

## EXHIBIT A

### City of Durham Small Cell Design and Construction Standards

All Small Cell Wireless Facilities authorized by the City of Durham (the “City”) for installation on utility poles or other above-ground facilities in the City right-of-way (“ROW”) shall conform to the following standards:

#### **Intent and Purpose**

The purpose of these standards is to ensure that Small Cell Wireless Facilities within the City ROW are designed, constructed and maintained in a manner that protects and preserves the physical capacity of the City ROW for its intended use. The Standards outline requirements and permitting processes that allow for reasonable access to the public rights of way for the installation of small cell wireless communications facilities consistent with applicable state and federal law. The Standards are intended to ensure that companies, persons and other entities owning and/or operating small cell wireless communication facilities and/or providing these services within the ROW shall remain in compliance with all applicable state, federal and local laws, rules and regulations. By adopting these Standards, the City seeks to facilitate and streamline the rollout of Small Cell infrastructure while at the same time safeguarding of the City ROW by preventing undue hazards to property, the environment, public health, welfare and safety.

#### **Definitions**

For purposes of these standards, the following definitions shall control:

**“Alternative Antenna Structure”** means an existing pole or new proposed structure within the public right-of-way that can be used to support Small Cell Wireless Facilities and is not a City facility or third party utility pole.

**“Antenna”** means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

**“Applicant”** means any person or entity submitting an application to install personal wireless telecommunication facilities or structures to support the facilities within a public right-of-way.

**“City”** means the City of Durham, an Oregon municipal corporation, or individuals authorized and designated to act on behalf of the City.

**“City Council”** means the elected governing body of the City of Durham, Oregon.

**“City Facility”** means City-owned or City publicly-owned structure or equipment located within the public rights-of-way and/or public easement.

**“City-Owned Infrastructure”** means infrastructure in the public right-of-way within the boundaries of the City, including, but not limited to, streetlights, traffic signals, towers, structures, buildings and utilities that are owned, operated and/or maintained by the City.

**“City Right of Way” or “City ROW”** means and includes the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or other City property not generally open to the public

for travel. This definition applies only to the extent of the City’s right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.

**“Landscape Screening”** means plantings, shrubbery, bushes or other foliage intended to screen the base of wireless telecommunication facility from public view.

**“Small Cell Wireless Antenna”** means an antenna that is part of a private wireless telecommunications facility.

**“Small Cell Wireless Equipment”** means equipment, exclusive of an antenna, that is part of a private wireless telecommunications facility.

**“Small Cell Wireless Facilities”** mean a personal wireless telecommunications facility consisting of an antenna and related equipment either installed individually or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation.

**“Third Party Utility Pole”** means an upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, and other utility facilities and/or which is used to provide lighting, traffic control, signage, or a similar function. Third party utility poles specifically constitute Non-City owned utility pole infrastructure.

## **General**

Oregon Revised Statutes 221.510 Municipal Regulation of Telecommunication Carriers establishes municipalities may:

(a) Determine by contract, or prescribe by ordinance or otherwise, the terms and conditions, including payment of privilege tax to the extent authorized by ORS 221.515 and other charges and fees, upon which any telecommunications carrier may be permitted to occupy the streets, highways, or other public property within such municipality and exclude or eject any telecommunications carrier therefrom.

(b) Require any telecommunications carrier, by ordinance or otherwise, to make such modifications, additions and extensions to its physical equipment, facilities or plant or service within such municipality as shall be reasonable or necessary in the interest of the public, and designate the location and nature of all additions and extensions, the time within which they must be completed and all conditions under which they must be constructed.

(c) Provide for a penalty for noncompliance with the provisions of any charter provision, ordinance or resolution adopted by the municipality in furtherance of the powers specified in this subsection.

Accordingly, the City of Durham has adopted Ordinance 260-18 regulating use of the City ROW including authorizing the establishment by resolution of standards for the regulation of Small Cell Wireless Facilities in the City ROW. These Small Cell Design and Construction Standards are supplemental to the requirements imposed by Ordinance 260-18.

## **Permit Process**

Applications for the placement of Small Cell Wireless facilities in the City ROW shall be made on forms provided by the City. All submissions shall include the following information:

1. Aerial map showing the location(s) of the existing support structure(s) to which the Small Cell Wireless Facility/Facilities will be attached.
2. Street view image or photographs showing both the existing site conditions, and the proposed site conditions following the installation of Small Cell Wireless facilities proposed as part of the application.
3. Scaled plans or drawings, prepared by a professional engineer licensed in the State of Oregon, showing:
  - a. That the height of a new wireless support structure, or increase in height of an existing wireless support structure, complies with these Design Guidelines as follows:
    - i. New wireless support structure: the overall height of the wireless support structure and Small Cell Facility, including shrouding and concealment.
    - ii. Existing wireless support structure: the increase in height due to the attached Small Cell Wireless Facility, including shrouding and concealment.
  - b. The height from the base of the support structure to the lowest point of all proposed Small Cell Wireless facility equipment to be installed on the structure.
  - c. The distance from the outer edge of the support structure parallel to the outer edge of all equipment associated with the Small Cell Wireless Facility to be installed on the structure.
4. Plans, drawings, or other analyses, prepared by a professional engineer licensed in the State of Oregon, that demonstrates that she/he has evaluated the new or existing wireless support structure for structural stability to determine whether the structure can carry/support the proposed Small Cell Wireless Facility and (if an existing structure) that it can bear the wind load without modification, or whether installation of the Small Cell Wireless Facility will require modifications to or replacement of the existing support structure. If modifications are necessary, drawings and specifications of such proposed modifications, prepared by a professional engineer licensed in the State of Oregon shall be submitted.
5. Scaled construction plans shall show the right-of-way lines, property lines, proposed utilities (above and below grade), and existing curbs, driveways, sidewalks, streets, paths, buildings, and structures. Any conflicts with existing infrastructure shall be noted, along with a description of how the conflicts will be resolved.
6. Scaled and dimensioned details of proposed small cell facilities, including elevations/profiles, plans and sections, clearly indicating the following:
  - a. Height, width, depth, volume (in cubic feet) and location of all proposed antennae and exposed elements and/or proposed antenna enclosures.
  - b. Height, width, depth, volume and location of all other wireless equipment associated with the Small Cell Wireless Facility, with all electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services (clearly labeled).
  - c. Method of installation/connection.
  - d. Color specifications for all wireless support structures and associated exposed

- equipment, cabinets, and concealment elements.
- e. Electrical plans and wiring diagrams.
  - f. Footing and foundation drawings and structural analysis, stamped and signed by a professional engineer licensed in the State of Oregon.
7. Manufacturer's specification sheets for all Small Cell Wireless Facility equipment proposed, including support structures, equipment cabinets, shrouds or concealment devices, antennae, meters, radios, switches, telecommunications demarcation boxes, and grounding equipment.
  8. For removal of support structures or ground-mounted equipment, a scaled drawing showing the item(s) being removed and the details of restoration to be completed. Restoration shall be completed in accordance with the applicable City standards and shall restore the site to pre-construction conditions.
  9. Letter signed by a qualified licensed professional stating that the applicant has performed an analysis to verify that the Small Cell Wireless Facility will not cause any interference with City public safety radios, traffic signal light system, or other communications equipment. It shall be the responsibility of the applicant to evaluate and maintain compatibility between the existing City infrastructure and the applicant's proposed infrastructure.
  10. A traffic control plan, in accordance with the applicable City standards.

Applications for the Installation of Small Cell Wireless Facilities on new infrastructure proposed for installation in the City ROW to support the Small Cell Wireless Facilities, and/or City-owned support structures trigger significant additional review of the impacts on the City ROW and/or City-owned infrastructure. The City reserves the right to deny, when necessary in the public interest, the installation of Small Cell Wireless Facilities attached to City-owned infrastructure.

Application review determinations for installations proposed on Third Party-owned support structures are due 60 days following reception of a completed application.

Application review determinations for installations proposed with new support infrastructure proposed for installation in the City ROW are due 90 days following reception of a completed application.

## **Standards**

Person(s), companies, or other such entities shall obtain all necessary City permit(s) and comply with all other applicable state, federal and City laws, rules and regulations.

(1) ***Number limitation.*** A maximum of one Small Cell Wireless Facility shall be attached to a given alternative antenna structure or utility pole within the City ROW.

(2) ***Separation and clearance requirements.*** Small Cell Wireless Antennae shall be separated from the nearest residential structures by a minimum horizontal distance of the total above-ground height of the pole or structure that the antenna is attached to, and any given antenna shall be separated from the next closest antenna used by the same service provider by a minimum of 300 horizontal feet. Providers shall not place Small Cell Wireless Facilities directly in front of entrances or exits to buildings.

(3) ***Locations:*** Providers shall install Small Cell Wireless Facilities first on arterial and collector roads, prior to installing them on neighborhood or local streets.

(4) **Equipment Concealment.** In locations where a new alternative antenna structure is proposed, the structure shall be designed and constructed to internally conceal and hold all Small Cell Wireless Equipment. Where an existing pole is located in the desired location, and the applicant has established that it can structurally support the proposed Small Cell Wireless Facility, the Small Cell Wireless Facilities may be attached to the existing pole so long as the Small Cell Wireless Equipment is concealed inside the pole, where feasible. Where concealment is not feasible, as demonstrated by the applicant and approved by the City Engineer, the Small Cell Wireless Equipment may be mounted on the outside of the pole so long as it is concealed or enclosed in one (1) equipment box, cabinet or other unit that may include ventilation openings.

(5) **Attachment limitations.** Small Cell Wireless Antennae and Facilities within the City ROW shall comply with the following requirements:

a: **Small Cell Wireless Antenna-** attached to a support structure within the public right of way shall have a maximum surface area of 3 cubic feet.

b: **Small Cell Wireless Facilities-**total combined volume of all above-ground equipment comprising a small cell wireless telecommunication facility, exclusive of the antenna, shall be a maximum of 28 cubic feet.

c: **Small Cell Wireless Equipment-** shall locate the base of the facilities at a height in compliance with National Electric Safety Code (“NESC”), National Electric Code (“NEC”), the current edition of the Oregon Department of Transportation (“ODOT”)/American Public Works Association (“APWA”) Oregon Standard Specifications for Construction, the ADA and all other applicable City standards.

d: **Height:** Small Cell Wireless Facilities, including Small Cell Wireless Antennae, may be mounted on support structures up to 50 feet in height (including antennae); or on support structures no more than 10% taller than other adjacent structures; or so as to not extend existing support structures to an overall height that exceeds 50 feet or amounts to an increase in overall height of more than 10%, whichever is greater.

e. **Color:** Small Cell Wireless Facilities, including all related equipment and appurtenances, shall be a color that matches the pole, blends with the surroundings of the pole, structure, tower or infrastructure on which it is mounted, and shall use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Wiring shall be placed inside an enclosure and the enclosure shall be a color that blends and matches colors of the existing pole or infrastructure.

f. **Siting:** All Small Cell Wireless Facilities shall be located to avoid any physical or visual obstruction to pedestrian or vehicle traffic, or in any manner create safety hazards to pedestrians, bicyclists, or motorists.

(6) **Electrical Service:** Service Providers shall be responsible for electrical service coordination to Small Cell Wireless Facilities. Providers shall not receive power via metered service used to supply power to any street light or other City Owned Infrastructure. All

electrical service equipment shall match the attaching support structure. Electric meters and disconnects shall be located consistent with the applicable requirements of the NESC and NEC. Generators shall not be installed in the City ROW.

(7) **Signage:** Small Cell Wireless Facilities shall not have any signage other than required identification markings under state and federal law. Providers shall not install/post any signage or advertising on the wireless facility, nor any lighting.

(8) **Screening:** Screening shall be natural landscaping material or a fencing and shall comply with all applicable codes, standards and regulations of the City. Provider shall shroud all wiring, connections, and Small Cell Wireless Equipment.

(9) **Permission to use utility pole or alternative antenna structure:** The operator of a Small Cell Wireless Facility shall submit to the City written copies of the approval from any third party owner of an existing utility pole, monopole, or an alternative antenna structure, to mount the Small Cell Wireless Facility on that specific pole, tower, or structure, prior to issuance of the City permit.

(10) **Abandonment and removal:** Consistent with applicable City regulations, a Small Cell Wireless Facility located in the City ROW that is not operated for a continuous period of 12 months, shall be considered abandoned and the owner of the facility, at the owner's sole expense, shall be responsible for the removal of the facility, including antenna and all related equipment, within 30 days of receipt of written notice from the City notifying the owner of such facility abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner.

(11) **Vegetation:** trimming and maintenance shall comply with applicable City regulations.

### **Other Requirements**

Owners of Small Cell Wireless Facilities in the City ROW are required to provide the City a Geographical Information System (GIS) file of all current installations within the City's geographical boundary on an annual basis. Current installations are defined as those that are active/in use or contain installed equipment waiting to be activated. Data in the GIS file must include locational coordinates, facility type, support type, mounting height, installation date, utility pole ID (where applicable) and other data the City deems necessary for inventory management.

As soon as practical, but not later than ten (10) calendar days from the date that the owner of a Small Cell Wireless Facility notice thereof, shall remove all graffiti and abate any other vandalism apparent on any Small Cell Wireless Equipment located in the City ROW. The foregoing shall not relieve the owner of the vandalized Small Cell Wireless Equipment from complying with any other graffiti, visual blight or other similar City regulations.

Except in cases where normal tree or vegetation trimming is necessary to ensure the safe operation of Small Cell Wireless Facilities, the removal, cutting, marring, defacing or destruction of any trees or other vegetation by the owner of a Small Cell Wireless Facility within the City ROW is prohibited. All tree or vegetation trimming must be performed in accordance with all applicable City requirements, including applicable permitting and authorizations, and shall be at the expense of the owner of the Small Cell Wireless Facility.