



# COMMUNITY DEVELOPMENT

## WIRELESS AND BROADCAST COMMUNICATION FACILITY APPLICATION

Type of wireless or broadcast communication facility:

Type I       Type II       Type III

### Contact Information

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

ePlans Submitter: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

### Property Information

Site Address: \_\_\_\_\_ Tax map & lot number: \_\_\_\_\_

Comprehensive Plan Designation: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Total Land Area: \_\_\_\_\_ Present Use: \_\_\_\_\_

### Proposal

Project Description: \_\_\_\_\_

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct. I authorize City of Bend staff and/or Hearings Body to enter the property for inspection of the site in conjunction with this land use application.

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Note – property owner signature required, may not be the same entity as tower owner*

## SUBMITTAL REQUIREMENTS

All plans must be submitted electronically. Please complete this application, save it to your computer, and e-mail it to [BendPlanning@bendoregon.gov](mailto:BendPlanning@bendoregon.gov). Once the application is received by the City and entered into our system, you will receive emailed instructions on how to upload your application materials to the City's ePlans electronic permitting system. Application fees may be paid in person or mailed to the City of Bend Permit Center, 710 NW Wall Street, Bend, OR 97703. Credit card payments may also be made by phone after you receive the ePlans upload request. Call the Planning Division at (541)-323-8551 to pay with a credit card.

- Geographic Service Area.** The applicant must identify the geographic service area for the proposed facility, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. The applicant must describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for AM, FM, HDFM, TV, and DTV projects must provide a copy of the corresponding FCC Construction Permit or license for the facility being built or re-located.
- Visual Impact, Technological Design Options, and Alternative Site Analysis.** The applicant must provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis must include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant must include a map showing where the photos were taken. Except for Type I applications, the applicant must include an analysis of alternative sites and technological design options for the facility within and outside of the city that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower is proposed, the applicant must demonstrate the need for a new tower, and why alternative locations and design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives.
- Narrative.** The application must include a written narrative that describes in detail all of the equipment and components to be included in the facility, e.g., antenna(s) and arrays, equipment cabinet(s), back-up generator(s), air conditioning unit(s), lighting, fencing, etc. The following information must also be provided:
  - Height. Provide an engineer's diagram showing the height of the facility and all of its visible components. Carriers must provide evidence that establishes that the proposed facilities are designed to the minimum height required from a technological standpoint for the proposed site to meet the carrier's coverage objectives. If the tower height will exceed the base height restrictions of the applicable zone, this narrative must include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative must include consideration of the possibility for design alternatives, including the use of multiple sites or microcell technology that would avoid the need for the new facility or the requested height.
  - Construction. Describe the anticipated construction techniques and timeframe for construction or installation of the facilities. This narrative must include all temporary staging and the type of vehicles and equipment to be used.
- Maintenance.** Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment, and landscaping.
- Noise/Acoustical Information.** Provide manufacturer's specifications for all noise-generating equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

- ❑ **Landscape Plan.** Plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen materials at maturity will screen the site.
- ❑ **Parking.** Provide a site plan showing the designated parking area for maintenance vehicles and equipment.
- ❑ **Co-location.** In the case of new multi-user towers or similar support structures, the applicant must submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed facilities wherever technically and economically feasible and aesthetically desirable.
- ❑ **Lease.** The site plan must show the lease area of the proposed facility.
- ❑ **FCC License.** Provide a copy of the FCC license and/or construction permit, including documentation showing that the applicant is in compliance with all FCC RF emissions safety standards.
- ❑ **Lighting and Marking.** Any proposed lighting and marking of the facility, including any required by the FAA.
- ❑ **Site Plan.** The applicant must provide a site plan including the following information (as applicable):
  - A map of the proposed development site, including boundaries, dimensions, and gross area;
  - Existing site features, including trees, if any, which are proposed to be retained or removed;
  - The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site and adjacent to the site for a distance of 150 feet. Setback dimensions for all existing and proposed buildings and structures must be provided on the site plan;
  - The location and dimensions of all vehicle parking and maneuvering areas, including entrances and exits to the site, and service areas;

**BDC 3.7.500 Review Process and Approval Standards.**

**A. Type I Process.** The following facilities are allowed with the approval of a **Wireless or Broadcast Communication Facility Site Plan** pursuant to a Type I process under **BDC Chapter 4.1**, Development Review and Procedures:

**1. Stealth and Low Visibility Facilities.**

**2. Small Wireless Facilities.**

**a. Small wireless facilities proposed in the public right-of-way or in a public utility easement on an existing or replacement utility or light pole, so long as they meet all of the following:**

**i. The facilities:**

**(A) Are mounted on existing or replacement structures 50 feet or less in height including their antennas; or**

**(B) Are mounted on existing or replacement structures no more than 10 percent taller than other adjacent structures; or**

**(C) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.**

**ii. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume.**



- a. An existing tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antennas or arrays, as long as the modified or rebuilt tower will not exceed the height limit of the applicable zoning district. The height change may only occur one time per tower.
- b. An existing tower that is modified or reconstructed to accommodate the co-location of additional antennas or arrays must be of the same tower type and reconstructed in the exact same location as the existing tower.

**B. Type II Process.** The following facilities are allowed with the approval of a Wireless or Broadcast Communication Facility Site Plan pursuant to a Type II process under [BDC Chapter 4.1](#), Development Review and Procedures:

1. High visibility facilities located on any property designated as Commercial, Industrial, Public Facilities, or Mixed-Use on the Bend Comprehensive Plan Map and at least 500 feet from any property designated as Residential on the Bend Comprehensive Plan Map.
2. Moderate visibility facilities that do not exceed the height limit of the applicable zone.
3. New antennas or arrays that are attached to an existing broadcast communication facility located in any zone which exceed the “safe harbor” parameters of subsection (A)(5)(a) or (b) of this section.
4. Small wireless facilities that exceed the thresholds in [BDC 3.7.500\(A\)\(2\)](#).

**C. Conditional Use Permit Requirements.** Applications for wireless or broadcast communication facilities in all other locations and situations including moderate or high visibility facilities that exceed the height limit of the applicable zone also require a Conditional Use Permit (Type II process). In addition to the approval standards in [BDC Chapter 4.4](#), Conditional Use Permits, the applicant must demonstrate that the Wireless or Broadcast Communication Facility Site Plan approval standards in subsections (D)(2) through (5) of this section are met.

**D. Approval Criteria.** The City may approve the use and Wireless or Broadcast Communication Facility Site Plan for any of the facilities listed in subsections (B) and (C) of this section upon a determination that the following criteria are met:

1. The height of the proposed tower or facility does not exceed the height limit of the underlying zoning district, or does not increase the height of an existing facility.
2. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
3. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
  - a. Scale, bulk, coverage and density;
  - b. The harmful effect, if any, upon neighboring properties;
  - c. The suitability of the site for the type and intensity of the proposed facility; and
  - d. Any other relevant impact of the proposed use in the setting where it is proposed.

4. All required public facilities have adequate capacity, as determined by the City, to serve the proposed wireless or broadcast communication facility.
  5. The proposed wireless or broadcast communication facility complies with all of the general regulations contained in [BDC 3.7.400](#).
  6. Small wireless facilities must comply with Part II, Section 8 of the City of Bend Standards and Specifications.
- E. **Conditions of Approval.** The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application must be denied.
- F. **Time Frame for Review.** Within the time limits imposed by State or Federal law, less any time period that may be excluded by State or Federal law, the Review Authority must approve the application unless the Review Authority determines that the application is not covered by this chapter or does not comply with applicable standards. [Ord. NS-2328, 2019; Ord. NS-2271, 2016; Ord. NS-2251, 2015; Ord. NS-2158, 2011; Ord. NS-2016, 2006]

**[BDC 3.7.550](#) Eligible Facilities Request for a Modification of an Existing Tower or Base Station.**

- A. **Applicability.** An applicant may submit an eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimension of such tower or base station that involves:
1. Collocation of new transmission equipment;
  2. Removal of transmission equipment; or
  3. Replacement of transmission equipment.

For purposes of this subsection, “collocation” means (a) mounting or installing an antenna facility on a preexisting structure, and/or (b) modifying a structure for the purpose of mounting or installing an antenna facility on that structure; provided, that, for purposes of eligible facilities requests, “collocation” 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.

- B. **Type I Process.** An eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimension of such tower or base station is reviewed pursuant to a Type I process under [BDC Chapter 4.1](#), Development Review and Procedures.
- C. The applicant must provide documentation or information to verify whether the request is not a substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following:
1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna, not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases

the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;

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;

2. 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 20 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;

3. 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 preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with the conditions of approval 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 noncompliant only in a manner that would not exceed the thresholds identified in subsections (C)(1) through (4) of this section.

D. **Approval Criteria.** The City may approve an eligible facilities request for a modification of an existing wireless tower or base station upon a determination that the following criterion is met:

1. The eligible facilities request for a modification of an existing tower or base station does not substantially change the physical dimension of such tower or base station.

E. **Conditions of Approval.** The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, or if compliance with the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application must be denied.

F. **Time Frame for Review.** Within the time limits imposed by State or Federal law, less any time period that may be excluded by State or Federal law, the Review Authority must approve the application unless the Review Authority determines that the application is not covered by this chapter or does not comply with applicable standards. [Ord. NS-2328, 2019]

## Federal Shot-Clock Checklist

*Required for all wireless communications facility applications.*

Street Address (or general location if not addressed): \_\_\_\_\_

- This project is:  New wireless communications facility where none currently exists.
- New co-location for this carrier at an existing wireless communications facility.
  - Modification to this carrier's existing wireless communications facility at this site.

Will this project cause a "substantial change" to an existing facility?  Yes  No  N/A  
(As "substantial change" is defined in BDC 3.7.550.C)

Is this an "eligible facilities request" under Section 6409(a) of the Spectrum Act?  Yes  No  
(For "eligible facilities request" see BDC 3.7.550)

Which federal "shot clock" applies to this application?

- 60-day Eligible Facilities Request
- 60-day Small Wireless Facility added to existing structure
- 90-day Small Wireless Facility using new or replacement structure
- 90-day Non Small Wireless Facility – Collocation on an existing structure
- 150-day Non Small Wireless Facility - Deployment on a new structure
- Other or none (explain).