

**Personal Wireless Service Facility Permits  
Program Guide**

**Category:** Wireless Permits, Permitting Services,  
Commercial Construction, Structural, Trade  
Permits, Site Development, Zoning

**Effective:** July 1, 2021 [Rebecca Esau] , Director

**Responsible Bureau Sections:** Bureau of Development Services  
See Section IX of this guide.

- I. PURPOSE AND INTENT ..... 3
- II. CODE AUTHORITY ..... 3
- III. DEFINITIONS ..... 3
  - A. General Wireless Facility Definitions. .... 3
  - B. Permit Status Definitions. .... 5
- IV. PERMIT TIMELINES..... 7
  - A. Permit Shot Clock Timelines..... 7
  - B. When the Shot Clock Begins to Run and Tolling ..... 7
- V. PERMIT INTAKE ..... 10
  - A. PWSF Permit Applications ..... 10
  - B. Incorrect Identification of Permit Type ..... 10
  - C. Checksheets..... 10
  - D. County and Maywood Park ..... 10
- VI. Multiple Permits on Same Site ..... 11
  - A. Are there project Dependencies? ..... 11
  - B. If No Dependencies..... 12
  - C. If Dependencies Exist – Up to Permit Issuance ..... 12
  - D. If Dependencies Exist – After Permit Issuance..... 13
- VII. Batching..... 13

<b>VIII.</b>	<b>Inspections.....</b>	<b>13</b>
<b>A.</b>	<b>Extension.....</b>	<b>13</b>
<b>B.</b>	<b>Unfinalized Permits.....</b>	<b>13</b>
<b>IX.</b>	<b>LIFE OF PWSF PERMITS .....</b>	<b>14</b>
<b>A.</b>	<b>Permit Status Definitions .....</b>	<b>14</b>
<b>B.</b>	<b>Permit Timelines .....</b>	<b>14</b>
<b>C.</b>	<b>Scope of Work.....</b>	<b>16</b>
<b>D.</b>	<b>Revisions.....</b>	<b>16</b>
<b>E.</b>	<b>Extensions.....</b>	<b>16</b>
<b>F.</b>	<b>Abandoned and Void Permits – Pre-Issuance.....</b>	<b>18</b>
<b>G.</b>	<b>Expired and Void Permits – After Issuance .....</b>	<b>19</b>
<b>H.</b>	<b>Reactivation of Abandoned, Expired, or Void Permits.....</b>	<b>19</b>
<b>I.</b>	<b>Notice of Abandonment.....</b>	<b>20</b>
<b>J.</b>	<b>Courtesy Notice of Expiration .....</b>	<b>21</b>

## **I. PURPOSE AND INTENT**

This Program Guide outlines the permit intake process for Personal Wireless Service Facility (PWSF) permits and Bureau of Development Services (BDS)-specific permit processing timelines, inspections timelines, and permit life for these permits. The Program Guide addresses the FCC-required shot clocks for processing certain PWSF permit applications and the BDS intake process for these permits. Information on land use reviews for PWSFs can be found [here](#).

## **II. CODE AUTHORITY**

The Building Official is granted authority to process, extend, or expire permits under the Oregon Structural Specialty Code (OSSC) Sections 104.2, 105.3, and 105.5 and Portland City Code (PCC) Section 24.10.070. These code provisions detail requirements related to pursuing permit issuance, commencement of permit work, and completion of such work.

## **III. DEFINITIONS**

### **A. General Wireless Facility Definitions.**

The definitions below relate specifically to terms used for wireless facilities and are consistent with definitions in FCC rules and PCC Title 33.

1. **Personal Wireless Service Facility**. An antenna facility, including: (a) an antenna 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; (b) antenna equipment, including equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna for personal wireless service; or (c) a structure that is primarily used or that will be primarily used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
  
2. **Small Wireless Facility**. “Small Wireless Facilities,” encompasses facilities that meet the following conditions:
  - (1) The facilities—
    - (i) are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR section 1.1320(d), or

**Bureau of Development Services**  
**Personal Wireless Service Facility Permits**  
**Page 4 of 21**  
**July 1, 2021**

- (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or
  - (iii) 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;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR section 1.1320(d)), is no more than three cubic feet in volume (NOTE: there is no limit to the number of antennas);
  - (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
  - (4) The facilities do not require antenna structure registration under 47 CFR part 17;
  - (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
  - (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR section 1.1307(b). (47 CFR 1.6002(l); FCC Declaratory Ruling and Order 18-133, p. 3, fn. #9.)
3. **Shot clock.** Shot clocks establish the time frames within which the City must complete all of its reviews for PWSF siting. Table 1 below outlines each type of PWSF and its corresponding shot clock time.
  4. **6409(a).** This refers to the federal code section from the Middle Class Tax Relief and Jobs Creation Act of 2012 (codified at 47 U.S.C. §1455) that established requirements for state and local governments in processing permits to modify existing wireless towers or base stations when the project does not **substantially change**<sup>1</sup> the physical dimensions of such tower or base station. Per 6409(a), a state or local government may not deny, and shall approve, any **eligible facilities** request for a modification of an existing wireless tower or base station that involves: (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c)

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<sup>1</sup> Defined in 47 CFR 1.6100(b)(7).

replacement of transmission equipment, provided the modification does not ***substantially change*** the physical dimensions of such tower or base station.

5. **Eligible Facility.** An eligible facility is a PWSF that meets the criteria for a 6409(a) permit type.
6. **Collocation.** Except when used in the context of an Eligible Facilities Request, collocation means mounting or installing an antenna facility on a pre-existing structure or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. For purposed of an Eligible Facilities Request, 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.
7. **Structure.** A structure includes a pole, tower, base station, or other building, regardless of whether it has an existing antenna facility, that is used or will be used to provide personal wireless service (whether on its own or comingled with other types of services).
8. **Completeness review.** The completeness review is the initial review that BDS and any other City bureaus conduct to determine if the applicant has met the City's initial intake requirements necessary to review the permit application. The completeness review does not include a review of the substance of the materials submitted; it only involves determining whether the City's minimum submittal requirements have been met.
9. **Tolling.** Tolling occurs when the shot clock is temporarily stopped because the City is awaiting a response to one or more timely Checksheets or based on mutual agreement between the permit applicant and the City.
10. **Business day.** A business day is any day that is not a Saturday or Sunday or a federal, state, or local holiday.
11. **Batching.** Batching occurs when a single applicant submits multiple Small Wireless Facility permit applications at the same time, regardless of whether the permit applications are for the same site.

**B. Permit Status Definitions.**

The status definitions below describe the stages of the permitting process for PWSF permits.

**Bureau of Development Services**  
**Personal Wireless Service Facility Permits**  
**Page 6 of 21**  
**July 1, 2021**

1. **Application**: Owner or owner's representative has submitted an application for a PWSF permit. The intake fees must be paid within 48 hours of BDS emailing the bill for the intake fees. If the intake fees are not paid within these time frames, the permit will become Void.
2. **Under Review**: Intake fees have been paid and minimum submittal requirements have been satisfied. For 6409(a) permit applications, the permit submittal requirements will be considered satisfied if the applicant demonstrates that the application is for an Eligible Facility (see definition of 6409(a) above). For all other PWSF permit applications, the submittal requirements will be deemed satisfied if minimum submittal standards have been met and intake fees are paid.
3. **Approved to Issue**: All technical reviews have been completed, review and inspection fees have been billed, and the permit is ready to be picked up by the customer.
4. **Abandoned**: The permit application has not reached Issued status within 180 days from the time the permit application is Under Review, and the applicant has not been granted an Extension, the permit will be deemed Abandoned. Once an Abandoned permit becomes Void, a new permit application must be submitted.
5. **Issued**: All technical reviews have been completed, the permit has been paid for, but no inspections have been requested. Permits remain in Issued status for 180 days, after which they are Expired.
6. **Under Inspection**: Permit has been Issued and at least one inspection has been requested.
7. **Expired**: Permit has reached Issued status and the permit is not finalized within 180 days and the applicant has not been granted an Extension. Once an Expired permit become Void, a new permit application must be submitted.
8. **Void**: The permit is in Application status and the fees are not paid within the required time; a permit does not reach Issued status within 180 days of being Under Review, or does not reach Final status within 180 days of being Issued and no Extensions have been granted; or the applicant submits the incorrect application type (see Table 1 below for application types).
9. **Final**: The permit has received all final inspection approvals.

**10. Cancelled:** The permit has been discontinued at the request of the applicant or the applicant's representative.

## **IV. PERMIT TIMELINES**

### **A. Permit Shot Clock Timelines**

The permit shot clock timelines vary, depending on the type of PWSF permit application. (See Table 1 below.) The shot clocks only apply from the time a permit application is submitted to BDS until the permit is Approved to Issue. Table 1 below outlines the five types of PWSF permits and their corresponding review timelines. In addition to these timelines, PWSF permits are subject to limitations on the Life of the Permit described in Section IX below. All shot clocks can be tolled by agreement between BDS and the permit applicant.

### **B. When the Shot Clock Begins to Run and Tolling**

#### **1. Commencement of the Shot Clock**

For 6409(a) PWSF permit applications submitted to BDS, the shot clock begins to run on the next calendar day following submittals received by 5:00 p.m. Submittals received after 5:00 p.m. or on a non-business day will be treated as if received the following business day, and the shot clock begins to run the next calendar day after the deemed received date.

For non-6409(a) PWSF permit applications submitted to BDS the shot clock begins to run on the next day after the permit is deemed complete for intake.

For Small Wireless Facilities, if BDS determines that the PWSF application is incomplete after its initial completeness review (10 calendar days), the shot clock re-sets upon resubmittal, and BDS has 60 or 90 days from the resubmittal date to complete its reviews, depending the type of application submitted.

For all PWSF permit applications, if the last day of the shot clock period falls on a non-business day, the last day of the shot clock is extended to the next business day.

See Table 1 below.

**2. Tolling of Shot Clocks**

Once a shot clock has started, and BDS and its interagency bureaus issue timely Checksheets, the shot clock will stop while BDS is waiting on the Checksheet responses. The shot clock will begin running again the next calendar day after BDS receives responses to ALL of the outstanding Checksheets.

**3. Shot Clocks for Land Use Reviews**

If a required land use review is submitted concurrently with a building permit application, a single shot clock applies to both processes. If a land use review application is submitted with no concurrent building permit, the land use review will be subject to its own shot clock, and a new and separate shot clock will commence when the building permit application is submitted.

**4. Changes to Scope of Work**

If an applicant changes the scope of work, while the permit is Under Review, the application will be cancelled and a new permit will be required. Alternatively the applicant may request that BDS continue processing the application with a tolling agreement, which includes a review time that is mutually agreeable, at the Building Official's discretion. Additional fees for processing the request may be required.

**5. Tolling**

Applicants and the City may mutually agree to toll the federal shot clock if the applicant wants to retain flexibility to work with City staff during building permit or land use review. Tolling applies to the whole PWSF project. Tolloed projects will still be processed diligently.



**Bureau of Development Services**  
**Personal Wireless Service Facility Permits**  
**Page 9 of 21**  
**July 1, 2021**

**TABLE 1 – SHOT CLOCKS**

Type of Facility	Shot Clock (Calendar Days; if last day falls on weekend, shot clock ends next business day)	Qualifying Features	PWSF Appl. Form #	# of Calendar Days for BDS Completeness Review	# of Calendar Days for Review of Checksheet Responses	Subsequent Reviews that Stop Shot Clock
<b>47 U.S.C. §322(c)(7)</b>						
Collocation (Non-Small Wireless)	90 Days	Adding antennas to any existing structure: tower, light pole, rooftop, water tank, etc.	1	30 days for completeness review, then shot clock stops once Checksheet issued	10 calendar days to review submitted items. No new discoveries can be Checksheeted, unless part of new information submitted. If deadline missed, then shot clock does not stop.	Shot clock stops again only if new Checksheet sent within 10 calendar days of Checksheet response. Otherwise, shot clock is not stopped.
New Structure (Non-Small Wireless)	150 Days	New structure: freestanding tower, light pole, etc.	2	30 days for completeness review, then shot clock stops once Checksheet issued	10 calendar days to review submitted items. No new discoveries can be Checksheeted, unless part of new information submitted. If missed, then shot clock does not stop.	Shot clock stops again only if new Checksheet sent within 10 calendar days of Checksheet response. Otherwise, shot clock is not stopped.
<b>47 U.S.C. 1455 - Section 6409(a) Wireless Facility Modifications</b>						
6409(a) Collocation (Modification)	60 Days	Modify existing PWSF by replacing or adding new antennas, accessory equipment, or equipment cabinets	3	30 days for completeness review, then shot clock stops once Checksheet is issued	10 days for review of new information. No new discoveries can be Checksheeted, unless part of new information submitted. Shot clock stops each time new Checksheet sent.	Review limited to issues identified in original Checksheet; shot clock tolled.
<b>Declaratory Ruling and Third Report and Order – Small Wireless Facilities That Are Not 6409(a)</b>						
Small Wireless Facility Collocation	60 Days	Additions/alterations to a preexisting structure. Antennas are no more than 3 cubic feet in volume. Equipment (existing and new) is no more than 28 cubic feet in volume.	4	10 days for completeness review, then shot clock resets once initial, timely Checksheet is issued.	Clock resets to 60 days, but only for first Checksheet response. 10 days to review information provided. No new discoveries can be Checksheeted, unless part of new information submitted. Shot clock stops for each new Checksheet.	Shot clock stops again only if new Checksheet sent w/in 10 calendar days of Checksheet response. Otherwise, shot clock does not stop.
Small Wireless Facility on new structure	90 days	Additions to a new structure (freestanding tower or new building or structure-mounted location).	5	10 days for completeness review, then shot clock resets once initial, timely Checksheet is issued	Clock resets to 90 days, but only for first Checksheet response. 10 days to review information provided. No new discoveries can be Checksheeted, unless part of new information submitted. Shot clock stops each time new Checksheet sent.	Shot clock stops again only if new Checksheet sent w/in 10 calendar days of Checksheet response. Otherwise, shot clock does not stop.

## **V. PERMIT INTAKE**

### **A. PWSF Permit Applications**

All PWSF permit applications will be taken in via the BDS electronic permit intake program. BDS staff will calculate and email the applicant the amount of the permit intake fee, typically by the next business day after the application is submitted. All permit intake fees must be paid to BDS within 48 hours of the time BDS sends the notice of the fees. Land use review applications associated with Radio Frequency (RF) facilities should be submitted directly to: [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov).

PHOTOS WILL BE REQUIRED FOR ALL PWSF PERMITS

### **B. Incorrect Identification of Permit Type**

If the applicant incorrectly identifies the permit application type (e.g., submits as a 6409(a) permit, but application is not for an Eligible Facility), BDS will Void the permit and require applicant to resubmit the correct application with new intake fees. There will be no refunds for the intake fees.

### **C. Checksheets**

BDS will bundle all Checksheets from the various review groups for PWSF permit applications and submit them to the applicant at the same time. The applicant must submit Checksheet responses to all review groups together. The applicable shot clock will not restart until BDS receives responses to all outstanding Checksheets. If a reviewer subsequently determines that a Checksheet response is inadequate or needs further follow-up, all such subsequent follow-up Checksheets will be bundled for all reviewers whose Checksheet items have not been resolved. The applicant must respond to these subsequent Checksheets as a group. The shot clock will stop running for the City for the duration of time the Checksheet responses are outstanding. However, the tolling of the shot clock does NOT stop the 180-day time within which the applicant must go from Under Review to Issued status. If the applicant does not adequately resolve all Checksheets within two correction cycles, BDS may Void the permit application.

### **D. County and Maywood Park**

BDS requires that all PWSF permit applications for projects outside of the City of Portland, including Multnomah County and Maywood Park be stamped by that jurisdiction showing that the zoning and land use reviews were completed and approved before BDS can process these PWSF permit applications

## **VI. Multiple Permits on Same Site**

If BDS determines that there is an existing open PWSF permit on a site when a subsequent PWSF permit application is submitted, then the new permit application will follow the path outlined in this section. Please see the BDS webpage for personal wireless service facilities for information on how to research open permits. This Guide refers to the first PWSF permit applicant to submit an application for the site as “Carrier A” and a subsequent PWSF permit applicant as “Carrier B.” This also applies if Carrier A comes in for a subsequent permit on the same site. If there is more than one subsequent applicant, their path would follow the same as “Carrier B.”

**NOTE: When there are multiple open permits on the same site, each permit applicant proceeds at its own risk. Applicants may be required to revise their plans or cancel and re-start their permit application process if permit applications with Dependencies are not Issued or Finaled within the required time.**

If there is an open permit, or a permit on the site that was Cancelled, Abandoned, Expired, or Voided at the time the current carrier submits its permit application, during the review process, BDS may require an inspection to determine the status of the work on the site at the expense of the carrier submitting the application. BDS will then update its records to reflect what work has already been completed and whether that work passes inspection. The current carrier can then modify its documents based on the updated site information. The same procedure applies regardless of which carrier has open permits on that site.

### **A. Are there project Dependencies?**

A Dependency is any aspect of Carrier A’s project that must be completed before Carrier B’s project can begin or has an impact on the review of Carrier B’s project. Dependencies include, but are not limited to:

1. Structural elements of Carrier A’s project that impact Carrier B’s project. For example, if the projects are on a tower, Carrier A’s project will add a certain load factor, represented as a percentage of the total load that the tower can safely handle. Carrier B’s project plans must account for Carrier A’s proposed load.
2. For a Roof Top installation: Carrier A’s installation loads a structural member and Carrier B’s installation loads the same member or influences the loading on structural members impacted by Career A’s installation.

3. Monopole : Carrier A is required to add reinforcement to a monopole to support their proposed work and Carrier B's design assumes and requires the pole to be reinforced.

**B. If No Dependencies**

If Carrier B's project has no Dependencies with Carrier A's project, Carrier B can proceed as normal. All carriers assume the responsibility of providing drawings that accurately depict both existing and proposed conditions, including all open permits on the site, to demonstrate that there are no Dependencies. This may result in updating drawings that are currently Under Review or Approved to Issue. Permit applications for electrical, mechanical, and plumbing permits should reference any associated PWSF permit numbers.

**C. If Dependencies Exist – Up to Permit Issuance**

1. Carrier B must show Carrier A's Dependency work on its plans as if it were existing. If not, BDS will Checksheet Carrier B to show Carrier A's work as existing. Carrier B's permit will not be Issued until Carrier A's permit application is Issued. Carrier B's time to Issuance continues to run while waiting for Carrier A's permit application to be Issued.
2. Carrier A's permit must be Issued within 180 calendar days of being Under Review, plus any Extension BDS has granted. If Carrier A's permit is not issued within that time, Carrier A's permit will be Abandoned and the permit will become Void. Carrier B may incorporate structural upgrades and other changes resulting from voiding Carrier A's application. Carrier B's permit will continue to be processed, and the abandonment of Carrier A's permit will not impact Carrier B's time to Issuance. If Carrier B's required revisions will cause Carrier B's permit to exceed the 180 calendar day review period, Carrier B may request an Extension before Carrier B's 180 days has elapsed to incorporate structural upgrades and other changes resulting from voiding Carrier A's application (see Section IV.B above regarding tolling agreement requirement for changes to scope of work). If Carrier B fails to incorporate the required revisions and Carrier B's permit is not issued within 180 calendar days of being Under Review, plus any Extensions BDS has granted, BDS will also put Carrier B's permit into Abandoned status, then Void Carrier B's permit. Carriers must submit new permit applications if their permit is Voided. BDS will not reactivate Void PWSF permit applications and no refunds will be granted.

3. Carrier B needs to sign an acknowledgement form saying they knowingly take on the risk that BDS may Abandon and Void Carrier B's permit if Carrier A's permit doesn't get Issued within 180 days, plus any extensions.

#### **D. If Dependencies Exist – After Permit Issuance**

1. Carrier A's Dependency work must have passed inspection for the Dependency work before Carrier B can begin construction.
2. Carrier A's permit must be Final (receive final inspection approval) within 180 days of Issuance, plus any Extensions; if not, BDS will Expire Carrier A's permit, then Void the permit. Carrier B will need to revise the permit as necessary to reflect the conditions on the site and apply for a Revision to the permit. Carrier B's time to get the permit finalized will not automatically be extended. If Carrier B does not revise its plans, BDS will Expire its permit, then Void the permit 180 days after Issuance.

To keep multiple open permits moving through the system, when Dependencies exist, extensions on sites with multiple open permits will be very limited.

### **VII. Batching**

A single applicant may batch multiple Small Wireless Facility Permit applications, regardless of whether the permits are for the same site. (See FCC Declaratory Ruling and Order 18-133, at paragraphs 114,115.) BDS will review the batch on a case-by-case basis to determine if the batch's applicable shot clock is reasonable, based on the number of applications, their complexity, the commonality of location and design, the number of sites involved, and other relevant factors.

### **VIII. Inspections**

#### **A. Extension**

BDS will not automatically extend the Expiration date for an open PWSF permit based upon having an approved inspection. See "Extensions" below for details on criteria and timing of Extensions. BDS will log completed inspections as "partial approvals" into its system to avoid automatic Extensions.

#### **B. Unfinalized Permits**

Whenever there is an unfinalized PWSF permit on a site, any wireless carrier representative may request that BDS conduct an inspection of the site to determine the status of the work under the unfinalized permit at the requestor's expense. BDS will conduct the inspection upon request and payment of the

inspection fee, which fee will be based on the latest BDS fee schedule as adopted by the Portland City Council. [See “Fee Paid Inspection,” #295.]

## **IX. LIFE OF PWSF PERMITS**

### **A. Permit Status Definitions**

See “Definitions” Section III above for definitions related to the status types and a description of the stages of the permitting process for PWSF permits.

### **B. Permit Timelines**

The following table outlines the status, the time within which the applicant must get the permit to the next stage, and the disposition if the deadline is not met. The main deadlines are:

#### **1. Application to Under Review.**

An applicant must meet the minimum submittal requirements and pay all intake fees within 48 hours from the date BDS sends the bill. If the intake fees are not paid within the 48 hours, the permit becomes Void. A Void permit may not be reactivated.

#### **2. Under Review to Issued.**

After minimal submittal requirements have been met and the intake fees are paid, the permit applications goes to Under Review status. The applicant has 180 calendar days to get the permit Issued. The applicant may request an Extension prior to the end of the 180 calendar days. If the applicant does not get the permit Issued within the 180 calendar days, plus any Extensions, the permit becomes Abandoned, then Void. Tolling of the shot clock does NOT stop the 180-day time within which the applicant must go from Under Review to Issued status. A Void permit may not be reactivated.

#### **3. Issued to Final.**

Once the permit is Issued, the applicant must get the permit to Final status within 180 calendar days from permit Issuance. Final status means that BDS has approved the final inspection for the project. The applicant may request an Extension prior to the end of the 180 calendar days. If the applicant does not get the permit Finalized within 180 calendar days, plus any Extensions, the permit becomes Expired, then Void. A Void permit may not be reactivated.

**Bureau of Development Services**  
**Personal Wireless Service Facility Permits**  
Page 15 of 21  
July 1, 2021

**TABLE 2 – LIFE OF PWSF PERMIT**

Status	Definition	Time for Required Action	Disposition
Application	Application submitted; no reviews have begun	Intake fees paid w/in 48 hours from bill	Fees not paid → Void
Under Review	Intake fees paid and minimal submittal requirements met; reviews begun	180 calendar days from Under Review to Issued; extension may be requested <i>before</i> Abandoned	Not Issued → Abandoned Abandoned → Void
Approved to Issue	Technical reviews complete, review and inspection fees not paid;	180 calendar days from Under Review to Issued; extension may be requested (?) <i>before</i> Abandoned	Not Issued → Abandoned Abandoned → Void
Abandoned	Application has not been issued in a timely manner.	180 calendar days from Under Review to Issued; extension may be requested <i>before</i> Abandoned	Abandoned → Void
Issued	All permit fees paid, reviews complete, contractor information provided, no inspections have been requested yet	180 calendar days from Issued to Final; extension may be requested <i>before</i> Expired	No Final → Expired Expired → Void
Under Inspection	Permit Issued and at least one inspection requested	180 calendar days from Issued to Final; extension may be requested <i>before</i> Expired	No Final → Expired Expired → Void
Final	Permit has received final inspection approval	None	Project complete
Expired	Permit Issued but not timely Final	180 calendar days from Issued to Final; extension may be requested <i>before</i> Expired	Expired → Void
Void	Application in Application status and fees not timely paid  Wrong permit application type  Permit in Issued status but not timely Final	None	Permit may not be reactivated; must submit new permit application
Cancelled	Permit discontinued at request of applicant	None	Permit may not be reactivated; must submit new permit application

**C. Scope of Work**

Changes to the scope of work while the application is Under Review are generally not acceptable for PWSF permits, but BDS will consider them on a case-by-case basis. BDS will consider granting changes to the scope of work based on whether the changes will have a structural impact, land use implications, or impact another carrier's work or proposed work. Changes to the scope of work will NOT extend the time the applicant has to get the permit to Issued status. If BDS decides not to grant the change, and the applicant wants to continue with the change, BDS will Void the permit, and the applicant must re-submit the permit application. Whether to grant the request to change the scope of work will be determined in the sole discretion of the Building Official or designee.

**D. Revisions**

A revision is defined as a change to a permit that is Issued or Under Inspection. A revision includes, but is not limited to, changes to the location of the structure on the site, changes to electrical systems, and changes to structural components of the structure. The supervisor of the responsible section, in consultation with the affected BDS sections and interagency partners, will determine if there has been a change in scope of work. Permit revisions will only be granted for the originally permitted work. If the scope of work has changed, a new permit must be obtained. Revisions are not subject to a shot clock.

**E. Extensions**

Extensions will only be granted if the permit has been pursued in good faith, as described in the criteria below, and only for the limited time the applicant requests based on a realistic estimate of the actual time it will take to get the permit either Issued or Final, as determined in the sole discretion of the Building Official or designee. If a permit application or Issued permit is approaching Abandonment or Expiration, the Abandonment or Expiration date may, in very limited circumstance described below, be extended by BDS prior to the Abandonment or Expiration. Upon approval of an Extension, the permit will remain in its current status (i.e., Under Review, Issued) for the duration of the Extension period granted by BDS.

Extensions must be requested within the 180 days of the permit reaching Under Review or Issued status. The decision to extend a permit will be based on the guidelines below and are solely at the discretion of the Building Official or designee.



**1. Extensions Prior to Permit Issuance**

No Extensions will be granted for permit applications that are Approved to Issue. For permit applications that are Under Review, Extension requests will only be granted if BDS finds the criteria below have been met. The decision to Extend the permit application is in the sole discretion of the Building Official or designee.

- a. There has been a response to at least one group of Checksheets within the 180 days since the permit went Under Review, the applicant has an articulable reason for the Extension, such as updated documents will be available in 10 days, and the applicant provides a time within which the applicant will submit final responses to all outstanding Checksheet items that is no more than approximately 30 days; or
- b. Delays are caused by pending land use reviews, appeals, or other special circumstances that prevent the applicant from getting the permit Issued.

Except when the delay is caused by one of the situations outlined in Paragraph b above, whenever BDS grants an Extension to a permit application prior to Issuance, the shot clock will be extended commensurate with the requested extension.

**2. Extensions After Permit Issuance**

A permit that is Issued or Under Inspection will NOT automatically be Extended each time it receives an approved inspection. Requests for Extensions of permits that are in Issued or Under Inspection status will only be granted if approved by BDS, as determined in the sole discretion of the Building Official or designee, based on the following criteria. These considerations are listed in no particular weighted order.

- a. Whether the permit has been pursued diligently since being Issued/Under Inspection. Evidence of diligence includes, but is not limited to, having started work on the project and responding to Correction Notices within 10 days.
- b. The ability to articulate an estimated time (no more than 90 days) when the applicant anticipates the permit will be finalized.

- c. If the permit is Issued or Under Inspection, and the applicant is waiting for equipment or contractors to be available, provided the time does not exceed 90 days from the date the permit is set to Expire.

### **3. Length of Permit Extension**

Extensions for a permit Under Review will typically be for no more than an additional 30 days from the scheduled Abandonment date. Extensions for Issued or Under Inspection permits will typically be no more than 90 days from the scheduled Expiration date. Permit applications in Application or Approved to Issue status are not eligible for an Extension.

### **4. Requesting a Permit Extension**

1. Extension requests must be submitted in writing.
  - a. To submit a written request for a permit that is Under Review, please email Permitting Services at [PermittingServices@portlandoregon.gov](mailto:PermittingServices@portlandoregon.gov). Permit Extension requests may also be submitted online at [the BDS website at portlandoregon.gov/bds](http://theBDSwebsiteatportlandoregon.gov/bds).
  - b. An extension request for permits that are Issued or Under Inspections may be submitted online at [the BDS website at portlandoregon.gov/bds](http://theBDSwebsiteatportlandoregon.gov/bds),
2. A written request for Extension will be reviewed by the appropriate section in BDS.
3. Approvals and denials of Extension requests will be in writing and sent to the requestor.
4. BDS may initiate and approve an Extension if the requirements of this Program Guide for Extensions are met.

## **F. Abandoned and Void Permits – Pre-Issuance**

Abandonment occurs to permits that do not reach Issued status within 180 days of the permit application being submitted and the fees being paid, plus any extensions.

### **1. Abandonment**

Permits in Under Review or Approved to Issue status shall be deemed Abandoned if no written requests for an Extension have been submitted and approved by BDS prior to Abandonment and:

- a. The permit is Under Review and the permit application does not reach Issued status within 180 days of the permit being Under Review; or
- b. The permit is Approved to Issue and the permit application does not reach Issued status within 180 days of the permit being Under Review.

**2. Void**

An application status becomes Void if:

- a. review fees are not paid within 24 hours of notice of fees;
- b. a permit application becomes Abandoned, BDS will Void the permit application; or
- c. the applicant submits the wrong application type (see Table 1 above for permit types).

**G. Expired and Void Permits – After Issuance**

**1. Expiration**

BDS will Expire permits that have reached the Issued status if they are not finalized within 180 days of Issuance if BDS has not approved an Extension prior to the date when the permit will Expire.

**2. Void**

If BDS has not granted an Extension prior to Expiration or if the Extension expires, BDS will Void the permit.

**H. Reactivation of Abandoned, Expired, or Void Permits**

BDS will NOT reactivate Abandoned or Void PWSF permits. BDS will only reactivate Expired PWSF permits in very limited circumstances at the sole discretion of the Building Official or designee. The following criteria apply to BDS' decision to Reactivate a permit:

1. Applicant must pay for an inspection to determine what work has been done, if any, in order to Reactivate
2. Applicant must pay for staff time to research and review the permit history
3. Applicant must pay Expiration/Reactivation fee;

**Bureau of Development Services**  
**Personal Wireless Service Facility Permits**  
**Page 20 of 21**  
**July 1, 2021**

- a. Applications Under Review or Approved to Issue will not receive a 30 day notification of Abandonment. At notification of intake fees, Abandonment date will be provided. It is the applicant's responsibility to ensure the permit is Issued within the 180 days.
  - b. Permits Issued or Under Inspection, the applicant gets 30 days' notice, charged ½ permit cost if permit gets Expired and has to be Reactivated.
4. If no work has started
    - a. BDS may deny the request to Reactivate the permit; and
    - b. Applicant must submit a new permit application
  5. If work has started
    - a. Applicant must provide date by which work will be complete
    - b. If the timeline to get permit Finaled is not met, BDS can Void the permit and send it to compliance if work started but not completed. Extenuating circumstances and complex situations will be addressed on a case-by-case basis.
  6. If the permit is about to Expire, BDS will send a courtesy notice. Applicant must respond in writing to request, or BDS will Expire the permit and, if applicable, send case to compliance for enforcement. BDS will copy the carrier on the notice.

**I. Notice of Abandonment**

The notification process of pending and completed Abandonment for all PWSF permits is described below.

1. Permit applicants will be notified in writing of the abandonment date during the intake fee notification process. The notification will contain instructions on how to request an Extension and will be sent to the permit applicant using the information in BDS' records. No other notice of Abandonment will be sent to the applicant; each applicant is responsible for tracking the 180-day permit timeline.
2. If there is no written request for an Extension received by BDS at least 30 days prior to the proposed Abandonment date, the permit will become Abandoned.

3. If the permit is not Extended as described above, BDS will Void the permit, and a new permit that is subject to current codes, current submittal requirements, and current fees will be required.

**J. Courtesy Notice of Expiration**

The courtesy notification process of pending and completed Expiration for all PWSF permits is described below. Approvals and denials of Extension requests will be in writing.

1. Permit applicants with an Issued permit will be notified within the 30 days prior to the proposed Expiration of any permit. The notice will contain instructions on how to request an Extension. The notification will be in writing and sent to the permit applicant using the information in BDS' records.
2. If there is no written request for extension from the applicant, the permit will become Expired 180 days from the date the permit went into Issued status.
3. If the permit is not Extended as described above, BDS will Void the permit, and a new permit will be required subject to current codes, current submittal requirements and current fees.