

40.96. WIRELESS FACILITY [ORD 4332; January 2005]**40.96.05. Purpose.**

The purpose of the wireless facility application is to ensure the review and implementation of the regulations for the construction and use of wireless communication facilities in the City of Beaverton. The section is consistent with FCC Declaratory Rulings and current federal laws, and is intended to minimize potential adverse visual, aesthetic, and safety impacts of wireless communication facilities on residential neighborhoods, and on the community as a whole by establishing review standards for the use, placement, and design of wireless communication facilities. This Section is carried out by the approval criteria listed herein. [ORD 4595; February 2013]

40.96.10. Applicability.

The development, installation, and modification of wireless facilities listed in Chapter 20 (Land Uses) for each zoning district shall be subject to the provisions of this section.

40.96.15. Application.

There are three (3) Wireless Facility applications which are as follows: Wireless Facility One, Wireless Facility Two, and Wireless Facility Three.

1. Wireless Facility One.

- A. Threshold. An application for Wireless Facility One shall be required when one or more of the following thresholds apply:
1. In any zoning district, replacement of transmission equipment (antennas) or a collocation of a new wireless communication facility on an existing tower that does not constitute a “substantial increase” in size of the tower and is an “eligible facilities request” as defined in Chapter 90 (Definitions).
 2. In any zoning district, attachment of a new wireless communication facility to existing or new buildings or structures that are not exclusively used for single-family residential or multi-family residential purposes, and that utilize stealth design.

40.96.15.1.A.

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 in Chapter 90 (Definitions) under federal law. Not permitted on single-family dwellings.
4. In industrial, multiple use, or commercial zoning districts, direct-to-home satellite service having antennas greater than one (1) meter in diameter.
5. In industrial, multiple use, or commercial zoning districts, installation of up to and including two (2) ground or building roof-mounted satellite antennas greater than two meters in size.
6. In any zoning district, installation of one (1) replacement tower on a location containing an existing tower supporting one (1) carrier for the purpose of providing collocation opportunity consistent with previous land use approvals.
7. In any zoning district, attachment of antennas to tower structures or pole structures other than those used for cellular phone service, street lights or traffic signals.
8. In any zoning district, installation of new ground or roof equipment to an existing wireless communication facility or base station.

[ORD 4595; February 2013]

- B. Procedure Type. The Type 1 procedure, as described in Section 50.35. of this Code, shall apply to an application for Wireless Facility One. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Wireless Facility One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 1. The proposal satisfies the threshold requirements for a Wireless Facility One application.

40.96.15.1.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
4. The proposal meets all applicable Site Development Requirements of Sections 20.05., 20.10., 20.15., and 20.20. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]
5. The proposal complies with all applicable provisions in Chapter 60 (Special Regulations).
6. The proposal is an “eligible facilities request” that does not substantially change the physical dimensions of such tower or base station. [ORD 4595; February 2013]
7. The proposal does not conflict with any existing City approval, except the City may modify prior approvals through the WCF process to comply with federal, state and local laws. [ORD 4595; February 2013]
- ~~8.~~ The proposal is not on or within any right-of-way.
- ~~8.9.~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Wireless Facility One shall be made by the owner of the subject property, or the owner’s authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility One application shall be accompanied by the information required by the application form, and by Section 50.25. (Application

Completeness), and any other information identified through a Pre-Application Conference.

40.96.15.1.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility One application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.96.15.

2. Wireless Facility Two.

A. Threshold. An application for Wireless Facility Two shall be required when one or more of the following thresholds apply:

1. In all industrial zoning districts, construction of a new wireless communication facility tower ~~or pole~~ proposed to be set back at least fifty (50) feet from abutting residential or multiple use zoning districts.
2. In residential zoning districts, direct-to-homes satellite service having antennas greater than one (1) meter in diameter.
3. In industrial zoning districts, attachment of a wireless communication facility to an existing or new building or structure, other than an existing tower or base station, not utilizing stealth design.
4. In industrial, multiple use, or commercial zoning districts, installation of three (3) and up to five (5) ground or building roof-mounted satellite antennas greater than two (2) meters in size.
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 increase” as defined in Chapter 90 of this Code
6. ~~In any zoning district, installation of wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles, within the road right of way of designated Freeways and Arterial streets.~~

In any zoning district, installation of wireless communication facilities on streetlights or ~~or traffic signal lights, or high voltage power utility poles,~~ within the road right-of-way of designated Freeways and Arterial streets.

[ORD 4595; February 2013]

- B. Procedure Type. The Type 2 procedure, as described in Section 50.40. of this Code, shall apply to an application for Wireless Facility Two. The decision making authority is the Director.

40.96.15.2.

- C. Approval Criteria. In order to approve a Wireless Facility Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Wireless Facility Two application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.
 4. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.
 5. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.
 6. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.
 7. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.

8. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

40.96.15.2.C.

9. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05., 20.10., 20.15., and 20.20. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]
10. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
11. The proposal does not conflict with any existing City approval, except the City may modify prior approvals through the WCF process to comply with federal laws. [ORD 4595; February 2013]
12. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
13. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; October 2006]

- D. Submission Requirements. An application for a Wireless Facility Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Two application shall be accompanied by the information required by the application form, by Section 60.70.50 (Required Studies and Information) and by Section 50.25- (Application Completeness), and any other information identified through a Pre-Application Conference.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Two application to ensure compliance with the approval criteria.

40.96.15.2.

- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.

40.96.15.

3. Wireless Facility Three.

A. Threshold. An application for Wireless Facility Three shall be required when the following threshold applies:

1. In all zoning districts, except industrial, construction of a wireless communication facility tower or pole.
2. In Industrial zoning districts, construction of a wireless communication facility tower proposed to be set back less than fifty (50) feet from abutting residential, or multiple use zoning districts.
3. In any zoning districts except Industrial, attachment of a new wireless communication facility to an existing or new building or structure that does not utilize stealth design.
4. In industrial, multiple use, or commercial zoning districts, more than five (5) satellite antennas greater than two (2) meters in diameter on one (1) lot.
5. ~~In any zoning district, installation of wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles within the road right-of-way of designated Collector Streets, Neighborhood Route Streets, or Local Streets.~~

In any zoning district, installation of wireless communication facilities on streetlights or utility poles within or adjacent to the right-of-way of designated ~~In any zoning district, installation of wireless communication facilities on streetlights, or traffic signal lights, or high voltage power utility poles within the road right-of-way of~~ designated Collector Streets, Neighborhood Route Streets, or Local Streets.

[ORD 4595; February 2013]

B. Procedure Type. The Type 3 procedure, as described in Section 50.45. of this Code, shall apply to an application for Wireless Facility Three. The decision making authority is the Planning Commission.

C. Approval Criteria. In order to approve a Wireless Facility Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Wireless Facility Three application.

40.96.15.3.C.

2. All City application fees related to the application under consideration by the decision making authority have been submitted.

3. In relationship to the existing surroundings and future allowed uses, the location, size, shape, height, spatial and visual arrangement of the use and structure is compatible.

4. The size, dimensions, configuration, and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.

5. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.

6. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.

7. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.

8. That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.

9. All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.

10. The proposal is consistent with all applicable Site Development Requirements of Sections 20.05., 20.10., 20.15., and 20.20. of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal. [ORD 4584; June 2012]

40.96.15.3.C.

11. The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.
12. The proposal does not conflict with any existing City approval, except the City may modify prior approvals through the WCF process to comply with federal, laws. [ORD 4595; February 2013]
13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1. of the Development Code.
14. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

[ORD 4404; October 2006]

- D. Submission Requirements. An application for a Wireless Facility Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Wireless Facility Three application shall be accompanied by the information required by the application form, by Section 60.70.50 (Required Studies and Information) and by Section 50.25. (Application Completeness); and any other information identified through a Pre-Application Conference.

- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Wireless Facility Three application to ensure compliance with the approval criteria.
- F. Appeal of a Decision. Refer to Section 50.70.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Refer to Section 50.93.