

**835 WIRELESS TELECOMMUNICATION FACILITIES**

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~~835.01~~ — ~~PURPOSE~~

- ~~A. This section is intended to bring this ordinance into compliance with the Federal Telecommunications Act of 1996;~~
- ~~B. Enhance the provision of communication services to county residents, businesses and visitors;~~
- ~~C. Protect the visual character of the county from the potential adverse effects of wireless communications facilities development;~~
- ~~D. Encourage collocation of facilities to minimize the number of new facilities; and~~
- ~~E. Ensure structural safety.~~

~~835.02~~ — ~~APPLICABILITY~~

~~All wireless telecommunication facilities are subject to the standards of this section, with the following exceptions:~~

- ~~A. Existing wireless telecommunication facilities. Collocation on existing wireless telecommunication facilities is subject to the provisions of this section;~~
- ~~B. Amateur (Ham) radio towers, citizen band transmitters and antennas;~~
- ~~C. Wireless telecommunication facilities located in the Exclusive Farm Use District when the wireless telecommunication tower is less than or equal to 200 feet tall; and~~
- ~~D. Towers located on lands wholly owned by any branch of the United States government.~~

835.01~~3~~ DEFINITIONS

The following definitions apply to Section 835:

~~A. Abandonment: Wireless telecommunication facilities will be considered abandoned when there has not been a carrier licensed or recognized by the Federal Communications Commission operating on the facility for a period of one year (365 consecutive days).~~

AB.        Antenna: A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omnidirectional antennas, such as whips antennas.

- BC. Collocation: The use of a single support structure by more than one wireless telecommunications provider.
- CD. Essential Public Communication Services: Police, fire, and other emergency communications networks.
- DE. Equipment Shelter: A structure that houses power lines, cable, connectors, and other equipment ancillary to the transmission and reception of telecommunications.
- EF. Existing Wireless Telecommunication Facility: A wireless telecommunications ~~facility tower, or other supporting structure, antenna and equipment structures~~ that received land use approval prior to March 14, 20023/14/02.
- F. Microcell: An antenna that is either not more than four feet in height and not more than 580 square inches or, if tubular, not more than six feet in height and not more than four inches in diameter; and with an associated equipment shelter that is not more than 48 square feet and can be mounted directly on an existing support structure.
- G. Support Structure: A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.
- H. Wireless Telecommunication Facility: An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices.
- Freestanding point-to-point microwave dishes, high-power television and FM transmission facilities, ~~and~~ AM facilities, amateur (Ham) radio antennas and towers, and citizen band transmitters and antennas are not wireless telecommunication facilities.
- I. Wireless Telecommunication Tower: A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless telecommunication towers include:
1. Lattice tower: A tower characterized by an open framework of lateral cross members ~~that~~which stabilize the tower; and
  2. Monopole: A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.
- J. Wireless Telecommunication Tower Height: The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base pad, mounting structures, and panel antennas, but not including lightning rods and whip antennas.

835.02 EXEMPTION

Except for essential public communication services in zoning districts listed in Subsections 1102.01(A) through (C), wireless telecommunication facilities are exempt from Section 1102, Design Review.

835.03 SUBMITTAL REQUIREMENTS

An application for a Type I permit for a wireless telecommunication facility shall include the submittal requirements identified in Subsection 1307.07(C). In addition to the submittal requirements identified in Subsections 1203.02 (for conditional uses only) and 1307.07(C), an application for a Type II or conditional use permit for a wireless telecommunication facility, or for an adjustment pursuant to Subsection 835.06, shall include:

- A. A site plan, drawn to scale, that includes:
  - 1. Existing and proposed improvements;
  - 2. Adjacent roads;
  - 3. Parking, circulation, and access;
  - 4. Areas of vegetation to be added, retained, replaced, or removed;
  - 5. Setbacks of all existing and proposed structures; and
  - 6. If an adjustment is proposed pursuant to Subsection 835.06, the distance from the proposed location of the wireless telecommunication tower to off-site structures that are closer to the proposed location than a distance equal to the height of the proposed tower.
- B. A vicinity map showing lots, land uses, zoning, and roadways within 500 feet of the proposed antenna site;
- C. Elevations showing antennas, wireless telecommunication towers, equipment shelters, area enclosure, and other improvements related to the proposed facility;
- D. For all new antennas, color simulations of the site after construction;
- E. A map of existing wireless telecommunication facilities within one mile of the subject property; and
- F. An alternatives analysis demonstrating compliance with Subsection 835.05(D)(1)(a).

835.04 USES PERMITTED

A. The types of wireless telecommunication facilities permitted in each zoning district are listed in Table 835-1, *Permitted Wireless Telecommunication Facilities*. Except for essential public communication services, wireless telecommunication facilities are classified as level one or two.

B. As used in Table 835-1:

1. “P” means the classification of wireless telecommunication facility is a primary use.
2. “C” means the classification of wireless telecommunication facility is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
3. “X” means the classification of wireless telecommunication facility is prohibited.
4. Numbers in superscript correspond to the note that follows Table 835-1.

C. Wireless telecommunication facilities are subject to the applicable provisions of Subsections 835.05 and 835.07, and an adjustment may be approved pursuant to Subsection 835.06.

**Table 835-1: Permitted Wireless Telecommunication Facilities**

<u>Use</u>	<u>FU-10, HR, MRR, and Zoning Districts Regulated by Section 315</u>	<u>AG/E, EFU, FF-10, NC, RA-1, RA-2, RR, RRF-5, TBR, and VCS</u>	<u>Commercial and Industrial Zoning Districts except NC, VCS, and SCMU</u>	<u>SCMU</u>	<u>Review Process pursuant to Section 1307</u>
<u>Essential Public Communication Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I<sup>1</sup></u>
<u>Level One Collocation</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I<sup>1</sup></u>
<u>Level One Microcell</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>Type II<sup>1</sup></u>
<u>Level One Placement on a Utility Pole</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Type I<sup>1</sup></u>
<u>Level Two Collocation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>Type II<sup>1</sup></u>
<u>Level Two Placement on a Utility Pole</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>Type II<sup>1</sup></u>
<u>Level Two Wireless Telecommunication Facilities not included in any other category</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>X</u>	<u>Type II if use is P<sup>1</sup>, Type III if use is C</u>

<sup>1</sup> If an adjustment is proposed pursuant to Subsection 835.06, the wireless telecommunication facility requires review as a Type III application pursuant to Section 1307, Procedures.

835.054 STANDARDS PRIMARY USES

A. Level One Collocation: A level one collocation of antennas on a previously approved wireless telecommunication facility; shall be subject to the following standards provided:

1. Collocation proposals involving an existing wireless telecommunication facility must have an approved and implemented landscaping plan that ~~complies in compliance~~ with Subsection ~~835.05(D)(5)835.08(G);~~
2. ~~There shall be n~~No increase in the height of the existing wireless telecommunication support structure ~~is proposed;~~
3. The proposed collocated antennas ~~shall be~~ no more than 20 feet higher than the existing support structure;
4. All ~~aspects of the~~ collocation improvements ~~shall must~~ be located within ~~at the~~ previously approved fenced (lease) area;
- ~~5. The collocation improvements must satisfy the development standards for the underlying zone;~~
- ~~6.5.~~The collocation ~~shall may~~ not involve the removal of any previously approved landscaping ~~or~~ buffering;
- ~~7.6.~~The collocation ~~shall does~~ not ~~include propose~~ the location of antennas on a wireless telecommunication tower ~~within any an urban residential~~ zoning district ~~regulated by Section 315, to include the Future Urbanizable or in the (FU-10) 10 Acre~~ District; ~~and~~
- ~~8. Collocations in commercial and industrial zones are not subject to Section 1102 (Design Review).~~

B. Level One Microcells: Level One microcells shall be subject to the following standards:

1. The antenna shall not extend more than 15 feet above the point of attachment.
2. Antennas and all associated equipment, including cables and equipment shelters, shall be screened from public rights-of-way and adjacent lots of record by placement behind a parapet or other architectural feature or shall be made of non-reflective material and painted to match the building materials of the support structure, whichever results in the antenna being less visible.

CB. Level One Placement on a Utility Pole: Level one placements of wireless telecommunication facilities on ~~Use of existing~~ utility poles (electric, cable, telephone, etc.); ~~within a public right of way, for the placement of wireless~~

~~telecommunication facilities, shall be subject to the following standards provided the following requirements are satisfied:~~

- ~~1. The wireless telecommunication facility shall be placed on an existing utility pole or, if it is necessary to replace the existing pole with a pole that is suitable for wireless telecommunication, the new pole shall be no taller than the pole that is being replaced.; and~~
- ~~2. The existing utility pole shall be within a public right-of-way, and, if the pole is to be replaced pursuant to Subsection 835.05(B)(1), the replacement pole shall remain within the public-right-of-way.~~
- ~~3. Any equipment shelters for the wireless telecommunication facility shall be consistent with Section 830, located on the utility pole and within the public right-of-way.~~

~~D. Level Two Placement on a Utility Pole: Level two placements of wireless telecommunication facilities on replacement utility poles (electric, cable, telephone, etc.) shall be subject to the following standards:~~

- ~~1. The height of the replacement utility pole shall not exceed the height of the pole being replaced by more than 20 feet.~~
- ~~2. The existing utility pole shall be within a public right-of-way, and the replacement pole shall remain within the public-right-of-way.~~

~~B. Essential Public Communication Services. When these facilities are proposed in commercial, industrial, or multifamily zoning districts, they are subject to Section 1102, Design Review.~~

~~835.05 — USES SUBJECT TO TYPE II REVIEW~~

~~A. Each of the following uses shall require review as a Type II application pursuant to Section 1307. These uses shall be subject to Subsections 835.08 and 835.09 and Section 1000. Uses authorized under Subsection 835.05(A)(1) are also subject to Subsection 835.07.~~

- ~~1. Wireless telecommunication facilities on lands located within commercial and industrial zoning districts, except the Neighborhood Commercial zone;~~
- ~~2. Collocation of facilities that exceed the limitations identified in Subsection 835.04(A). Collocations in commercial or industrial zones are not subject to Section 1102, Design Review; and~~
- ~~3. The use of a replacement utility pole (electric, cable, telephone, etc.), within a public right of way, for the placement of wireless telecommunication facilities when the height of the replacement pole exceeds the height of the pole being replaced by no more than 20 feet.~~

~~835.06 — CONDITIONAL USES~~

~~A. The following are conditional uses, approval of which is subject to Subsections 835.07, 835.08, and 835.09 and Sections 1000 and 1203:~~

~~1. Wireless telecommunication facilities proposed in the Village Community Service District or on sites with a Comprehensive Plan designation of Residential, Unincorporated Community Residential, Rural, or Forest; and~~

~~2. Wireless telecommunication facilities in the Exclusive Farm Use District that include a tower over 200 feet in height.~~

~~B. The applicant may be required to provide information about possible alternate locations on the tract. Placement of the tower in an alternate location on the tract may be required, if the alternate location would result in greater compliance with the criteria in Section 1203 than the proposed site. In order to avoid relocating the proposed facility, the applicant must demonstrate that the necessary service cannot reasonably be provided from the alternate location.~~

~~835.07 — COLLOCATION~~

~~D. Level Two Wireless Telecommunication Facilities: A level two wireless telecommunication facility (including a level 2 collocation or placement on a utility pole) shall be subject to the following standards:~~

~~1. New Towers: If a new wireless telecommunication tower is proposed:~~

~~a. No new tower will be permitted under the provisions of Subsections 835.05(A)(1) or 835.06 unless the applicant demonstrates that no existing tower or support structure can accommodate the applicant's proposed antenna. All proposals for new wireless telecommunication facilities must be accompanied by a statement from a qualified person that the necessary telecommunication service cannot be provided by collocation for one or more of the following reasons:~~

~~iA. No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area required to meet the applicant's engineering requirements;~~

~~iiB. Existing towers or support structures are not of sufficient height to meet the applicant's engineering requirements;~~

~~iiiC. Existing towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;~~



~~ivD.~~ The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing ~~tower or~~ support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or

~~vE.~~ The applicant demonstrates that there are other limiting factors that render existing ~~towers and~~ support structures unsuitable.

~~835.08 — CONDITIONAL STANDARDS~~

~~bA.~~ ~~If the tower is All wireless telecommunication towers proposed for location within inside the Portland Metropolitan area Urban Growth Boundary, it shall be a of monopole type construction.~~

~~cB.~~ ~~The All new wireless telecommunication towers shall be designed and built to accommodate collocation or additional loading. For the purposes of this provision, This means that the tower shall be designed specifically to accommodate no less than the following equipment, in addition to the applicant's proposed equipment:~~

~~i1.~~ Twelve antennas with a float plate wind-loading of not less than four square feet per antenna;

~~ii2.~~ A standard mounting structure, standoff arms, platform, or other similar structure designed to hold the antennas;

~~iii3.~~ Cable ports at the base and antenna levels of the tower; and

~~iv4.~~ Sufficient room within or on the tower for 12 runs of 7/8-inch<sup>2</sup> coaxial cable from the base of the tower to the antennas.

~~dC.~~ ~~The Wireless telecommunication towers shall be painted or coated in a manner that blends with the surrounding area. The finished coloring shall result in a non-reflective surface that makes the tower as visually unobtrusive as possible, unless state or federal regulations require different colors. Colors will be determined through the Design Review process.~~

~~e.~~ ~~If the proposed wireless telecommunication facility requires approval of a conditional use permit, placement of the tower in an alternate location on the tract may be required, if the alternate location would result in greater compliance with the criteria in Section 1203, Conditional Uses, than the proposed location. In order to avoid relocating the proposed tower, the applicant shall demonstrate that the necessary wireless telecommunication service cannot reasonably be provided from the alternate location.~~

~~2D.~~ ~~Equipment shelters shall be entirely enclosed. They Equipment shelters may be painted or coated with a finish that best suits the operational needs of the facility, including the ability to reflect heat and to resist accumulations of dirt.~~

~~Colors will be determined through the Design Review process. If, through the Design Review process, it is determined that there is a conflict between acceptable colors and the operational needs of the facility, Design Review may require the use of architectural screen panels may be required.~~

~~3E.~~ No lighting shall be permitted on a wireless telecommunication tower, except as required by state or federal regulations. If lighting is required, the light shall be shielded or deflected from the ground, public rights-of-way, and other lots/properties, to the extent practicable.

~~4F.~~ Unless the wireless telecommunication facility is located entirely on a utility pole, it shall be located within an area that is enclosed on all sides. The enclosure ~~shall~~must be a minimum of at least six feet tall and sight-~~obscuring~~.

~~5G.~~ Landscaping shall be placed outside of the enclosed area required pursuant to Subsection 835.05(D)(4) and shall ~~consist of the following:~~

~~1. A combination of landscaping materials that includes~~ ground cover, shrubs, and trees that are reflective of the natural surrounding vegetation in the area, ~~as determined through the Design Review process.;~~

~~2. Existing landscaping/vegetation may be used to satisfy the above requirements;~~

~~3. Through the Design Review process, applications shall be reviewed for consistency with Subsection 1009.08; and~~

~~4. However, if~~In cases where a portion of the wireless telecommunication facility is screened from points off-site by a building with a height of that is at least eight feet tall, ~~the landscaping is~~requirements of this subsection will not be required for the screened area. In addition, Subsection 1009.10 applies.

~~H. Applications reviewed under Subsections 835.05(A)(1) and (3) and 835.06 are subject to Section 1102, Design Review.~~

~~I. Equipment shelters shall be entirely enclosed. Equipment shelter exterior materials shall be those approved through the Design Review process.~~

~~6J.~~ Noise generated by the wireless telecommunication facility shall not exceed the maximum levels established by the ~~State of Oregon,~~ Department of Environmental Quality (DEQ). If lots/properties adjacent to the subject property ~~upon which the wireless telecommunication facility is proposed~~ have a lower DEQ noise standard than the subject property/proposed site, the lower standard shall be applicable.

~~K. Maintenance of the lease area is the responsibility of the owner/operator of the wireless telecommunication facility. The owner operator shall prevent the~~

~~facility from entering into a state of disrepair due to negligence, vandalism, natural hazard, or any other source. This requirement places the responsibility for maintenance on the owner/operator and is, otherwise, consistent with the requirements of Subsection 1102.06.~~

~~835.09 — DIMENSIONAL STANDARDS:~~

7. Dimensional Standards: Dimensional standards applicable to wireless telecommunication towers are listed in Table 835-2, *Dimensional Standards for Wireless Telecommunication Towers*.

Table 835-2: Dimensional Standards for Wireless Telecommunication Towers

<u>Zoning District</u>	<u>Maximum Height</u>	<u>Minimum Tower Separation</u>	<u>Minimum Front, Side, and Rear Setbacks</u>
<u>All zoning districts inside the Portland Metropolitan Urban Growth Boundary (UGB), HR, MRR, RR, and RTC</u>	<u>100 feet</u>	<u>1000 feet</u>	<u>The minimum setbacks generally applicable in the subject zoning district, or a distance equal to the height of the tower, whichever is greater</u>
<u>FF-10, RA-1, RA-2, RC, RI, and RRF-5, provided that the tower is outside the UGB</u>	<u>150 feet</u>	<u>2000 feet</u>	
<u>AG/F, EFU, and TBR, provided that the tower is outside the UGB</u>	<u>250 feet</u>	<u>2,640 feet</u>	

~~A. Lands within the Portland metropolitan area urban growth boundary and lands zoned HR, RR, MRR and RTC:~~

- ~~1. Wireless telecommunication tower maximum height: 100 feet.~~
- ~~2. Minimum tower separation: 1000 feet.~~
- ~~3. Setbacks: Must satisfy setbacks of the zone. Additionally, the wireless telecommunication tower shall be set back a distance not less than its height from all property lines.~~

~~B. Lands with a Comprehensive Plan designation of Unincorporated Community Residential, Rural Commercial, Rural Industrial, or Rural (except lands zoned RR):~~

- ~~1. Wireless telecommunication tower maximum height: 150 feet.~~
- ~~2. Minimum tower separation: 2000 feet.~~
- ~~3. Setbacks: Same as 835.09(A)(3).~~

~~C. Lands with a Comprehensive Plan designation of Forest or Agriculture:~~

- ~~1. Wireless telecommunication tower maximum height: 250 feet.~~
- ~~2. Minimum tower separation: 2640 feet.~~
- ~~3. Setbacks: Same as 835.09(A)(3).~~

#### ~~835.10 SUBMITTAL REQUIREMENTS~~

~~A. Uses authorized under Subsection 835.04:~~

- ~~1. Building permit application accompanied by information demonstrating compliance with Subsections 835.04(A)(1) through (6) or (B)(1) and (2).~~

~~B. Uses reviewed under Subsection 835.05:~~

- ~~1. The submittal requirements identified in Subsection 1307.07(C);~~
- ~~2. A site plan, drawn to scale, that includes:
  - ~~a. existing and proposed improvements;~~
  - ~~b. adjacent roads;~~
  - ~~c. parking, circulation and access;~~
  - ~~d. areas of existing and proposed vegetation to be added, retained, replaced, or removed; and~~
  - ~~e. setbacks from property lines of all existing and proposed structures. If an adjustment is requested, the plan must identify the distance from the wireless telecommunication tower to dwellings and other structures off-site that are within a distance not less than the height of the tower from the proposed location of the tower.~~~~

~~Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this submittal requirement;~~

- ~~3. A vicinity map showing adjacent properties, land uses, zoning and roadways within 500 feet of the proposed antenna site;~~
  - ~~4. Elevations showing antennas, towers, equipment shelters, area enclosure and other improvements related to the facility;~~
  - ~~5. Color simulations of the site after construction of the antenna for all new antennas;~~
  - ~~6. An accurate graphic (map) inventory of existing wireless telecommunication facilities within one mile of the property under consideration; and~~
  - ~~7. An alternatives analysis demonstrating compliance with Subsection 835.07.~~
- ~~C. Uses subject to review under Subsection 835.06:~~
- ~~1. Requirements listed under Subsections 835.10(B)(1) through (7); and~~
  - ~~2. Requirements listed in Subsection 1203.03.~~

835.~~0611~~ ADJUSTMENTS

~~A.~~ Adjustments to the standards of ~~this S~~section 835 may be granted under either of the following circumstances:

~~A1.~~ A gap in the applicant's service exists, and that gap can only be alleviated through the adjustment of one or more of the standards of this section. If an adjustment is to be approved, the applicant must demonstrate the following:

- ~~1a.~~ A gap in coverage or capacity exists in the wireless telecommunication provider's service network that results in network users being regularly unable to connect, or maintain connection, with the provider's network, ~~or maintain connection;~~
- ~~2b.~~ The proposed wireless telecommunication facility will fill the existing service gap. ~~The gap would be Ffilled~~ meansif the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and
- ~~3e.~~ The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment ~~under this subsection.~~

~~B2.~~ The proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding lots~~properties~~. ~~For the purposes of this subsection, S~~site characteristics ~~shall~~ include, but need not be limited to, those identified in Subsection 1203.03(B)~~1203.01(B)~~. ~~Applicants for~~

~~an adjustment under this provision must demonstrate that~~ The adjustment must will result in a lower level of impact on surrounding lots~~properties~~ than would ~~result be generated~~ if the standard were not adjusted. In considering the requested adjustment, the following may be considered:

1a. Visual impacts;

2b. Impacts on view;

3e. Impacts on property values; and

4d. Other impacts that can be mitigated by an adjustment so that greater compliance with Subsection 1203.03(D)~~1203.04(D)~~ occurs.

~~B. Requests for adjustment under this subsection shall be considered part of the application to establish a wireless telecommunication facility, not a separate application. All applications that propose an adjustment shall be processed as Type III applications pursuant to Section 1307.~~

#### 835.07+2 ABANDONMENT

A. Wireless telecommunication facilities will be considered abandoned when there has not been a provider licensed or recognized by the Federal Communications Commission operating on the facility for a period of 365 consecutive days.

Determination of abandonment will be made by the Planning Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna use.

B. Upon determination of abandonment, the facility owner shall have 60 calendar days to:

1. ~~Reuse the facility or transfer the facility to another owner who will reuse it within 60 calendar days of the determination of abandonment.~~

2. ~~Remove the facility.~~

C. If the facility is not reused within 60 calendar days of the determination of abandonment, county authorization for the use shall expire. Once authorization for the use has expired, the facility operator shall remove the facility from the property within 90 calendar days. If the facility operator does not remove the facility within 90 calendar days, the county may remove the facility at the expense of the facility operator, or, in the alternative, at the property owner's expense.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14]