



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

3/12/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 25, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> N

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Keizer Local file number: TA2009-09

Date of Adoption: 3/1/2010 Date Mailed: 3/4/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 8/27/2009

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Text amendment to Section 2.427 (Wireless Telecommunication Facilities) of the Keizer Development Code that will update the standards used for siting wireless telecommunication facilities within the city limits.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: na to: na

Zone Map Changed from: na to: na

Location: na Acres Involved: na

Specify Density: Previous: na New: na

Applicable Statewide Planning Goals: na

Was and Exception Adopted? YES NO

DLCD File No.: 002-09 (17802) [16030]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

none

Local Contact: Sam Litke, Senior Planner Phone: (503) 856-3442 Extension: _____

Address: 390 Chemawa Rd. City: Keizer

Zip Code + 4: 97307- Email Address: litkes@keizer.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 578

A BILL

ORDINANCE NO.

2010- 599

3 FOR

4
5 AN ORDINANCE

6
7
8 AMENDING KEIZER DEVELOPMENT CODE
9 REGARDING SECTION 2.427 (WIRELESS
10 TELECOMMUNICATION SYSTEMS); AMENDING
11 ORDINANCE 98-389
12

13 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
14 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

15 WHEREAS, the City Council has held a hearing on this matter and considered the
16 testimony given and the recommendation of the Keizer Planning Commission; and

17 WHEREAS, the Keizer City Council has determined that it is necessary and
18 appropriate to amend the Keizer Development Code as set forth herein; and

19 WHEREAS, the Keizer City Council has determined that such amendments meet
20 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
21 Development Code;

22 NOW, THEREFORE,

23 The City of Keizer ordains as follows:

24 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
25 Exhibit "A" attached hereto and by this reference incorporated herein.

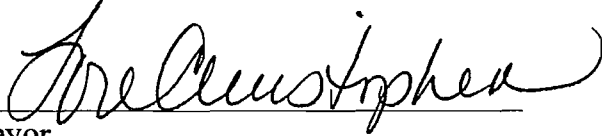
1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
3 of the amended Section 2.427 (Wireless Telecommunication Systems) as set forth in
4 Exhibit "B" attached hereto, and by this reference incorporated herein. The current
5 Section 2.427 is hereby deleted.

6 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
7 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
8 is denied acknowledgment by any court or board of competent jurisdiction, including,
9 but not limited to the Land Use Board of Appeals, the Land Conservation and
10 Development Commission and the Department of Land Conservation and Development,
11 then such portion shall be deemed a separate, distinct, and independent provision and
12 such holding shall not affect the validity of the remaining portions hereof.

13 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
14 after its passage.

15 PASSED this 1st day of March, 2010.

16 SIGNED this 1st day of March, 2010.

17
18 
19 _____
20 Mayor

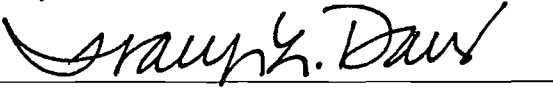
21 
22 _____
23 City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.427, Wireless Telecommunications Systems)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.

- a. The Wireless Telecommunication Systems section of the Keizer Development Code contains the requirements used for the siting of new cellular communication facilities.
- b. The particulars of this case are found within planning file Text Amendment 2009-09. Public hearings were held before the Planning Commission on October 14, 2009, and November 17, 2009, and also before the City Council on January 19, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council unanimously directed staff to prepare findings and an ordinance to adopt the proposed text amendment.

2. Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.

3. Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -

Findings: The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. This section of the Development Code was last reviewed in 1998. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. The code requirements governing WTS (cell towers) have proven to be difficult to understand by both staff and the public. This revision is an attempt to rectify this problem. Therefore, the proposed code revision complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

FINDINGS: The proposed text amendment complies with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the KeizerTimes. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on October 14, 2009, and November 17, 2009, and also before the City Council on January 19, 2010. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone located in the northwest portion of the city near the city’s urban growth boundary that is designated to allow for commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. The amendment governing WTS facilities does not impact any properties that are designated to allow for agricultural uses. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. The amendment to Section 2.427 of the Keizer Development Code does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations or the lawful use of any properties that are within this overlay zone. Therefore, the amendment to the WTS code regulations will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. In the case of WTS facilities they are providing cellular communication linkage and do not produce any effluent, smoke, odors, or other forms of pollution that may degrade environmental attributes. The revision to the city's zone code regarding WTS regulations will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains. WTS facilities will be required to obtain building permits which will include an engineering study which would include information relating to soils and ground. The revision to the zone code will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendment to the WTS regulations will have no impact on the recreational activities or uses within the city. Therefore, this goal and any related rules are not applicable.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. The proposed amendment to the city's WTS regulations does not reflect new requirements of developments since the revision will not create new code requirements but rather will clarify the existing code requirements. In addition, the existence of WTS facilities can be argued to have a net positive impact on the local economy since it results in more efficient communication

links which result in faster exchange of goods and services. Therefore, the proposal is consistent with this goal.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. WTS facilities by their design are intended to provide cellular communication service and will not have any residential component to them. The proposed amendment to Section 2.427 will have no impact on either this goal or on any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has an established street system, administrative and police and public safety is also provided by the city. WTS facilities are located to provide communication service where it is lacking or to enhance existing communication service. While they are not typically considered as public facilities they do none the less provide a needed public service. Communication service has become an integral facet of the fabric of modern society and is used by all members of the community, from the general public to public safety personnel. It has not been the city's experience that any of the existing WTS facilities require any connection to water or sanitary sewer service. Their impacts on the city street system, administrative and police service have been almost nonexistent. The proposed amendment to Section 2.427 will not impact the city's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. The revisions to the WTS provisions within the Keizer Development Code will have no impact on the city's street system. WTS facilities normally are constructed to operate automatically and do not require any manual operation by any staff. After construction it can be expected that only routine maintenance will be necessary. Since they are constructed to provide communication linkages with other parts of the global communication system they do not have any patrons coming to the site. This means that their impacts on the city's transportation systems are virtually nonexistent. The revision to Section 2.427 will have no impact any of the city's public transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed zone code revision on the WTS regulations will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to Section 2.427 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.
- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed amendment is intended in part to correct several identified errors within the existing Wireless Telecommunications System regulations. The intent of the text amendment is to resolve a number of ambiguities within this section and to clarify code requirements. Significant changes from the existing code to the proposed code are:

- Reduce the number of redundant definitions and verbiage.
- Reducing the number of site categories from 3 to 2.
- Eliminate the RS zone district from being a potential site for a cell tower.
- Create standards for when a WTS is proposed to be located within a right of way. Currently, this is allowed however there are no standards. The proposed standards require that the existing utility or light pole be used, or a new pole can be added provided that it appears as if it is an integral part of the utility system and that it is no higher than 25 feet above the existing poles.

- Specify that abandoned towers will be considered a nuisance subject to enforcement.
- Streamline and clarify the submittal requirements and create new conditional use criteria that are specific to the issues relating to a WTS application.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to Section 2.427 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

2.427 WIRELESS TELECOMMUNICATION SYSTEMS

2.427.01 PURPOSE:

The purpose of this Section is to provide siting standards and review processes for Wireless Telecommunications Systems (WTS) facilities locating within Keizer. These regulations are designed to do the following: (5/98)

1. Regulate the placement, appearance and number of WTS facilities. (5/98)
2. Ensure that the citizens of Keizer will have access to a variety of WTS facilities and providers. (5/98)
3. Reduce the visual impact of certain WTS facilities by requiring collocation if feasible.
4. Implement the applicable provisions of the Telecommunications Act of 1996.

2.427.02 DEFINITIONS

1. **ACCEPTABLE SITE.** For proposed of siting WTS facilities, any land zoned Commercial General (CG), Commercial Mixed Use (CM), Commercial Office (CO) Public (P), General industrial (IG), or Industrial Agricultural (IA), Industrial Business Park (IBP), Employment general (EG) Exclusive Farm Use (EFU) is defined as an Acceptable Site. (5/98)
2. **ANTENNA.** The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment. (5/98)
3. **CELL.** A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located. (5/98)
4. **COLLOCATION.** Two or more WTS providers utilizing a structure including equipment shelters. (5/98)
5. **CONDITIONALLY SUITABLE SITE.** For purposes of siting WTS facilities, any land zoned, Residential Limited Density (RL), Residential Medium Density (RM), Residential High Density (RH), Mixed Use (MU), Urban Transition (UT). (5/98)

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6. **EQUIPMENT SHELTERS.** For purposes of siting WTS facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals. (5/98)
 7. **FCC.** The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (5/98)
 8. **LATTICE TOWER.** A WTS structure which consists of metal crossed strips or bars which supports antennas and related equipment. (5/98)
 9. **MONOPOLE.** For purposes of siting WTS facilities, a WTS support structure which consists of a single tapered steel pole which supports antennas and related equipment. (5/98)
 10. **WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS).** The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/ specialized mobile radio, and commercial paging services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment. (5/98)
- 2.427.03 **SITING AND REVIEW PROCESS FOR WTS FACILITIES.** The siting and review process for WTS facilities is based on the type of facility and its proposed location in an Acceptable Site or Conditionally Suitable Site. The development review process shall be as specified in Section 2.427.04 or Section 2.427.05. (5/98)
- 2.427.04 **Acceptable Sites.** Acceptable sites are Industrial General (IG), Agricultural Industrial (AI), Commercial General (CG), Industrial Business Park (IBP), Commercial Mixed Use (CM), Commercial Office (CO), Exclusive Farm Use (EFU), General Employment (EG) and Public (P) zoning districts. Collocation proposals on WTS structures existing as of February 1, 2010 regardless of the underlying zone is considered to be an acceptable site. The applicant shall be responsible for obtaining all necessary building and electrical permits. (5/98)
- 2.427.05 **Conditionally Suitable Sites.** Conditionally Suitable Sites are RH, RL, RM, MU, or UT zone districts and will require that a conditional use permit is obtained. Location in RS zone districts will only be considered if required under federal or state law. The Zoning Administrator shall review for compliance with the requirements in Sections 2.427.07 and 2.427.08. The applicant shall be responsible for obtaining all necessary building and electrical permits. In addition to the listed sites above the following also shall require conditional use approval regardless of zone district:

1. All proposed WTS facilities in the Willamette River Greenway Overlay District. (5/98)
2. All proposed WTS facilities located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has capacity available. (5/98)
3. All proposed WTS facilities located within a public right of way. (5/98)
4. Existing water towers.

2.427.06 Prohibited WTS facilities. The following WTS facilities are not permitted:

1. Any WTS facility in the public right of way that restricts access to adjoining property, or use of the sidewalk, or that constitutes a vision clearance violation. (5/98)
2. Any WTS facility taller than 150 feet above finished grade at the base of the tower. (5/98)
3. Lattice towers in any zoning district.

2.427.07 Standards for siting WTS facilities shall be as follows. (5/98)

1. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements. (5/98)
2. All WTS facilities including electronic equipment shall be screened by a 6 foot high sight obscuring fence, wall, or hedge. If a fence or wall is provided it shall be landscaped around the perimeter of the fencing. All lighting shall be deflected away from adjoining properties with the exception of lighting which is required by the FAA. (5/98)
3. Any WTS facility shall receive FCC approval.
4. All WTS facilities shall provide a minimum of one off-street parking space or a parking plan may be provided that can show how maintenance vehicles will be accommodated.
5. All equipment cabinets, boxes, etc shall be painted consistent with the color requirements in Section 2.315.
6. All WTS facilities located within a public right of way shall adhere to the following:

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- a. Use an existing utility or light pole. If it is not possible to use an existing utility or light pole, a new pole may be provided so long as it is connected to the existing utility pole system so that it appears to be an integral part of that utility system and does not jeopardize the integrity of the pole. In no case may either a new pole or an extension to an existing utility pole be 25 feet higher than the existing utility poles or 10 feet higher than a light pole.
 - b. A franchise agreement and/or other regulation with the city shall be required prior to the operation of any WTS within the city's right of way.
 - c. Where a WTS is proposed in the city's right of way where utilities are located underground no new utility poles are permitted.
 - d. Equipment cabinets associated with the operation of a WTS facility may not be placed within the right of way. They shall be placed on private property subject to private property owner's permission and shall comply with the fencing requirements in Section 2.309 and accessory structure requirements in Section 2.313 for determining setback requirements.
7. For a WTS facility abutting residential zoning districts the setback from the property line shall be determined by calculating the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet then the setback is 25 feet). In no case shall the setback be less than 25 feet. (5/98)
 8. For a WTS facility abutting non-residential property lines the setback shall determined by calculating $\frac{1}{2}$ the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet then the setback is 12.5 feet). (5/98)
 9. A WTS facility that is abandoned shall be removed within 90 days of abandonment. Failure to remove an abandoned WTS within this timeframe is hereby declared a nuisance, and shall be subject to abatement under the provisions of local and state law.
 10. Proposed WTS on existing water towers shall be designed so as to be unobtrusive and to minimally extend above the height of the tower.
 11. Collocation is required where feasible pursuant to generally accepted engineering practices. Collocation shall not be considered infeasible due solely to cost.
 12. WTS shall not create or emanate noise which can be heard on any abutting or adjacent property.

- 2.427.08 Submittal requirements for WTS facilities shall be as follows. (5/98)
1. WTS facilities on Acceptable Sites as outlined in Section 2.427.04 shall submit the following information with the application for building and electrical permits. The Zoning Administrator shall review for compliance with the requirements in Sections 2.427.07 and Section 2.427.08. (5/98)
 - a. A copy of that portion of the lease agreement with the property owner, including collocation provisions (where applicable), (5/98)
 - b. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable). (5/98)
 - c. A map of the city showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include all other facilities owned or operated by the applicant within the City, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site. (5/98)
 - d. A technical analysis/report of the recommended site location area for the proposed facility indicating that the RF emissions at grade, or at nearest habitable space when attached to an existing structure comply with FCC rules for such emission; the cumulative RF emissions if collated. Provide the RF range in Megahertz and the wattage output of the equipment.
 - e. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas intended to screen the WTS facility. (5/98)
 - f. Photosimulation of the proposed WTS facility from a variety of vantage points. (5/98)
 2. WTS providers on a Conditional Suitable Site, or those listed in Section 2.427.05, in addition to the Items required in Subsection 2.427.07 and .08 shall submit a conditional use permit application pursuant to the requirements in Section 3.103. However, in place of the review criteria in Section 3.103.03 the following criteria shall be used: (5/98)
 - a. Proposed use is listed as either a conditional use or a special use in the underlying zone.

COMPLETE REPLACEMENT OF EXISTING CODE

Version #6 Planning Commission recommendation to City Council

- b. A technical statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.) and why it must be constructed at the proposed height. Locations adjacent to arterials are preferred.
- c. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- d. The proposed use will not alter the character or aesthetics of the surrounding area.
- e. The proposed use will not limit, impair, or preclude the use of surrounding properties

The Zoning Administrator, or appellant body, shall use the preceding criteria to evaluate the proposal. The Zoning Administrator, or appellant body, shall not grant approval of the request unless each of the criteria has been met. Conditions may be placed pursuant to Section 3.103.
(5/98)

- 2.427.09 Failure to comply with the standards, provisions and conditions of this Section, and any other applicable Section of this Code, may be enforced through the Civil Infractions Ordinance. (5/98)
- 2.427.10 Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from the WTS facilities siting and review provisions of the Code, but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located. (5/98)

CITY OF KEIZER
COMMUNITY DEVELOPMENT
P.O. BOX 21000
KEIZER, OR 97307-1000

D L C D

635 CAPITAL ST NE

SUITE 150

SALEM, OR 97301

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