

The Charleston County Planning Department, Charleston County, South Carolina is opposed the FCC Zoning Preemption Proceeding, WT Docket No. 08-165, for the following reason:

The FCC proceedings conflict with municipal land use and it removes the public from the public process. Zoning is a matter of local concern, as affirmed in the South Carolina Code of Laws, Title 6, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994. The deadlines proposed ignore the state law and local procedures, as needed to notify the public and to resolve complex and controversial cases. The Federal Telecommunications Act of 1996 affirmed local government's authority concerning the placement, construction, and modification of Wireless Telecommunications Facilities. It is the intent of local government regulations to allow for the harmonious coexistence of communications towers and other land uses and to reduce the overall negative impact of communications towers. Local governments should have the authority to mitigate the potential detriment towers may pose to communities by promoting the following:

1. Reducing the number of towers needed through a policy of encouraging co-location; and
2. If co-location is not feasible, encouraging the following:
 - a. The use of a communications tower is designed to unobtrusively blend into its existing surroundings and will not have a negative aesthetic visual impact.
 - b. The placement of towers away from roadways.
 - c. The location of communications equipment on existing structures or within existing utility substations or uses.
 - d. That the location and height of the proposed tower will not substantially impact the character of property listed in or eligible for the National Register of Historic Places, other significant environmental, cultural or historical sites, officially designated scenic roads or rivers, and that the tower is designed to blend into the environment and minimize visual impact.
 - e. The proposed use will not be detrimental to adjacent land uses including historical sites.
 - f. The proposed use will not have an adverse affect on the environment (not including radio frequency emissions).
 - g. The proposed use is not contrary to the public health, safety or welfare.