

CONCORDANCE TABLE
For Changes to Codified Provisions of Fairfax Municipal Code
Regarding Wireless Communications Facilities

Topic	Old Ch. 19.04 (procedures) and 19.08 (standards)	New Consolidated and Updated Ch. 19.04	New Consolidated 19 (Council First Reading Version)	Changes/Explanation
Purpose	19.04.010(A)(1)	19.04.010(A)	19.04.010(A)	<p>Old 19.04.010(A)(1) contained the following stated purposes that were not included in New 19.04.010(A):</p> <ul style="list-style-type: none"> to avoid visual impacts to the downtown, scenic corridors, residential and visually distinctive areas; to avoid impact to listed and candidate endangered species including habitats; and to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities and installation of antennas <p>These purposes were added to the end of the first sentence in New 19 (CFRV) 19.04.010(A).</p>
Purpose	19.04.010(A)(2)	19.04.010(A)	19.04.010(A)	No changes. Reference to “protect and promote public health, safety, community welfare and the aesthetic quality of Fairfax” is in New 19.04.010(A)(2).
Purpose	19.04.010(B)	19.04.010(B)	19.04.010(B)(1)-(5)	<p>Old 19.04.010(B)(1)-(5) contained the following required findings by the Town when considering action that were not included in New 19.04.010(B):</p> <ul style="list-style-type: none"> Protect the visual character of the town, its residential and visually distinctive areas and

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				<p>scenic corridors, from potential adverse effects of telecommunication facilities siting and their development;</p> <ul style="list-style-type: none"> • Protect the citizens of Fairfax from possible adverse health effects associated with exposure to high levels of non-ionizing electromagnetic radiation (NIER); • Protect the environmental resources of Fairfax; • Ensure that the broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the community; and • Streamline the process for obtaining necessary planning entitlements for telecommunication facilities while concurrently protecting the legitimate interests of the town's citizens. <p>In the urgency ordinance, these required findings were replaced by an updated findings provision. This new findings provision was inadvertently deleted when chapters 19 and 20 were consolidated. The new version of the findings have been restored. See New (CFRV) Section 19.04.120. Because the requirements in the new chapter are very detailed, the finding requiring that the facility comply with the chapter achieves the purposes of the old version of the findings.[In Chapter 20, the pre-submittal meetings provision only applied to EFRs. New 19.04 made this Section 19.04.120 and broadened it to address pre-</p>

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				<p>submittal appointments etc. for all applications. This provision has now been moved to New 19 (CFRV) 19.04.050(C).</p> <p>New 19.04.010(B) added a list of results not intended by the regulations. These unintended results remain in New 19 (CFRV) 19.04.010(B).]</p>
Applicability	19.04.020	19.04.030	19.04.030	<p>New 19.04.030(A)(1) makes regulations applicable to all facilities, notwithstanding the date approved.</p> <p>New 19.04.030(A)(1) also specifies that in the event a condition of approval conflicts with a provision of Title 19, the condition of approval shall control unless and until the permit is amended or revoked.</p> <p>New 19.04.030(B) specifies that the Fairfax Municipal Code provisions governing the installation of a public utility structure or facility shall not apply to wireless telecommunications facilities. Title 19 shall govern all applications for wireless telecommunications facilities.</p>
Definitions	19.04.030	19.04.020	19.04.020	<p>New 19.04.020 provides a single definition of “antenna,” with definitions for specific types of antennas that were listed in Old 19.04.030 removed. The new definition will capture any changes in technology whereas the old definition was more limiting.</p> <p>New 19 also did not include the following definitions:</p> <ul style="list-style-type: none"> • Building height • Direct Broadcast Satellite Service

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				<ul style="list-style-type: none"> • Equipment Building, Shelter or Cabinet • Inhabited Area • Listed Species • Lattice Tower • Monopole • NEIR • Public Service Use or Facility • Telecommunication Facility <p>In New 19 (CFRV), the definitions for NEIR, Shared-Location, Monopole, Listed Species, and Telecommunications Facility were added back to 19.04.020 because those terms are used in New 19 (CFRV). The remaining definitions from Old 19 were not added to New 19 (CFRV) because they are not used therein.</p>
Exceptions	19.04.040(A)	19.04.130(A)	19.04.130(A)-(C)	Old 19 to New 19: no changes. New 19 (CFRV) added San Anselmo's specific requirements as 19.04.130(A)-(C).
Exceptions – Receive-only radio or television antenna	19.04.040(B)(1)	19.04.020(AA)(2))	19.04.020(EE)(2)	<p>New 19.04.020(AA)(2) did not include the following exception requirements:</p> <ul style="list-style-type: none"> • Single ground- or building-mounted • For the sole use of the owner or tenant occupying a parcel on which the antenna is located • Antenna not to exceed 30 feet above grade and is subject to the allowable setbacks pursuant to Title

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<p>These requirements were added back in to the first and last sentence of New 19 (CFRV) 19.04.020(EF)(2).</p> <p>The reference to direct to home satellite dishes was not included in New 19 (CFRV) 19.04.020(EF)(2) to give direct to home satellite dishes their own set of requirements in New 19 (CFRV) 19.04.020(EF)(3). This change was made because such satellite dishes had their own requirements in Old 19.04.040(B)(3).</p>				
Exceptions – Amateur radio	19.04.040(B)(2)	19.04.020(AA)(1))	19.04.020(EF)(1)	<p>New 19 did not include the following requirements that were present in Old 19:</p> <ul style="list-style-type: none"> • Ground-, building- or tower-mounted antenna • Operated by a federally licensed amateur radio operator as part of the Amateur Radio Service • Height does not exceed 30 feet above grade and is subject to the allowable setbacks pursuant to Title 17 <p>These requirements were added back in to New 19 (CFRV) 19.04.020(EF)(1).</p>
Exceptions – Satellite dish antenna	19.04.040(B)(3)	19.04.020(AA)(2))	19.04.020(EF)(3)	<p>New 19 did not include the following requirements that were present in Old 19:</p> <ul style="list-style-type: none"> • Single ground-, pole- or building-mounted antenna • Receive-only • Not to exceed 48 inches in diameter (replaced with “less than one meter in diameter”) • For the sole use of the owner or tenant occupying a parcel on which the antenna is located

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				<ul style="list-style-type: none"> Antenna height not to exceed the height of the roof ridge of the host structure <p>Old 19.04.040(B)(3) was copied verbatim as New 19 (CFRV) 19.04.020(EF)(3).</p>
Exceptions – citizens band/amateur radio	19.04.040(B)(4)	19.04.020(AA)(1)	19.04.020(EF)(1)	Requirement that antenna be in existence at time of enactment of this chapter not included (still not part of New 19 (CFRV) 19.04.020(EF)(1)). Specific reference to citizen’s band radio also still not included.
Exceptions – public information coverage	19.04.040(B)(5)	19.04.020(AA)(6)	19.04.020(EF)(7)	No changes.
Exceptions – town government owned	19.04.040(B)(6)	19.04.020(AA)(4)	19.04.020(EF)(5)	New 19.04.020(AA)(4) exempted all facilities owned and operated by any government agency, while Old 19.04.040(B)(6) only applied to telemetry station antennas owned and operated by town government. New 19 (CFRV) 19.04.020(EF)(5) mirrors New 19.04.020(AA)(4) (i.e., Old 19’s provisions left out).
Planning commission approval required	19.04.050(A)	19.04.040(A)	19.04.040(A)	New 19.04.040(A) did not include references to hearings pursuant to § 17.008 and Chapter 17.052 noticing of public hearing of the town’s zoning regulations. Sets forth table of permits/zoning restrictions that may be applicable to applicants.
Planning commission approval required	19.04.050(B)	—	—	New 19.04.040(A) did not include requirement that applications be in conformance with Chapter 19.08, Standards and Criteria for Wireless Facilities. This requirement was not added back in as Chapter 19.08 is replaced by various sections of the New 19. See table

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				below.
Findings	19.04.060	N/A	[new]19.04.120	Findings section from new Chapter 20 was inadvertently not included in New 19. Restored language from Chapter 20. Old 19.04.010(B)(1)-(5) and 19.04.060 are replaced by the Chapter 20 language now reinserted as new 19.04.120. As noted above, because the requirements in the new chapter are very detailed, the finding requiring that the facility comply with the chapter achieves the purposes of the old version of the findings and requires the facility to meet all applicable requirements in the chapter. New 19.04, Section 19.04.120 is now part of 19.04.050 as noted above.
Building official determination of need for building permits	19.04.070	19.04.070(B)/ 19.04.040(A)	19.04.070(B)/ 19.04.040(A)	Provision from San Anselmo regarding conditional use permits added to 19.04.040(A) in New 19 (CFRV). Old 19.04.070 was removed from New 19, but New 19.04.070(B)(1) requires applicants to seek all permits required by federal/state/local public agencies. Also removed reference to “sole discretion of the Building Inspector” as to when a building permit is required. New 19.04.070(B) did not reference “building permit[s] issued pursuant to Title 15.” This reference was added back in in New 19 (CFRV) 19.04.070(B).
Timing	19.04.080	N/A	N/A	Removed due to uncertainty of legality of FCC shot clock rules.
Appeals	19.04.090	19.04.240	19.04.240(A), (B)	Old 19.04.090 only provided for appeals made by the public (Title 17). New 19.04.240 only provided specific procedures for appeals by applicants.

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				New 19 (CFRV) adds a subsection B to 19.04.240 for appeals made by the general public. This language was taken from San Anselmo.
Purpose	19.08.010	19.040.010(A)	19.040.010(A)	No substantive changes.
Application requirements	19.08.020(A)	19.04.050(A)	19.04.050(A)	No changes.
Application requirements	19.08.020(B)(1)	N/A	19.04.050(A)	New 19.04.050 did not include the provision allowing the Planning Director to waive application requirements when determined inapplicable based on project-specific factors. This provision is added back to New 19 (CFRV) as the second sentence of 19.04.050(A).
Application requirements	19.08.020(B)(1)(a)	19.04.050(A)(2)	19.04.050(A)(2)	No changes.
Application requirements	19.08.020(B)(1)(b)	19.04.050(A)(3)	19.04.050(A)(3)	No longer requires a list of facility sites, but instead a “detailed site and engineering plan.” Removed requirement that professional be “acceptable to the Planning Director.”
Application requirements	19.08.020(B)(1)(c)	19.04.050(A)(8)	19.04.050(A)(9)	No substantive changes.
Application requirements	19.08.020(B)(1)(d)	19.04.050(B)	19.04.050(B)	New 19.04.050(B) added more matters that may be reviewed by an independent consultant, but did not include the specific costs that will be borne by the applications (e.g., town’s overhead costs for staff time expended on administration of the consultant contract). New 19 (CFRV) 19.04.050(B) adds back the specific costs borne by applicant.

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Application requirements	19.08.020(B)(1)(e)	N/A	19.04.050(A)(3)	Old 19.08.020(B)(1)(e) required technical information be prepared by an appropriate qualified professional acceptable to the Planning Director. This requirement was added to New 19 (CFRV) as the last sentence of 19.04.050(A)(3).
Application requirements	19.08.020(B)(1)(f)	N/A	19.04.050(A)(13)	Old 19.08.020(B)(1)(f) required land use easements and restrictions. New 19 (CFRV) 19.04.050(A)(13) now requires land use easements and restrictions.
Application requirements	19.08.020(B)(1)(g)	N/A	19.04.050(A)(13)	Old 19.08.020(B)(1)(g) required a copy of the proposed site's title report. New 19 (CFRV) 19.04.050(A)(13) now requires the title report.
Standard agreements/Terms of permits	19.08.030(A)	19.04.100(8)	19.04.100(8)	No longer requires a "standard performance agreement" but instead lists a set of conditions of approval. New 19.04.110 contains new conditions of approval, and separate conditions for facilities in the right-of-way, while Old 19 did not distinguish between such facilities. Replaced requirement for providing a "financial security" with performance bond requirement in New 19.04.100(8).
Standard agreements/Terms of permits	19.08.030(B)	N/A	19.04.050(A)(7)	Old 19.08.030(B) permitted the Town to require the posting of a financial security to pay the cost for preparation of radio frequency reports evaluating the conformance of approved and operative facilities with applicable health standards adopted by the FCC. New 19 (CFRV) adds this provision back to the end of 19.04.050(A)(7).
Standard agreements/Terms of permits	19.08.030(C)	19.04.100(9)	19.04.100(9)	Old 19.08.030(C) provided that the town retains the right to participate in any claim, action or proceeding if the town bears its own attorney's fees and costs, and the town

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				defends the action in good faith. New 19 (CFRV) adds this provision back to the end of 19.04.100(9).
Permit duration	19.08.040(A)(1)	19.04.200(A), (B), (C)	19.04.200(A), (B), (C)	New 19 increased permit durations from 1 year to 10 years and allowed the Planning Commission to authorize a different permit term. This accords with state law adopted after Old 19, see Gov. Code 65964.
Permit duration	19.08.040(A)(2)	19.04.200(B)	19.04.200(B)	New 19 did not include the 30-day requirement. New 19 provides that applicants may apply for renewal no sooner than 12 months from expiration.
Permit duration	19.08.040(B)	19.04.200(B), (C)	19.04.200(B), (C)	Maximum renewal term increased from 3 years to 10 years. This accords with state law adopted after Old 19, see Gov. Code 65964.
Permit duration	19.08.040(C)	19.04.200(C)	19.04.200(C)	Additional studies and information may now be required of the applicant. The zoning administrator may now refer the renewal request to the Planning Commission if facility is nonconforming.
Permit duration	19.08.040(D)	N/A	19.04.200(D)	Old 19.08.040(D) provided that permits could not be renewed if the facility is not upgraded to mitigate certain impacts. New 19 (CFRV) adds this provision as the last sentence of 19.04.200(D).
Location of wireless facilities	19.08.050(A)	19.04.060(C)	19.04.060(C)	Old 19.08.050(A) listed preferred areas and listed requirements and stipulations for facilities not located in those areas. New 19.04.060(C) instead now provides an order of preference for configurations and location. Collocation with existing facilities now higher in order of preference than publicly-owned structures.
Location of wireless facilities	19.08.050(B)	N/A	N/A	Removed. No longer makes sense given that New 19 replaced “preferred sites” with an order of preference.

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Location of wireless facilities	19.08.050(C)	N/A	19.04.060(E)	Removed in New 19 but added to New 19 (CFRV) as 19.04.060(E).
Location of wireless facilities	19.08.050(D)	N/A	19.04.060(F)	Removed in New 19 but added to New 19 (CFRV) as 19.04.060(F).
Location of wireless facilities	19.08.050(E)	N/A	19.04.060(G)	Removed in New 19 but added to New 19 (CFRV) as 19.04.060(G).
Collocation/shared location	19.08.060(A)	19.04.010(E)	19.04.010(E)	New definition of “Collocation” incorporates the definition from the FCC’s rules. Definition of “Shared-Location” removed.
Collocation/shared location	19.08.060(B)(1)	N/A	19.04.060(I)	Old 19 contained additional standards for co-location of facilities. New 19 (CFRV) adds these standards back as 19.04.060(I).
Collocation/shared location	19.08.060(B)(2)	N/A	19.04.060(J)	Old 19 contained additional standards for co-location of facilities. New 19 (CFRV) adds these standards back as 19.04.060(J).
Collocation/shared location	19.08.060(B)(3)	N/A	19.04.060(K)	Old 19 contained additional standards for co-location of facilities. New 19 (CFRV) adds these standards back as 19.04.060(K).
Collocation/shared location	19.08.060(B)(4)	N/A	19.04.060(K)	Old 19 contained additional standards for co-location of facilities. New 19 (CFRV) adds these standards back as 19.04.060(K).
Radio frequency reports	19.08.070(A)	19.04.180(E)	19.04.180(E) and (I)	Old 19.08.070(A) stated that facilities “operating alone and in conjunction with other telecommunications facilities” shall not exceed FCC levels for RFR. New 19 did not contain “operating alone and in conjunction with other telecommunications facilities,” but this language was added to New 19 (CFRV) 19.04.180(E). Also added annual reporting requirement in (I).

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Radio frequency reports	19.08.070(B)	19.04.050(A)(6)	19.04.050(A)(7)	Old 19.08.070(B) required RFR reports to analyze the proposed facility “operating by itself and in combination with other existing or approved facilities which can be measured at the proposed facility site” and requires “measurements for RFR emissions be based on all proposed, approved and existing facilities operating at maximum power densities and frequencies.” New 19 (CFRV) incorporates both sets of language into 19.04.050(A)(7).
Radio frequency reports	19.08.070(C)	N/A	19.04.180(E)	Old 19.08.070(C) did not contain provision for post-construction RFR reports. New 19 (CFRV) adds this provision back as the last sentence to 19.04.180(E).
Lighting	19.08.080(A)	19.04.070(H)(1)	19.04.070(H)(1)	No changes.
Lighting	19.08.080(B)	19.04.070(H)(2)	19.04.070(H)(2)	No changes.
Lighting	19.08.080(C)	19.04.070(H)(3)	19.04.070(H)(3)	No changes.
Lighting	19.08.080(D)	N/A	19.04.050(A)(14)	Old 19.08.080(D) required applications to contain a detailed lighting plan. New 19 (CFRV) adds this requirement back as 19.04.050(A)(14).
Roads and accessways	19.08.090(A)	19.04.070(D)	19.04.070(D)	No changes.
Roads and accessways	19.08.090(B)	19.04.070(D)	19.04.070(D)	No changes.
Roads and accessways	19.08.090(C)	19.04.070(D)	19.04.070(D)	No changes.
Roads and accessways	19.08.090(D)	19.04.070(D)	19.04.070(D)	No changes.
Vegetation	19.08.100(A)	19.04.070(F)	19.04.070(F)	No changes.

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Vegetation	19.08.100(B)	N/A	19.04.070(F)(2)-(6)	Old 19.08.100(B) contained specific measures for vegetation protection and facility screening to be accomplished. These measures have been added to New 19.04070's broader policies as subsections (1) – (5).
Noise and traffic	19.08.110(A)	19.04.070(D); 19.04.080(B)	19.04.070(D); 19.04.080(B)	Added requirements for construction of new access roads or parking areas necessary for accessing facilities.
Noise and traffic	19.08.110(B)(1)	19.04.070(I)(3)	19.04.070(I)(4)	New 19.04.070(I)(3) increased noise limit to 50 dBA from 45 dBA at the facility's property line (40 dBA for facilities located w/in 500 feet of residence). Added noise attenuation device requirement for certain equipment. Removed time/day limits for testing and maintenance. Removed reference to Chapter 8.16 for noise exposure standards and reference to Chapter 17.056 for traffic impacts.
Noise and traffic	19.08.110(B)(2)	N/A	19.04.070(I)(2)	Old 19 restricted normal testing and maintenance activities. These same restrictions were added to New 19 (CFRV) as 19.04.070(I)(2).
Noise and traffic	19.08.110(B)(3)	19.04.070(I)(3)	19.04.070(I)(3)	Old 19.08.110(B)(3) provided that backup generators could only be operated during periods of power outages or "emergency occurrences." New 19.04.070(I)(3) did not include "emergency occurrences." "Emergency occurrences" added to New 19 (CFRV) 19.04.070(I)(3).
Noise and traffic	19.08.110(B)(4)	19.04.190	19.04.190; 19.04.140(I)(13)	Old 19.08.110(B)(3) provided that conditions of project approval shall specify a maximum number of trips on a

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				case-by-case basis based upon the carrier's maintenance and testing schedule. New 19 (CFRV) adds this provision as 19.04.140(I)(13).
Visual compatibility and facilities site design	19.08.120(A)	19.04.070(C)	19.04.070(C)	No changes.
Visual compatibility and facilities site design	19.08.120(B)(1)	N/A	19.04.050(A)(3)/ (A)(4)	Old 19.08.120(B)(1) required that applications contain a visual analysis. In New 19 (CFRV), the visual analysis requirement is an added requirement of the site plan, 19.04.050(A)(3). The specific requirements of the visual analysis from Old 19.08.120(B)(1)(a)-(b) are added to New 19 (CFRV) as 19.04.050(A)(4).
Visual compatibility and facilities site design	19.08.120(B)(2)	19.04.070(C)	19.04.070(C)(1)	No changes.
Visual compatibility and facilities site design	19.08.120(B)(3)	N/A	19.04.080(D)	Old 19.08.120(B)(3) contained standards for wall-mounted facilities. New 19 (CFRV) adds these standards back as 19.04.080(D).
Visual compatibility and facilities site design	19.08.120(B)(4)	19.04.080(C)	19.04.080(C)	Requirement only applies to facilities outside the right-of-way. Requirement for antennas and equipment to be as far back as possible from edge of roof added as second-to-last sentence of 19.04.080(C) in New 19 (CFRV). Parapet requirement added as fourth sentence of 19.04.080(C).
Visual compatibility and facilities site design	19.08.120(B)(5)	N/A	19.04.080(F)(3)	Old 19.08.120(B)(5)'s requirements for equipment for building-mounted antennas were not included from New 19. New 19 (CFRV) adds these requirements as 19.04.080(F)(3).
Visual compatibility and	19.08.120(B)(6)	N/A	19.04.070(C)(2)	Old 19.08.120(B)(6) contained requirements for space/hillside locations. New 19 (CFRV) adds these

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Topic	Old Ch. 19.04 (procedures) and 19.08 (standards)	New Consolidated and Updated Ch. 19.04	New Consolidated 19 (Council First Reading Version)	Changes/Explanation
facilities site design				requirements as last sentence of 19.04.070(C)(2).
Visual compatibility and facilities site design	19.08.120(B)(7)	N/A	19.04.070(C)(3)	Old 19.08.120(B)(7) contained requirements for historically/architecturally significant structures. New 19 (CFRV) adds these requirements as last sentence of 19.04.070(C)(3).
Visual compatibility and facilities site design	19.08.120(B)(8)	N/A	19.04.070(C)(4)	Old 19.08.120(B)(8) contained requirements for avoiding adverse impacts to existing views from surrounding residence. New 19 (CFRV) adds these requirements as last sentence of 19.04.070(C)(4).
Visual compatibility and facilities site design	19.08.120(B)(9)	19.04.070(G)	19.04.070(G)	No changes.
Visual compatibility and facilities site design	19.08.120(B)(10)	N/A	19.04.080(C)	Old 19.08.120(B)(10)'s requirements for avoiding visual clutter on rooftops were not included from New 19. New 19 (CFRV) adds these requirements as the last two sentences of 19.04.080(C).
Visual compatibility and facilities site design	19.08.120(B)(11)	N/A	19.04.050(A)(3)	Old 19.08.120(B)(11) contained requirement for demonstrating minimum height. New 19 (CFRV) adds this requirement as the third sentence of 19.04.050(A)(3).
Visual compatibility and facilities site design	19.08.120(B)(12)	N/A	19.04.070(F)(7)	Old 19.08.120(B)(12) contained requirements for painting antennas and structures. New 19 (CFRV) adds these requirements as 19.04.070(F)(7).

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