



MEMORANDUM

TO: Planning Commission

FROM: Sambo Kirkman, Senior Planner

DATE: May 26, 2021

SUBJECT: Supplemental Staff Comments

Based comments provided to staff, the following supplemental analysis is included for the Commission's consideration. Specific text changes are highlighted in yellow.

Wireless Communications Facilities (WCF) Thresholds: Comments were raised concerning whether the WCF thresholds in the Beaverton Development Code (BDC) aligned with the requirements of the Federal Communications Commission (FCC), specifically thresholds for colocation. For Wireless Facilities (WF) Type 1 applications recommendations were made to consolidated Threshold No. 1 and 3 as they are similar. While elements of the thresholds are similar, Threshold No. 1 addresses eligible facility request (EFR) that are not a substantial change while Threshold No. 3 addresses EFR that are a substantial change, which has differing FCC requirements.

A request was also made to modify these thresholds as well as Threshold No. 5 for WF Type 2 applications to align more with the FCC's EFR term. However, the thresholds in BDC Section 40.96.15 are a compilation of the uses identified in BDC Chapter 20 land use tables for all zoning districts. In Chapter 20 uses associated with WCF are listed in the land use table identifying the required application for each use by zone. This format is not used for any other land uses.

To provide additional clarity in the thresholds and to prevent future conflicts between Chapter 20 and 40 if future thresholds or land uses are updated for WCF, staff recommends that additional modifications be made to Chapter 20 and 40. Specifically modifications to thresholds in Section 40.96.15 that confirm all the WCF land uses Chapter 20 have been incorporated in to this section. Further, staff recommend removing references to WCF application type in the land use tables in Chapter 20. The land use table should list WCF as a permitted use in all zoning districts. The type of WCF application to be administered would be found only in Chapter 40 like all other land use applications. This final update should be presented to Council.

Staff does concur that Threshold No. 1 should address not only the replacement, but the addition of antennas. Therefore, staff recommends the following supplemental modification to Section 40.96.15, threshold No. 1:

1. In any zoning district, replacement **or addition** of transmission equipment (antennas) or a collocation of a new wireless communication facility on an existing tower **or structure approved as a wireless facility** that does not constitute a “substantial **increasechange**” in size of the tower and is an “eligible facilities request” as defined **by federal law in CHAPTER 90 (Definitions)**

WF Type 2 Process: The appeal process for the WF Type 2 refers to the Type 3 appeals process. Staff proposes the following modification to BDC Section 40.96.15.3.F:

F. Appeal of a Decision. **Refer to Section 50.7065.**

WCF Exemptions: Revision to the language exempting review of SWF in the BDC was revised to clarify SWF is governed by the policy document and not the SWF application. Staff concurs with this clarification and recommends the following modification to BDC Section 60.70.20.J:

- J. **All small wireless facilities reviewed through under the City’s Small Wireless Facility Policy application.**

Design Standards for Collocation: The text amendment proposes to update the height and setback standards for collocation removing the need for new adjustment or variance applications for certain collocations. Request was made to modify the standards to be more consistent with federal terminology. Staff concurs the following modification provides additional clarity to the following standards in Section 60.70.35:

2. Height

- C. **For collocation proposals that are eligible facilities requests without substantial change, the height of the antennas WCF 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 (47 CFR 1.6100).**

14. Setback

- D. **For collocation proposals that are eligible facilities request without substantial change, the setback of the antennas WCF may be less than the minimum required and are determined by the original approval.**

Definition Update: A request was made to confirm the correct federal regulations were referenced. Staff recommend the following modification:

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. § 1.60021.6100(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.~~

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. § 1.6002 and 1.6100(b), as may be amended or superseded, means~~ the mounting or installation of antenna facility on a pre-existing structure or mounting or installation of transmission equipment on an eligible support structure both for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. Collocation may include modifying a structure for the purpose of mounting or installing an antenna facility on that structure.