Facility (WTF) design. Attorney Deborah Fox, who is representing the city

against AT&T and Verizon, said the ordinance is “state of the art” and she is confident that it meets federal law.”

Marin County, California

Draft as of June 21, 2019 The city is mapped to show where the cell towers are allowed. [Marin drafts preferences for 5G rollout](#), Point Reyes Light

- “Marin’s draft rules select industrial, commercial or agricultural sites, or sites near public facilities, as preferred locations for the antennas; residential and mixed-use sites and areas within 1,500 feet of schools and daycare centers are the least-preferred locations. The draft favors placing antennas on existing street poles or traffic lights, versus new poles or small cell facilities. It limits antennas to one per pole and stipulates they must be at least 1,000 feet apart. It also includes aesthetic requirements that aim to blend equipment, and prohibits equipment on historic buildings.”

Mill Valley, California

Urgency Ordinance No 18, September 6, 2018

- New or updated facilities prohibited in residential zones. Commercial only.
- Facilities installed on poles in public right of way must be 1,500 feet apart
- Design, noise standards
- Facilities in public right of way that would interfere with future projects / improvements must be relocated
- Promptly remove facilities when no longer needed; replace with smaller facilities as feasible
- Defend and indemnify the City
- [Mill Valley, California: Urgency Ordinance No 18, September 6, 2018](#)
- [Tech Crunch” Bay Area Blocks 5G Deployment Over Cancer Concerns](#)
- [Marin Post Mill Valley Council Adopts Wireless Ordinance Protects Community](#)

Palo Alto, California

City Council voted unanimously to approve a Resolution and amended Wireless Ordinance that City Staff had proposed. Council *a/so* voted unanimously in favor of a motion to direct City Staff “to come back as soon as possible but [in] no more than [one year], with an updated Ordinance/Resolution that considers”

(and e summarizing):

1. Disfavoring the placement of cell towers in, for example, residential zones and near schools;
2. Minimum setbacks for cell towers from homes and schools, and minimum distances between cell towers;
3. Creating a list of city-owned buildings that would be appropriate sites for macro cell towers (i.e., as an alternative to small cell node cell towers next to people's homes);

Council also voted to direct City Staff to return to Council with a recommendation for "best practices" with respect to inspecting antennas.

"Seeking to strike a balance between federal requirements and resident concerns, Palo Alto approved on Monday night new rules for reviewing the flurry of applications that the city has been receiving from telecommunication companies seeking to install antennas on local streetlights and utility poles.

By a 6-0 vote, with Councilman Greg Tanaka absent, the council adopted a set of "objective standards" for wireless communication facilities, including a menu of preferred design alternatives for radio equipment and antennas. And in a nod to the dozens of residents who have raised alarms about the proliferation of cellular facilities on their blocks, the council launched a new effort to further restrict where such technology can be installed and to explore "minimum distance" requirements for wireless equipment in relation to local schools and homes."

[Palo Alto looks to distance cell antennas from homes, schools](#)

Palos Verdes, California

According to citizens of the city, after citizen uproar, Crown Castle began complying with municipal aesthetic requirements and moving proposed locations out of neighborhoods and away from homes. The ordinance has four key components, if these are met the site will almost certainly be approved:

- Minimal antenna size with screening
- All accessory equipment underground (everything except the antenna)
- Combining sites with existing vertical infrastructure (streetlights, traffic signals, etc.)
- Strict location restrictions, no sites on local, residential streets without an exception granted

If they don't comply with these, then the applicant must demonstrate the site is required to fill a significant gap and there is no less intrusive alternative to receive an exception. This is not simply checking a box (i.e. the applicant just claiming these conditions exist) but has to be demonstrated to the City planning commission via engineering analysis.

Palos Verdes, California Ordinance Chapter 12.18 – WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Petaluma, California

Ordinance of the City Council of Petaluma

- Protect environmental resources; protect residents against adverse health effects
- Protect visual character; don't create visual blight
- Protect environmental resources; protect residents against adverse health effects
- Commercial or industrial zones
- Antennas must connect to an already existing utility pole that can support its weight.
- Servicing wires must be installed within the width of the existing utility.
- All ground-mounted equipment not to be installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
- Dedicated power source to be installed and metered separately.
- 1,500 feet minimum between each Small Cell facility.
- No Small Cell shall be within 500 feet of any residence.
- An encroachment permit must be obtained for any work in the right-of-way.
- [Petaluma, California: Ordinance of the City Council of Petaluma PDF](#)

Ross Valley, California

Wireless Telecommunications Facilities

- Modeled after Mill Valley's
- Adopted regulations prohibit facilities in residential and downtown zoning district.

Facilities proposed in the public right-of-way subject to separate design criteria.

- Limits height and width of facilities to a minimum necessary for property function.
- Maximum height of 24 feet above the height of the existing utility pole and 7 feet above a street light standard.
- Requires equipment to be placed underground.

[Ross Valley, California: Wireless Telecommunications Facilities PDF](#)

SAN ANSELMO, CALIFORNIA

Council Policy

- People within 300 feet of proposed antenna will be notified
- Town is entitled to employ independent consultant at applicant's expense to evaluate exceptions
- [San Anselmo, California PDF](#)

San Diego County, California

Draft ordinance (5-31-2019) for small cell antenna sites in San Diego County has the following requirement:

"SCWs shall not be located within 1,000 feet of schools, child care centers, hospitals, or churches. Distance, without regard to intervening structures, shall be a straight line measured from the closest property lines."

[San Diego County Ordinance](#)

San Jose, California

Negotiated agreement

"officials made improved access to areas with low internet participation a precondition for reducing fees...agreement set tiered costs per network node installation, with lower fees for companies deploying more nodes. Along with this incentive, three companies pledged to contribute a total of \$24 million over the next decade to a digital inclusion fund." ([GovTech](#))

- News Stories [The Future of 5G: The Bitter Battle for Local Control](#)

Suisin CA

500 ft setback and all facilities permitted pursuant to this chapter shall comply with the ADA.

San Anselmo, CA

300ft setback residents notified

Calabasas, CA

1000 feet setback for small cells.

Westlake, CA

500 feet setback

San Clemente, CA

500 feet setback

San Rafael, California

City Council Report

Dec. 5, 2018 front page news story: <https://www.marinij.com/2018/12/04/san-rafael-officials-work-to-tighten-5g-antenna-rules/>

Dec. 18, 2018 front page story: <https://www.marinij.com/2018/12/18/san-rafael-adopts-urgency-ordinance-to-keep-grip-on-5g-proliferation/>

- City Staff Report: URGENCY ORDINANCE AMENDING THE SAN RAFAEL MUNICIPAL CODE TITLE 14 (ZONING) AND ACCOMPANYING POLICY RESOLUTION TO ESTABLISH PROVISIONS AND PROCEDURES FOR REGULATING THE PLACEMENT OF SMALL WIRELESS FACILITIES
- San Rafael, California: December 2018 Documentation for City Action on 12/18/2018

"I want the city and county government to clearly say no to the FCC," said resident Arthur Saftlas. "No 5G installations of any kind in Marin, until it can be proven safe for us and the environment." - San Rafael, Calif., Officials Work to Tighten 5G Regulation

- San Rafael Residents Take Pre-emptive Strike Against 5G

Sebastopol, California

City Council Agenda Item Report and Urgency Ordinance (Recommended)

- Purpose: Institute a moratorium on applications for small cells in the public right-of-way until adoption of a permanent ordinance

Previous regulations on telecommunications facilities (according to the recommended urgency ordinance, these did not anticipate 5G and do not address installation of telecommunications facilities in the right-of-way):

- Purpose: Protect visual character, inhabitants, environmental resources

Cannot be located in any required yard setback area

- Facilities within 400 feet of residential areas, schools, churches, hospitals etc must comply with NIER standards
- Minor facilities must be 75 feet away from a “residential dwelling unit” except 1 single family residence on the property where it is located

Sebastopol, California: City Council Agenda Item Report and Urgency Ordinance Establishing a Moratorium on Small Cells in the Public Right of Way

Other Links

- <http://scientists4wiredtech.com/sebastopol/sb-muni-code/>
- <http://mystreetmychoice.com/sebastopol.html>

Sonoma, California

Report and Urgency Ordinance

On Nov 5, 2018 Sonoma [approved](#) their 5G urgency ordinance.

500 ft setback and residents notified.

“Based on the foregoing, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.”

- The City also has a [Small Cell Tower page](#).
- [Sonoma California Ordinance on 5G](#)

WALNUT CITY, CALIFORNIA

- “Telecommunication towers and antennas shall not be located within 1,500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones.”
- [Screenshot of Ordinance from Walnut Website](#),
- To see the code online go to <https://qcode.us/codes/walnut/>, Click on “Title 6: Planning and Zoning” Click on “Chapter 6.88 ANTENNAS AND COMMUNICATION FACILITIES”, Click on “6.88.060 Design standards, See Item “O.”

Warren, Connecticut

This policy defines adequate coverage and adequate capacity. It details that it was designed “to locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens of Warren and all those who visit this community, minimize the total number and height of towers throughout Warren, and provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers.”

- “Coverage is considered to be “adequate” within that area surrounding a Base Station where the predicted or measured median field strength of the transmitted signal is such that the majority of the time, transceivers properly installed and operated will be able to communicate with the base station. In the case of cellular communications in a rural environment like Warren, this would be a signal strength of at least -90 dBm for at least 75% of the coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dBm, as long as the signal regains its strength to greater than -90 dBm further away from the Base Station.”
- “Capacity is considered to be “adequate” if the Grade of Service (GOS) is p.05 or better for median traffic levels offered during the typical busy hour, as assessed by direct measurement of the Personal Wireless Service Facility in question.”

TOWN OF WARREN SECTION 29 – SPECIAL PERMIT FOR
TELECOMMUNICATIONS: FACILITIES AND TOWERS December 11,
2012, Warren website link

BURLINGTON, MASSACHUSETTS

Town of Burlington Policy Applications for Small Cell Wireless Installations,
October 22, 2018

- Small Cell Committee drafted a policy with annual recertification fees. Verizon withdrew its application, concerned by the precedent it would set and questioning its legality.
- Verizon attorney Mr. Klasnick stated “My client respectfully requests to withdraw the petition rather than have a fee,” he said.([BCATTV](#))

[The Town of Burlington Policy / Application for Small Cell Wireless Installations approved by the Burlington Board of Selectmen on October 22, 2018 PDF.](#)

According to [BCATTV Verizon Drops Small Cell Wireless Booster Application in Face of Fees:](#)

“This week Selectman Jim Tigges, the board’s representative on the Small Cells Committee, said the group had come up with a new policy for small cell applications. The policy contains a number of provisions while filing an application, including setting installation fees, listing the town department that must receive a copy for review and setting up the timeline for approval.

The Verizon application, however, would not be subject to the policy because it was submitted before its adoption. However, Tigges and the committee did have a number of conditions for the project it recommended to the board. They included:

- No apparatus on double poles
- An agreement to annual recertification
- Equipment shall be located on top of the poles, colored similarly to the pole so as to blend in.
- Equipment shall not interfere with other equipment on the pole, nor obstruct or interfere with access to or operation of street lights or traffic controls devices on the pole.
- Poles must meet ADA standards.”

-NEWS: [Verizon Drops Small Cell Wireless Booster Application in Face of Fees](#),
October 23, 2018

Holyoke, Massachusetts

- Draft policy \$500 fee for city inspection of rooftop poles/roofs every 2 years
- Holyoke has submitted an order from councilor Bartley Roman to limit equipment and require \$500 apiece per small cell—\$500 may exceed FCC limits. At-large councilor Rebecca Lisi, on behalf of a Holyoke resident, recently submitted to the town lawyer a copy of the ordinance drafted by Pittsfield.

Information from <https://www.lasttreelaws.com/ordinances.html>

Pittsfield, Massachusetts

Proposed Section: Wireless Communications Facilities

- Telecom company must prove preferred site/existing structure does not work
- Above ground aesthetic requirements
- Sound and light restrictions with emphasis on industry proving compliance

Pittsfield, Massachusetts: Proposed Section: Wireless Communications Facilities PDF

Little Silver, New Jersey

- Carriers should provide notice to property owners within five hundred (500') feet of the proposed Telecommunications Facility.
- The applicant must demonstrate to the reasonable satisfaction of the Borough that no existing personal wireless Telecommunication Service Facility within a reasonable distance can accommodate needs.
- Indemnification clause: "Each license grantee shall indemnify and hold the Borough and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering

Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter.”

- “Little Silver New Jersey: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16A “LAND USE AND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LITTLE SILVER, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING SECTION 16A-2 “DEFINITIONS” AND 16A-5 GENERAL PROVISION ADDING NEW SUBSECTION 5-28 “PLACEMENT OF TELECOMMUNICATIONS FACILITIES”

New York

Ithaca , New York

Ithaca’s code of 250 feet

- A 1500 foot setback between antennas (old code: 0 feet)
- A 250 foot setback between antennas and homes/schools (old code: 8 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by ‘in-kind’ testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant’s claim that it needs the proposed tower for “future capacity” or to “improve coverage” is not sufficient to establish that it suffers from a significant gap in coverage
- Requiring the least intrusive methods to fill any coverage gap for antennas
- Requiring that a visual impact analysis be submitted for any new proposed antennas
- Requiring General Liability Insurance without a pollution exclusion
- Allowing for random, unannounced radiation testing for all towers done by the City at the expense of the applicant
- Including fall-zone requirements that wireless facilities are maintained at a sufficient distance from other structures and the general public
- Allowing for revocability (a clause allowing the voiding of any contract requiring its modification in the event of a regulatory change)
- Mandating certified mail notices of any proposed tower be sent to people living near a proposed site before approval, paid for by the applicant.
- Establishing a procedure for any disabled persons suffering from EHS to

submit requests/grievances in accordance with the ADA

- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (aimed at the OTARD challenge)
- Deputizing any citizen to test for RF emissions
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that everything submitted by the applicant is done so under oath and penalty of perjury
- **Download PDF of Ithaca code here.**

Scarsdale, New York

Scarsdale, New York Passed a [Wireless Ordinance](#) To Limit Cell Antennas 500 Feet From Homes, Schools and Daycares

1. Pre- and post-installation RF testing requirements by independent contractor; additionally, routine annual monitoring
2. Pre-notification of small cell application to residents within a 1,000-foot radius of proposed installation
3. Pre-notification of small cell application to President-At-Large of the neighborhood association and to the president of neighborhood association in which the wireless facility is proposed
4. Location preferences (restricted zones) that require special exceptions for installations
 - Any location within 500 feet from a residential dwelling unit
 - Any location within 500 feet from a daycare facility or school
 - Any location within 500 feet from a house of worship
 - Any location within parkland
5. Village is insured against any liability for personal injury or property damage or claims pertaining to RF exposure
6. Existence of appeals process (de novo hearing in front of Planning Board)

Copake New York

([Link to Copake NY code](#))

Pretesting and post testing by RF engineer

Annual monitoring of RF emissions by the independent RF engineer using actual field measurements

Hempstead, New York

Wireless Communications Facilities

- Requires a special use permit for cell towers that encourages location of new wireless facilities so as to minimize their impact on historically sensitive areas around residences, schools, houses of worship, day-care centers. Seven consideration factors are listed in order from more to least preferred, with existing towers being most preferred and new towers in residential zones least preferred.
- Prohibits towers from exceeding a height that permits it to operate without artificial lighting
- Allows the town to hire consultants and do inspections
- Set a fee schedule of \$500 per pole
- Requires a 4 foot warning sign on the pole
- Utilities at wireless installations should be underground when possible
- [Hempstead, New York: Wireless Communications Facilities Ordinance](#)
[eCodeChapter 142](#)
- Other Links
- <https://mdsafetech.org/cell-tower-and-city-ordinances/>
- <https://hempsteadny.gov/permits-and-applications/wireless-telecom-ordinance>

Mason, Ohio

Zoning Ordinance – Wireless Communications Systems

- No small cells in residential areas or within 100 feet of property used for residential use
- Small cells must be 2000 feet apart (unless colocated)
- Small cells are between 20-30 ft high (may be able to exceed 30 ft if colocated)
- Every attempt shall be made to locate small cells on existing structures; if not

available, within public right of way

- All related equipment should be underground or wholly contained so not visible
- Each facility shall consist of no more than 1 antenna/user and capable of providing communication for at least 2 users

[Mason, Ohio Zoning Ordinance PDF](#)

Lancaster, Pennsylvania

Zoning Changes via Ordinance 9-2016

- City Council rushed through zoning changes to declare many streets off limits to new poles (said they could be much taller than existing ones)
- Public Utility Commission stripped Mobilitie and other distributed-antenna companies of utility status, meaning that they would not get any more “certificates of public convenience” in Pennsylvania.

[Lancaster, Pennsylvania Ordinance No. 9-2016 PDF](#)

News Stories

- <http://www.philly.com/philly/business/comcast/philly-and-suburbs-brace-for-attack-of-the-small-cells-20170601.html?arc404=true>
- <http://www.govtech.com/dc/articles/Philadelphia-Braces-For-Small-Cell-Future.html>

Note: This list was compiled from EHT research of various sources and a special thank you to [Physicians for Safe Technology](#), [My Streets My Choice](#) and [Last Tree Laws](#) for their extensive resources. Please contact EHT to add your Cities information.

Sent with [Proton Mail](#) secure email.

On Monday, November 18th, 2024 at 4:32 PM, Naomi Melamed <hinaomi@protonmail.com> wrote:

Aloha Commissioners,

Mahalo for your time and your work here reviewing an updated solution for wireless infrastructure on the Big Island. My name is Naomi Melamed and I am an Hawaii Island leader for Safe Tech Hawaii, a voluntary group serving statewide for several years. We educate and support our local communities and we engage with the legislative process to promote the balance of connectivity and safety in Hawaii. We are composed of thousands of local members that care deeply for the protection of clean air space in Hawaii.

I would like to request that the planning department favorably recommend Bill 194 to the council, and allow for the council members to work out the differences between the two bills through their process. We have seen that both the PD's proposed ordinance and Bill 194 have some language to be worked out. It is unfair, despite some kinks in both bills, to favorably recommend one over the other. Especially as there was an attempt early on in the process by the council member introducing Bill 194 to collaborate - which was not honored. I appreciate that both bills will be heard alongside one another and careful consideration will be made with regards to both of them.

I am not an authority on county code, but I include here links to dozens of other jurisdictions that we follow. Many of them have more strictly protective ordinances instated in their areas around the US, and similar state laws, which have stood up in court. Bill 194 is in compliance with USC 47 section 332, C-7-b-4 as it is not excessive in its request for information from applicants, such as regarding the levels of EMF that they emit. Bill 194 encourages more transparency with citizens and gives valuable information, taking those who may be disabled from EMF exposure into account. I appreciate that the RF emission has a mechanism for update with each co-location. Our group has conducted a state-wide monitor of EMF emission from towers and we have found some extremely high levels, which is a genuine concern for our population, regardless of zone.

As some other testifiers have noted, there was a court ruling on the federal level in 2020 stating that the FCC's failure to update their acceptable levels for EMF exposure to humans and the environment was "arbitrary and capricious" and they IGNORED (judges words) the evidence (11,000 pages of it in court!) from multiple reputable sources in their most recent review. The FCC is under close watch at this time. Bill 194 does not impose stricter EMF standards than the FCC. It is simply asking to know what the emissions are and have a process outlined for how to go about measuring.

Bill 194 was in the works for about a year. It has been crafted with careful consideration taken from a wide-range of community members and groups. Even the planning dept. was approached for collaboration, but chose to take another path. Our group was pleased to offer our expertise where appropriate, particularly as we document other jurisdictions who have enacted protective ordinances related to wireless infrastructure.

Bill 194 is robust legislation as it accordingly reflects the will of the residents of this island over the desires of big business from abroad. Simultaneously, it lays out a process which allows for connectivity for all. I appreciate that two bills related to the same topic coming through the Commission can be confusing, but I encourage the Commission to favorably recommend Bill 194 and allow the elected council members to make sense of both bills upon equal ground.

Technology is changing rapidly and one thing I appreciate from Bill 194 is it includes the regulation of small cells, which are a new and untested part of 5G. Small cells pose greatly increased exposure due to their buildout and must be considered in any modern-day legislation. In contrast, they are not mentioned in the Planning Director's proposed bill. This is a very important point which was not outlined in the Nov. 1st Commission meeting as a difference between the PD proposed ordinance and Bill 194.

The Big Island is in great need for Bill 194 to protect the beauty, safety, well-being, and property values of all who live on or frequent our island. Council member Evans bill goes into great detail about a fire plan, and site approval requirements, which puts me as a resident at ease. In contrast I have noticed that in the Directors bill, there are question marks about who will operate security cameras, also a lack of easements for access by the fire department, and lack of a comprehensive fire plan, despite there being other provisions.

I do not see it as a competition, as I support collaboration and consideration. But I must admit that after following both Bill 194 and the Directors bill, the timing of the two has been interesting, and I hope for cohesion moving forward.

Thank you very much for reading my testimony.

Mahalo for your time and consideration,

Naomi Melamed
Safe Tech Hawaii, Hawaii Island Leader

Sent from Proton Mail

From: [Sara Patton](#)
To: [LPCtestimony](#)
Subject: Support Item 8
Date: Monday, November 18, 2024 1:49:31 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo for your service.

Sara Patton
160 River Road
Wailuku, HI 96793

From: [Sarahlee Kittons](#)
To: [LPCtestimony](#)
Subject: Bill 194
Date: Monday, November 18, 2024 3:31:46 PM

Hawaii County Government,

I have studied the telecommunication ordinance being brought forward, and am asking, to please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written.

We are finding alignment with a positive process for better planning. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

As a concerned woman who believes we have a path to create a more healthy and productive world we can find this as the steps from good logical intelligent thinking and planning.

Thank you
Sarahlee Kittons

From: [Shanel Lang](#)
To: [LPCtestimony](#)
Subject: Support item #8
Date: Monday, November 18, 2024 12:09:40 PM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

From: [SJ Lawler](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 5:29:03 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written.
Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas.
It is aligned with all Federal and State laws and offers important updates to the code.

Thank you.

From: [Darlene Waddell](#)
To: [LPCtestimony](#)
Subject: 5G
Date: Monday, November 18, 2024 10:13:28 AM

Aloha,

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo,
The Waddell Ohana

From: [Tim Hailey](#)
To: [LPCtestimony](#)
Subject: Support Item #8
Date: Monday, November 18, 2024 10:03:13 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Mahalo Nui,

Tim Hailey

From: [Trevor Sawyer](#)
To: [LPCtestimony](#)
Subject: Support item #8 please!
Date: Monday, November 18, 2024 8:38:31 AM

Please give a favorable recommendation to the County Council proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Thank You!

Trevor Sawyer

Sent from my iPhone
Please excuse the brevity and typos

From: [Cynthia Groves](#)
To: [LPCtestimony](#)
Subject: RE Bill 194 Concerning Bill 194 and particularly #8
Date: Monday, November 18, 2024 1:09:59 AM

Aloha Hawaii County Council Members,

RE: Cell tower Ordinance Bill 194. particularly #8
Testimony due Monday, Nov 18 by noon.

I urge you to set an example for all of Hawaii and pass Bill 194, and particularly #8. of to the County Council proposed telecommunications ordinance bill as it is written.

My husband is a retired home investor and apprentice electrician who has been using electronic radiation detecting meters to determine the safety of an area and particularly of homes in the last four years on Oahu for us personally. As a former health and environmental consultant and existing resident / citizen of Hawaii, I have found it very challenging to even find a home to buy on Oahu that is radiation safe in the last four years, hence found only one rental home next to a neighborhood dog park and walking trail in Kailua. For us who understand and feel the issues with over-radiation, it is to determine if and how we can personally even live in a home. On Oahu most condos we have tested currently test over the safety threshold perpetuated by the FCC in tourist areas, and homes vary mostly from moderate to heavy risk in residential homes. Rarely does it test in what I what call a green zone if looking just at colors from green, yellow, orange and red, let alone number readings. Young children with developing brains and nervous systems are our future generations are particularly at risk both in their schools and in their homes. Most are unaware environmentally of why they have the symptoms they do!

Please do not be fooled into thinking cell tower ordinances are pandering to conspiracy theorists. I see an article proposing to represent science against organizations attempting to help America, such as **Americans For Responsible Technology** which show examples of successful cell tower and antenna ordinances at <https://www.americansforresponsibletech.org/tool-kit>

If further support is needed, a number of counties and municipalities have used Attorney Andrew Campanelli who has worked with countless counties reviewing the regulation of cell towers and antennas.

Attorney Andrew Campanelli:
<https://campanellipc.com/attorneys/andrew-j-campanelli/>

I pray you are properly informed and protecting Hawaii for our current generations and future generations to come. Stand firm. Onipa'a.

Unmani Cynthia Groves

Health and Environmental Consultant, retired
Health care practice management consultant for 20 years, retired

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From: william.gogreensolutions.com
To: [LPCtestimony](#)
Cc: [Greene PhD Debra](#)
Subject: Re: Support Item #8
Date: Monday, November 18, 2024 12:31:36 PM

Dear Councilmembers:

(Item #8):

I would like to provide my favorable recommendation i support of proposed telecommunications ordinance, Bill 194, as it is written. Dozens of local jurisdictions have implemented ordinances similar to Bill 194 to regulate the deployment of towers and antennas. It is aligned with all Federal and State laws and offers important updates to the code.

Best regards, William Meurer
Whitehaven Farm
28-3311 Beach Road
Pepeekeo, Hi 96783