

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF TA2021-0001 A)	ORDER NO. 2808
REQUEST TO AMEND THE BEAVERTON)	TA2021-0001 ORDER RECOMMENDING
DEVELOPMENT CODE UPDATING THE)	APPROVAL OF SMALL WIRELESS FACILITY
WIRELESS COMMUNICATIONS FACILITIES)	TEXT AMENDMENT
REGULATIONS AND REMOVE)	
REGULATIONS ON SMALL WIRELESS)	
FACILITIES FROM THE CODE TO A)	
SEPARATE POLICY DOCUMENT. (SMALL)	
WIRELESS FACILITIES TEXT)	
AMENDMENT). CITY OF BEAVERTON,)	
APPLICANT)	

The matter of TA2021-0001 (Small Wireless Facility Text Amendment) was initiated by the City of Beaverton through the submittal of a Text Amendment application from the Community Development Department.

Pursuant to the amendment procedures as described in Section 50.50 of the Beaverton Development Code, effective through Ordinance 4799, the Planning Commission conducted a public hearing on May 26, 2021, and considered oral and written testimony and exhibits for the proposed amendment.

TA2021-0001 (Small Wireless Facilities Text Amendment) proposes to amend the Beaverton Development Code to update the Wireless Communications Facilities (WCF) regulations to be more compliant with federal regulations and to remove small wireless facilities (SWF) regulations from the Beaverton Development Code. Regulations governing SWF will be contained in a new separate policy document, the Small Wireless Facilities

Policy. The updates will affect the following Chapters of the Beaverton Development Code: Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 60 (Special Requirements), Chapter 70 (Downtown Design District), and Chapter 90 (Definitions).

Establishing Design Standards for Small Wireless Facilities. The Commission reviewed comments received by industry representatives regarding the design standards for SWF and the concern that the size limitations are too restrictive making it technically infeasible to install Small Wireless Facilities. For example, the maximum diameter of the poles and the maximum size of the equipment cabinets permitted are too small to accommodate some technologies. The Commission determined that while the standards established in this newly created policy document may be a more conservative approach in the size allowance, it is a starting point so that meets the federal requirements while addressing the community's concerns that SWF not create a visual impact to the City's landscape. The Commission is aware there will be opportunities in the future to modify these dimensional requirements, and that the City Council will also be reviewing these considerations prior to adoption. The Commission found that the removal of the SWF regulations from the Beaverton Development Code allows the City more flexibility to modify these standards without having to complete the Beaverton Development Code Text Amendment process, thus allowing the City to be nimble in accommodating changes in SWF technology.

Furthermore, the SWF policy document includes an adjustment process to address unique circumstances in which relief from the standards may be necessary. The Commission agreed with staff's approach and agreed with the proposed text.

Utility Easement Outside of Public Right-of-Ways. The Commission raised concerns regarding the locational preference of utility easements outside the public-right-of-way and the potential impacts to neighbors due to the broad description. The Commission recommend staff revise the language to exclude certain areas in where a SWF would be inappropriately placed in these utility easements (i.e. residential backyards).

Design Preference for New Streetlight Poles. The Commission noted a discrepancy between staff's presentation and the SWF Policy document related to the hierarchical preference between new streetlight poles and existing wooden utility poles. Staff confirmed the intent of the policy is to prioritize installation of SWF on new streetlight poles over placement on existing wooden poles. The Commission concurred with the new streetlight having a higher preference than the wood pole and recommend staff modify the SWF policy document accordingly.

Maximum Signage Size. The Commission raised concerns that a maximum size has not been established in the SWF policy document potentially allowing large signage. The Commission requested this section be revised to identify a maximum size.

Camouflage of Antenna. Public comments identified a concern with the requirements that SWF be painted as a method of concealment. Due to the weak signal strengths of some 5G technology, painting may significantly diminish signal strength. The Commission addressed the comments by suggesting revision to the policy document requiring the color of SWF to match the pole instead of requiring painting to provide more flexibility.

Pre-Approved Designs Process. Public comment was taken from industry representatives that the pre-approved design process is worded to require designs to exceed the standards making it difficult for applicants to utilize this process. The Commission determined that if the objective of the pre-approved process is to allow quicker review times with more certainty to the applicant, then establishing a design that exceeds the standards would be appropriate.

Adjustment Process. The Commission reviewed the comments received from industry asserting that the adjustment process is too cumbersome. The Commission found that the proposed adjustment process adequately evaluates an applicant's reasons for requesting relief from certain standards. The Commission determined no additional changes to the adjustment process proposed in the SWF policy document are warranted.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated May 19, 2021 and supplemental memoranda dated May 25, 2021 and May 26, 2021, as

amended and supplemental findings contain herein, as applicable to the criteria contained in Section 40.85.15.1.C.1-7 of the Development Code.

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code the Planning Commission recommends approval of TA2021-0001 (Small Wireless Facilities Text Amendment) to the Beaverton City Council and adoption of the Text Amendment described herein, based on the facts and findings in the Staff Report dated May 19, 2021, as amended, and supplemental memoranda dated May 25, 2021 and May 26, 2021.

Motion **CARRIED** by the following vote:

AYES:	Winter, Overhage Lawler, McCann, Nye, Saldanha, Teater.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

Dated this 15 day of June, 2021.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 2808, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Community Development Department's office by no later than 4:00 p.m. on June 25, 2021.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

SAMBO KIRKMAN
Senior Planner

Anna Slatinsky

Digitally signed by Anna Slatinsky
DN: C=US,
E=aslatinsky@beavertonoregon.gov,
O=City of Beaverton, OU=CDD Planning
Division, OU=Anna Slatinsky
Date: 2021.06.14 14:17:22-07'00'

ANNA SLATINSKY
Planning Division Manager

APPROVED:

Jerry Lawler

TERRY LAWLER
Chair