

Exhibit C

Proposed new language is underlined.

Proposed deleted language is ~~stricken~~.

TA 2021-0001

ANALYSIS OF THE PROPOSED CHANGES BY CHAPTERS AMENDMENTS TO THE BEAVERTON DEVELOPMENT CODE SMALL WIRELESS FACILITIES TEXT AMENDMENT

Proposed Text Amendment	Staff Comments
Chapter 20 – Land Uses	
20.05. RESIDENTIAL LAND USE DISTRICTS	
<p>20.05.15 Site Development Standards I. Maximum Height 2. WCF in Right-of-Way R1 = 30 R2 = 30 R4 = 30 R5 = 30 R7 = 30 R10 = 30</p> <p>20.05.20 Land Uses 19. New or Collocation of WCF in the Right of Way A. Tower Construction using stealth design¹⁰ B. Tower Construction not utilizing stealth design¹⁰ C. Attachment to existing or new building or structure utilizing stealth design¹⁰ D. Attachment to existing or new building or structure not using stealth design¹⁰ E. Attachment of WCF to existing tower or pole structures and utilizing stealth design¹⁰ F. Attachment of WCF to existing tower or pole structures and not utilizing stealth design G. Replacement tower to provide collocation opportunity utilizing stealth design¹⁰ H. Replacement tower to provide collocation opportunity not utilizing stealth design¹⁰ I Attachment of WCF to traffic signal light pole *** ¹⁰ W3 when located on streetlights or utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 when located on streetlights or utility poles in the right of way of designated Freeways and Arterial Streets. [ORD 4702; January 2017][Footnote repealed and reserved.]</p>	<p>The proposed change is to remove references to small wireless facilities from the site development standards and the land use tables. The removal of these references is consistent with the City’s approach to separate the review of small wireless facilities (SWF) from the Wireless Communications Facilities (WCF) regulations in the Beaverton Development Code (BDC).</p>
20.10. COMMERCIAL LAND USE DISTRICTS	
<p>20.10.15 Site Development Standards G. Maximum Height 2. WCF in Right-of-Way NS = 30 CS = 30 CC = 30 GC = 30</p>	<p>The proposed change is to remove references to small wireless facilities from the site development standards and the land use tables. The removal of these references is consistent</p>

Proposed Text Amendment	Staff Comments
<p>20.10.20 Land Uses</p> <p>34. New or Collocation of WCF in the Right of Way</p> <p>A. Tower Construction using stealth design</p> <p>B. Tower Construction not utilizing stealth design</p> <p>C. Attachment to existing or new building or structure utilizing stealth design¹²</p> <p>D. Attachment to existing or new building or structure not using stealth design¹²</p> <p>E. Attachment of WCF to existing tower or pole structures and utilizing stealth design¹²</p> <p>F. Attachment of WCF to existing tower or pole structures and not utilizing stealth design</p> <p>G. Replacement tower to provide collocation opportunity utilizing stealth design¹²</p> <p>H. Replacement tower to provide collocation opportunity not utilizing stealth design</p> <p>I Attachment of WCF to traffic signal light pole</p> <p>***</p> <p>¹² W3 when located on streetlights or utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 when located on streetlights or utility poles in the right-of-way of designated Freeways and Arterial Streets. [ORD-4702; January 2017][Footnote repealed and reserved.]</p>	<p>with the City's approach to separate the review of SWF from WCF regulations in the BDC.</p>
20.15. EMPLOYMENT / INDUSTRIAL LAND USE DISTRICTS	
<p>20.15.15 Site Development Standards</p> <p>H. Maximum Height</p> <p>2. WCF in Right of Way</p> <p>OI = 30</p> <p>OI-NC = 30</p> <p>IND = 30</p> <p>20.15.20 Land Use</p> <p>34. New or Collocation of WCF in the Right of Way</p> <p>A. Tower Construction using stealth design</p> <p>B. Tower Construction not utilizing stealth design</p> <p>C. Attachment to existing or new building or structure utilizing stealth design²³</p> <p>D. Attachment to existing or new building or structure not using stealth design²³</p> <p>E. Attachment of WCF to existing tower or pole structures and utilizing stealth design²³</p> <p>F. Attachment of WCF to existing tower or pole structures and not utilizing stealth design</p> <p>G. Replacement tower to provide collocation opportunity utilizing stealth design²³</p> <p>H. Replacement tower to provide collocation opportunity not utilizing stealth design</p> <p>I Attachment of WCF to traffic signal light pole</p> <p>***</p>	<p>The proposed change is to remove references to SWF from the site development standards and the land use tables. The removal of these references is consistent with the City's approach to separate the review SWF from the WCF regulations in the BDC.</p>

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<p>²³ W3 when located on streetlights or utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 when located on streetlights or utility poles in the right-of-way of designated Freeways and Arterial Streets. [ORD 4702; January 2017][Footnote repealed and reserved.]</p>	
20.20. MULTIPLE USE LAND USE DISTRICTS	
<p>20.20.15 Development Standards G. Maximum Height 2. WCF in Right-of-Way RC-E = 30 OI-WS = 30 C-WS = 30 TC-MU = 30 TC-HDR = 30 SC-MU = 30 SC-HDR = 30 SC-S = 30 SC-E1 = 30 SC-E3 = 30</p> <p>20.20.20 Land Use 38./39. New or Collocation of WCF in the Right-of-Way A. Tower Construction using stealth design B. Tower Construction not utilizing stealth design C. Attachment to existing or new building or structure utilizing stealth design⁶⁵ D. Attachment to existing or new building or structure not using stealth design⁶⁵ E. Attachment of WCF to existing tower or pole structures and utilizing stealth design⁶⁵ F. Attachment of WCF to existing tower or pole structures and not utilizing stealth design G. Replacement tower to provide collocation opportunity utilizing stealth design⁶⁵ H. Replacement tower to provide collocation opportunity not utilizing stealth design I Attachment of WCF to traffic signal light pole ***</p> <p>⁶⁵ W3 when located on streetlights or utility poles in the right-of-way of designated Collector, Neighborhood Route, or Local Streets; W2 when located on streetlights or utility poles in the right-of-way of designated Freeways and Arterial Streets. [ORD 4702; January 2017][Footnote repealed and reserved.]</p>	<p>The proposed change is to remove references to small wireless facilities from the site development standards and the land use tables. The removal of these references is consistent with the City's approach to separate the review of SWF from the WCF regulations in the BDC.</p>

Proposed Text Amendment	Staff Comments
Chapter 40 – Applications	
40.80 Temporary Use	
<p>40.05.15. Application.</p> <p>1. Temporary Structure.</p> <p>A. <u>Threshold</u></p> <p>3. A temporary wireless communication facility inclusive of needed equipment shelters and on-site improvements to facilitate continuity in service during initial construction, repair, maintenance, or replacement of permanent equipment <u>for a period identified in Section 60.70.55.</u></p> <p>***</p> <p>C. <u>Approval Criteria</u></p> <p>16. <u>Temporary Wireless Communication Facilities shall meet the requirements in Code Section 60.70.55</u></p>	<p>The proposed new language for the Temporary Use - Temporary Structure application is to connect the time limitations for WCF in the thresholds and to include an approval criterion specifying WCF temporary structure are to comply with the applicable standards in Chapter 60.</p>
Section 40.96 (Wireless Facility)	
<p>49.96.15. Application</p> <p>1. Wireless Facility One.</p> <p>A. <u>Threshold.</u> An application for Wireless Facility One shall be required when one or more of the following thresholds apply:</p> <p>1. In any zoning district, replacement of transmission equipment (antennas) or a collocation of a new wireless communication facility on an existing tower <u>or structure approved as a wireless facility</u> that does not constitute a “substantial increase<u>change</u>” in size of the tower and is an “eligible facilities request” as defined <u>by federal law</u>in CHAPTER 90 (Definitions).</p> <p>***</p> <p>3. In any zoning district, attachment of wireless communications facilities to existing structures, tower structures or pole structures that constitute an “eligible facilities request” as defined <u>as defined by federal law in CHAPTER 90 (Definitions)</u>under federal law. Not permitted on single family dwellings.</p> <p>6. In any zoning district, installation of one (1) replacement tower on a location containing for -an existing tower <u>approved to support supporting</u> one (1) carrier for the purpose of where the replacement tower will accommodate providing collocation opportunity <u>while remaining</u> consistent with previous land use approvals.</p>	<p>The amendment is to update the Wireless Facility Type 1 thresholds so they are aligned with the FCC’s intent for a streamline review process and to clarify their intent by:</p> <ul style="list-style-type: none"> • Updating the thresholds to include not only existing towers but other structures approved as a WCF. • Referencing the FCC definitions instead of the BDC definition since FCC regulations supersede the City’s regulations.
<p>49.96.15. Application</p> <p>2. Wireless Facility Two</p> <p>A. <u>Threshold.</u> An application for Wireless Facility One shall be required when one or more of the following thresholds apply:</p> <p>***</p>	<p>The amendment proposes to update threshold 5, referencing the FCC definitions instead of the BDC definition since FCC</p>

Proposed Text Amendment	Staff Comments
<p>5. In any zoning district, the collocation of a new wireless communication facility on an existing tower which the size of the tower constitutes as a “substantial <u>increasechange</u>” as defined in <u>by federal law, CHAPTER 90 of this Code</u></p> <p>6. In any zoning district, installation of wireless communication facilities on streetlights or utility poles within the right of way of designated Freeways and Arterial streets.</p> <p>***</p> <p><u>C. Approval Criteria</u></p> <p>***</p> <p><u>12. The proposal is not on or within any right-of-way.</u></p>	<p>regulations supersede the City’s regulations.</p> <p>Threshold 6 is proposed to be removed since regulations pertaining to small wireless facilities are proposed to be removed from the BDC and regulated independently. An additional approval criterion (No. 12), is proposed to clarify the Wireless Facility Two application does not permit WCF in the right-of-way. This does not apply to SWF since they will no longer be regulated in the BDC.</p>
<p>49.96.15. Application</p> <p>3. Wireless Facility Three</p> <p>A. <u>Threshold.</u> An application for Wireless Facility One shall be required when one or more of the following thresholds apply:</p> <p>***</p> <p>5. In any zoning district, installation of wireless communication facilities on streetlights or utility poles within or adjacent to the right of way of designated Collector Streets, Neighborhood Route Streets or Local Streets.</p> <p>***</p> <p><u>C. Approval Criteria</u></p> <p>***</p> <p><u>13. The proposal is not on or within any right-of-way.</u></p>	<p>Threshold 5 is proposed to be removed since regulations pertaining to small wireless facilities are proposed to be removed from the BDC and regulated independently. An additional approval criterion (No. 13), is proposed to clarify the Wireless Facility Three application does not permit WCF in the right-of-way. This does not apply to SWF since they will no longer be regulated in the BDC.</p>
Chapter 60 – Special Use	
60.70 Wireless Communications Facilities	
<p>60.70.20. Exemptions.</p> <p><u>J. All small wireless facilities reviewed through the City’s Small Wireless Facility application.</u></p>	<p>The proposed exemption was added to clarify SWF will be outside the purview of the Development Code, to be addressed as part of the Small Wireless</p>

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<p>60.70.25. Nonconforming Use Status for Existing Wireless Communication Facilities</p> <p>1. WCF and associated equipment and site improvements in existence as of May 8, 2003 that are nonconforming as to the use or development standards contained in this Code section shall be subject to the provisions of CHAPTER 30 (Nonconforming Uses) except:</p> <p>D For purposes of collocation, or routine maintenance, the removal and replacement of existing transmitters, existing antennas, existing equipment shelters, and existing on-site improvements, including but not limited to, landscaping, fencing, paving, shall not be considered permanent alterations unless the removal and replacement of any or all of the above results in a substantial increase, as defined under CHAPTER 90 of this Code, existing on-site developed area beyond the previous land use approval. The expansion of a previously approved existing on-site developed area <u>wireless communication facility, that is considered a “substantial change,” as defined by federal law,</u> shall result in the loss of nonconforming status and shall require compliance with the provisions of this Section <u>Section 60.70.</u></p>	<p>Facilities Policy Document.</p> <p>The proposed modification is to provide clarity as to how City’s nonconforming use regulation applies to WCF.</p>
<p>60.70.35. Development Standards for WCF</p> <p>1. General</p> <p>***</p> <p><u>E. The attachment of WCF and associated equipment on single-family dwellings or to any tree is prohibited.</u></p> <p><u>F. WCF attachments to historic, decorative, or ornamental streetlight poles are prohibited.</u></p> <p><u>G. WCF attachments to traffic signal poles are prohibited.</u></p> <p><u>H. WCF, with exception to small wireless facilities, are prohibited in the public right of way.</u></p> <p><u>I. Small wireless facilities within the public right-of-way, evaluated through a separate process and standards are exempt from the requirements of Section 60.70.</u></p>	<p>The proposed modification specifies where WCF attachments are prohibited.</p>
<p>60.70.35. Development Standards for WCF</p> <p>2. Height</p> <p>A. The maximum height of any new WCF tower, WCF antenna collocation, or both shall conform to the maximum height standards specified in the site development requirements in CHAPTER 20 (Land Uses) for Residential, Commercial, Industrial, and Multiple Use zoning districts. {ORD 4584; June 2012} <u>Adjustments and Variances to the height standards for any new WCF tower shall be authorized through the Adjustment and Variance provisions specified in Chapter 40 (Applications).</u></p>	<p>The proposed modification clarifies the process in which a WCF can request an adjustment to the height of a new tower. The amendment further clarifies that the maximum height permitted for collocation is determined by the FCC regulations for</p>

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<p><u>B.</u> The height of any type of WCF shall include the support structure and any attached antennas. A lightning rod that is up to and including ten (10) feet tall and any required lighting by the Federal Aviation Administration (FAA) shall not be included within the calculation of the maximum height.</p> <p><u>C.</u> <u>For collocation proposals that are eligible facilities without substantial change, the height of the antennas may exceed the maximum height allowed in the zoning district. The maximum height permitted is determined by the regulations in Title 47 of the Code of Federal Regulations (CFR).</u></p>	<p>eligible facilities requests without substantial change.</p>
<p>60.70.35. Development Standards for WCF</p> <p>14. Setback</p> <p>***</p> <p>B. New WCF towers shall be set back from all property lines by a distance equal to the height of the tower plus five (5) additional lineal feet. _, except that the decision-making authority may authorize an Adjustment or Variance to this standard, if the applicant can demonstrate that such an Adjustment or Variance would reduce the visual impacts of the tower on adjacent property because of vegetation, topography, intervening buildings, or other site-specific factors. Adjustments and Variances shall be authorized through the Adjustment and Variance provisions specified in CHAPTER 40 (Applications).</p> <p>C. New WCF towers located on commercially or industrially zoned property shall meet the setback of the underlying zone where the new WCF tower is more than the height of the tower plus five (5) feet from a Residential or Multiple Use zoning district. The decision-making authority may authorize an Adjustment or Variance to this standard, if the applicant can demonstrate that such an Adjustment or Variance would reduce the visual impacts of the tower on adjacent property because of vegetation, topography, intervening buildings, or other site-specific factors. Adjustments and Variances shall be authorized through the Adjustment and Variance provisions specified in CHAPTER 40 (Applications). [ORD 4659; June 2015]</p> <p><u>D.</u> <u>For collocation proposals that are eligible facilities without substantial change, the setback of the antennas may be less than the minimum required and are determined by the approved height and location of the original facility.</u></p>	<p>The proposed modification clarifies the process in which a WCF can request an adjustment to the setback of a new tower. The amendment further clarifies that for eligible facilities requests, without substantial change, setback requirements for the collocation on an existing pole is determined by approved height and location of the original facility.</p>
<p>60.70.35. Development Standards for WCF</p> <p>19. Specific Development Standards for WCF in Public Road Right-of-Way. The following standards are specific to the installation of New or Collocation of WCF within the right-of-way and are in addition to the other applicable development standards specified in the Beaverton Development Code: [ORD 4702; January 2017]</p>	<p>The proposed modification is to remove development standards associated with WCF in the right-of-way. With the removal of SWF</p>

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<p>A. Installation of WCF on structures within the public road right-of-way shall not jeopardize the physical integrity or shorten the lifespan of these structures.</p> <p>B. Antennas shall be Stealth Design, interior mounted, flush-mounted or otherwise designed not exceed the existing diameter of the structure at the mounting point for the antennas. No mounted-arm antennas are permitted.</p> <p>C. Antennas mounted on a structure shall not extend beyond the permitted height of the underlying zoning district.</p> <p>D. Collocates to poles that existed on or before the date of adoption of this text amendment or replacement of poles, inclusive of antennas and any mounting devices, may extend above the maximum permitted height listed under Sections 20.05.15, 20.10.15, 20.15.15, 20.20.15, and 70.03 up to and including ten (10) feet above the height of the existing pole unless separately authorized through an adjustment or variance application.</p> <p>E. Antennas shall be painted to match the color of the structure.</p> <p>F. Noise Levels. Noise levels shall meet the numerical standards established by the State of Oregon Department of Environmental Quality, measured to property lines abutting or within 500 feet of Residential or Multiple Use zoning districts, as stated in Section 60.50.25.11 and 60.70.35.9.</p> <p>G. Vibration. No vibration discernible without instruments at the nearest property line, other than that caused by highway vehicles, trains and/or aircraft, shall be permitted.</p> <p>H. Odors. Emission of odorous gasses or matter that is readily detectable at the nearest property line is prohibited. Measures and controls shall be taken that are intended to prevent offensive fumes and odor. Air quality shall also meet the standards established by the State of Oregon Department of Environmental Quality as stated in Section 60.50.25.12.</p> <p>I. Replacement of the existing structure, tower or pole may be authorized, provided that the replacement structure fully contains antennas and associated equipment and no higher than permitted under Sections 20.05.15, 20.10.15, 20.15.15, 20.20.15 and 70.03.</p> <p>J. The maximum diameter of any new or replacement tower or pole shall be 24 inches.</p> <p>K. Attachments to historic or ornamental streetlight poles shall not be permitted.</p> <p>L. Attachments to traffic signal poles shall not be permitted.</p> <p>M. Equipment cabinets shall be placed completely within underground vaults. No at-grade or pole-mounted equipment cabinets, equipment in the public right-of-way, or on any equipment on private property (above or below grade) abutting the structure is permitted. The mounting of equipment to the structures shall conform to the following:</p>	<p>regulations from the BDC. to the Small Wireless Facilities Policy Document and all other WCF are prohibited in the right-of-way, these standards are no longer applicable.</p>

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<p>1.—The smallest antennas, equipment, and equipment cabinets to satisfy engineering requirements and service objectives shall be utilized.</p> <p>2.—All cabling and wiring shall be placed completely underground or on the in interior of the structure, tower or pole. Collocates to poles that existed on or before the date of adoption of this text amendment, that cannot accommodate cabling run on the interior, may have cables attached to the exterior, provided that they are painted to match the color of the structure.</p> <p>3.—Mounting hardware and accessory equipment shall be painted to match the color of the structure, tower or pole.</p>							
<p>60.70.50. Required Studies and Information</p> <p>1. For new WCF towers or poles, the following information is required to be submitted at time of application:</p> <p>H.—Copy of an approved and signed City of Beaverton franchise/utility license.</p> <p><u>H.</u> Noise Study: If applicable, provide a noise study prepared by a licensed Oregon acoustical engineer in accordance with Section 60.50.25.11</p> <p>J.—For all WCF located within the right of way, proposed to replace a street light pole, provide plans for LED street lights. (Illumination levels to be evaluated per Section 450.4 of the City Engineering Design Manual, Option C requirements unless otherwise approved by the City Public Works Director).</p> <p>K.—For all City owned poles within the right of way any studies requested by the Public Works Director required to ensure the safety and integrity of city owned and maintained property, including but not limited to structural calculations.</p> <p><u>L.</u> New poles located within 10-feet of a roadway without a curb and gutter shall include a vehicle impact study and protective devices such as bollards.</p> <p>M.—For all WCF located within the right of way, signed approval from the Public Works Director.</p>	<p>The proposed modification is to remove requirements associated with WCF in the right-of-way. With the removal of SWF regulations from the BDC to the Small Wireless Facilities Policy Document and all other WCF are prohibited in the right-of-way, these items are no longer applicable.</p>						
Chapter 70 – Downtown Design District							
70.15.10 District Purpose and Development Standards							
<p>70.15.20 Land Uses</p> <p><u>D. Wireless Communications Facilities Standards</u></p> <table border="1" data-bbox="329 1787 1019 1948"> <thead> <tr> <th colspan="2" style="background-color: #4CAF50; color: white; text-align: center;"><u>MAXIMUM HEIGHT</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><u>WCF¹</u></td> <td style="text-align: center;"><u>80 ft ¹</u></td> </tr> <tr> <td style="text-align: center;"><u>Equipment Shelters²</u></td> <td style="text-align: center;"><u>12 ft ¹</u></td> </tr> </tbody> </table>	<u>MAXIMUM HEIGHT</u>		<u>WCF¹</u>	<u>80 ft ¹</u>	<u>Equipment Shelters²</u>	<u>12 ft ¹</u>	<p>The adoption of the Downton Design District Code (ORD 4799), established the following zoning districts for the City’s downtown: Beaverton Central, Old Town,</p>
<u>MAXIMUM HEIGHT</u>							
<u>WCF¹</u>	<u>80 ft ¹</u>						
<u>Equipment Shelters²</u>	<u>12 ft ¹</u>						

Proposed Text Amendment		Staff Comments
<p><u>Roof Mounted Antennas</u></p> <p><u>Shall not extend above maximum height of underlying zone or increase the height of any building which is nonconforming due to height.</u></p> <p><u>Yard Setbacks³</u></p> <p><u>Requirements</u></p> <p><u>Shall comply with underlying zoning district requirements</u></p> <p><u>Other</u></p> <p><u>Refer to 60.70.35.14.A and B</u></p> <p><u>1) Inclusive of antenna.</u></p> <p><u>2) At-grade equipment shelters.</u></p> <p><u>3) Applicable to all WCF towers, antenna arrays, and ground and/or roof-mounted equipment shelters.</u></p>		<p>Mixed Use, and Downtown Transition. Many uses associated with the previous zoning districts were relocated to Chapter 70, including WCF. However, the site standards for this use were not included. The amendment proposes to add the site standards associated with WCF to this chapter, excluding references to site standards in the right-of-way.</p>
70.15.20 Land Use		
<p>70.15.20 Land Uses</p> <p>39. New or Collocation of WCF in the Right of Way</p> <p>A. Tower Construction using stealth design–</p> <p>B. Tower Construction not utilizing stealth design</p> <p>C. Attachment to existing or new building or structure utilizing stealth design</p> <p>D. Attachment to existing or new building or structure not using stealth design</p> <p>E. Attachment of WCF to existing tower or pole structures and utilizing stealth design</p> <p>F. Attachment of WCF to existing tower or pole structures and not utilizing stealth design</p> <p>G. Replacement tower to provide collocation opportunity utilizing stealth design</p> <p>H. Replacement tower to provide collocation opportunity not utilizing stealth design</p> <p>I Attachment of WCF to traffic signal light pole</p>		<p>The proposed amendment is to remove references to small wireless facilities from the land use table. The removal of these references is consistent with the City’s approach to separate the review of small wireless facilities from the WCF regulations in the BDC.</p>
Chapter 90 – Definitions		
<p><u>Antenna. (Wireless Communications Facilities) As defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services.</u></p>		<p>An additional antenna definition is proposed specific to WCF and referencing the FCC definition to ensure future updates by this agency are captured without the need for a future text amendment.</p>

Proposed Text Amendment	Staff Comments
<p><u>Antenna Facility (Wireless Communications Facilities). As defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, means an antenna and associated antenna equipment.</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC and to reference the FCC definition.</p>
<p><u>Base Station (Wireless Communications Facilities). {ORD 4595; February 2013} A station at a specified site authorized to communicate with mobile stations or a land station in the land mobile service.As defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, means a structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.</u></p> <ul style="list-style-type: none"> <u>(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.</u> <u>(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).</u> <u>(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.</u> <u>(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.</u> 	<p>The proposed text updates the definition clarifying elements of a base station and adds a reference to the FCC definition.</p>
<p><u>Collocation (Wireless Communications Facilities). {ORD 4248; May 2003} The location of two or more antenna systems operated by the same or separate FCC licensees (“providers”) on a tower dedicated solely to this use.As defined in 47 C.F.R. § 1. 6100(b), as may be amended or superseded, means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.</u></p>	<p>The proposed text updates the definition and adds a reference to the FCC definition.</p>
<p><u>Decorative Pole (Wireless Communications Facilities). Any pole that includes decorative or ornamental features, design elements and/or materials intended to enhance the appearance of the pole.</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC for WCF.</p>

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<p><u>Eligible Facilities Request (Wireless Communication Facilities)</u>. [ORD 4595; February 2013] <u>As defined in 47 C.F.R. § 1. 6100(b), as may be amended or superseded, means any</u>Any request for modification of an existing wireless tower or base station that involves:</p> <ol style="list-style-type: none"> 1. Collocation of new transmission equipment; 2. Removal of transmission equipment; or 3. Replacement of transmission equipment 	<p>The proposed text adds a reference to the FCC definition.</p>
<p><u>Eligible Support Structure (Wireless Communications Facilities)</u>. <u>As defined in 47 C.F.R. § 1. 6100(b), as may be amended or superseded, means any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC and to reference the FCC definition.</p>
<p><u>Equipment Shelter (Wireless Communications Facilities)</u>. [ORD 4248; May 2003] A non-staffed structure used to house and protect the equipment necessary for processing wireless communications signals, which may include air conditioning equipment and emergency generators.</p>	<p>The proposed text updates the definition clarifying definition is used specifically for WCF regulations.</p>
<p><u>Pole (Wireless Communications Facilities)</u>. <u>A type of structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities; provided, such term does not include a tower, building or electric transmission structures.</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC and to reference the FCC definition.</p>
<p><u>Replacement Wireless Communication Facility Tower (Wireless Communications Facilities)</u>.- [ORD 4248; April 2003] A wireless communication facility tower capable of supporting collocated antennas that is intended to replace an existing tower that is not capable of supporting collocated antennas. See “Eligible Facilities Request” and “Substantial Increase<u>Change</u>” for replacement standards. [ORD 4595; February 2013]</p>	<p>The proposed text updates the definition and adds a reference to the FCC definition.</p>
<p><u>Right-of-Way. (Wireless Communications Facilities)</u>. <u>Local, collector, neighborhood route, arterial, principal arterial, and freeways identified in the City’s Comprehensive Plan, Transportation Element to, the space in, upon, above, along, across, over or under these streets.-</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC for WCF.</p>
<p><u>Small Wireless Facility (Wireless Communications Facilities)</u>. <u>means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), as may be amended or superseded.</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC and to reference the FCC definition.</p>

Proposed Text Amendment	Staff Comments
<p><u>Stealth Design (Wireless Communications Facilities)</u>. ORD 4248; May 2003] The design of wireless communications facilities in a manner that camouflages, or conceals, or disguises the facilities as described below:</p> <ol style="list-style-type: none"> 1. Camouflage. The use of shape, color, and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. “Camouflage” does not mean invisible, but rather appearing as part of or exactly like the structure used as a mount. 2. Concealment. Fully hidden from view. For example, a Wireless Communication Facility (WCF) is concealed when it is completely hidden or contained within a structure, such as a building, wall, or roof. 3. Disguised. A Wireless Communication Facility (WCF) that has been changed to appear to be something other than what it really is. For example, WCFs are sometimes disguised to appear as trees or flagpoles. 	<p>The proposed text updates the definition clarifying definition is used specifically for WCF regulations.</p>
<p><u>Structure (Wireless Communications Facilities)</u>. As defined in 47 C.F.R. § 1.6002(m), as may be amended or superseded, which defines that term as a <u>pole, tower, or base station, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of service)</u>.</p>	<p>The proposed definition was added to reflect terminology used in the BDC specifically for WCF and to reference the FCC definition.</p>
<p><u>Substantial IncreaseChange (Wireless Communications Facilities)</u>. <u>As defined in 47 C.F.R. § 1. 6100(b), as may be amended or superseded, means</u> {ORD 4595; February 2013} <u>a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:</u>Relates to the collocation of any Wireless Communications Facilities. Substantial increase in the size of the “tower” occurs if:</p> <ol style="list-style-type: none"> 1.—The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20’), whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or 2.—The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one new equipment shelter; or 3.—The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20’), or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from the inclement weather or to connect the antenna to the tower via cable; or 	<p>The proposed text updates the definition clarifying substantial change and adds a reference to the FCC definition.</p>

Proposed Text Amendment	Staff Comments
<p>4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.</p> <p>(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;</p> <p>(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.</p> <p>(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;</p> <p>(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;</p> <p>(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;</p> <p>(v) It would defeat the concealment elements of the eligible support structure; or</p> <p>(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is</p>	

Proposed new language is underlined.

Proposed deleted language is ~~stricken~~.

Proposed Text Amendment	Staff Comments
<p><u>non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).</u></p>	
<p><u>Support Structure (Wireless Communications Facilities). A “structure” as defined by the FCC in 47 C.F.R. § 1.6002, as may be amended or superseded, means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).</u></p>	<p>The proposed definition was added to reflect terminology used in the BDC specifically for WCF and to reference the FCC definition.</p>
<p><u>Top-Hat Antenna Array (Wireless Communications Facilities).</u> [ORD 4248; May 2003] A horizontal platform or enclosed framework of metal pipes attached to a wireless communication facility tower, or other building or structure, that is usually triangular in shape on which antennas are mounted. This type of antenna array is used to facilitate an omni-directional or 360-degree signal receipt. May also be referred to as a “Crow’s Nest”.</p>	<p>The proposed text updates the definition clarifying definition is used specifically for WCF regulations.</p>