



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: October 21, 2015
Jurisdiction: City of Gladstone
Local file no.: ZBEH-TA-2015-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
001-15
File No.: {23915}
Received: 10/20/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Gladstone

Local file no.: **ZBEH-TA-2015-01**

Date of adoption: 10/13/15

Date sent: 10/21/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/20/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

NO

Local contact (name and title): David F. Doughman, City Attorney

Phone: 503-226-7191

E-mail: david@gov-law.com

Street address: 1750 SW Harbor Way, Suite 380

City: Portland

Zip: 97201-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|------------------------|----|--------|--|
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Title 17, Chapter 61

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Gladstone

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

None

ORDINANCE NO. 1459

AN ORDINANCE AMENDING TITLE 17 OF THE GLADSTONE MUNICIPAL CODE
TO REPEAL CHAPTER 17.61 AND ADOPT A NEW CHAPTER 17.61

THE CITY OF GLADSTONE ORDAINS AS FOLLOWS:

Section 1. Chapter 17.61 (Wireless telecommunication Facility) of the Gladstone Municipal Code is repealed in its entirety and replaced with the following:

Chapter 17.61 WIRELESS COMMUNICATIONS FACILITIES

17.61.010. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained, and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (1) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (2) The careful consideration of the topography, natural features, and historical significance in potential wireless communications facility sites;
- (3) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (4) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (5) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities;
- (6) The provision of wireless communication services through facilities with minimal visual impact.

17.61.020. Definitions. Unless the context specifically requires, as used in this Chapter, the following terms mean:

- (1) Amateur radio. The licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license granted from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
- (2) Antenna. Any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omnidirectional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.
- (3) Array. A grouping of two or more antennas on a single support structure, support tower, or utility structure.

- (4) Auxiliary support equipment. All equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.
- (5) Base station. Radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.
- (6) Capacity. The ability of the wireless communications network to process existing wireless service demands.
- (7) Collocation. The mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (8) Existing facility. A wireless communication facility that was lawfully in place at the time a complete application is submitted.
- (9) Guy pole. A pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.
- (10) High voltage transmission lines. Either power lines with capacity for transmitting electricity of 33,000 volts or greater, or a skipped pole between high voltage transmission lines.
- (11) Lattice tower. A support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.
- (12) Monopole. A support tower which consists of a single pole sunk into the ground and/or attached to a foundation.
- (13) Original structure. A lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.
- (14) Owner. The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.
- (15) Replacement structure. A utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy, or support poles in the rights-of-way or on private property.
- (16) Residential building. A building used for household living or group living, regardless of zone. For the purposes of this definition:
- (a) Residential building includes a mixed use building;
 - (b) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
 - (c) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling

is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

(17) Right-of-way. The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

(18) Screening. To obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(19) Siting. The location, construction, collocation, modification, or installation of a wireless communications facility.

(20) Skipped pole.

(a) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or

(b) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(21) Substantially change the physical dimensions.

(a) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%. The mounting of the proposed antenna may exceed this 10% limitation only as necessary to avoid interference with existing antennas; or

(b) The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(c) The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(d) The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.

(22) Support structure. A building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(23) Support tower. A freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers. To the greatest extent possible, support towers must be non-reflective and must be

painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(24) Temporary wireless communications facility. Any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(25) Utility structure. Any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(26) Wireless communications. Any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(27) Wireless communications facility. Any un-staffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

17.61.030. General Rule; Collocation and Siting Priority.

(1) Siting Permit Required.

(a) Except as provided in paragraph (b) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(b) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) All devices and associated equipment that do not require a license from the Federal Communications Commission.

(C) Ordinary maintenance or repair of a wireless communications facility.

(D) Modification of an existing support tower or base station for the collocation of or attachment of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to 47 U.S.C. § 1455, and notwithstanding any provision of this Chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station, that the applicant requesting a modification or expansion of a support tower or base station establishes by substantial evidence that the requested separation between antennas is the minimum necessary to avoid interference, and, to the extent

feasible, that the additional equipment or modified equipment shall maintain the appearance and design of the original facility, including, but not limited to, color, screening, landscaping, stealth or camouflage design, mounting configuration, and architectural treatment. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this Chapter.

(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(2) Collocation Required. All wireless communications facilities located within right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same structure or jeopardize the physical integrity of the structure upon which collocation will be made, consent cannot be obtained for the collocation on a structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

(3) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(a) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure with existing antenna or antenna arrays owned, operated or managed by at least two different owners;

(b) Second priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure with either no existing antenna or antenna arrays or no more than one existing antenna or antenna arrays;

(c) Third priority: replacement of a utility structure for the purpose of attachment of an antenna or antenna array;

(d) Fourth priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(e) Fifth priority: construction of a new support tower.

17.61.040. Wireless Communications Facility Siting Permits.

(1) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(2) Classes. There are three classes of wireless communications facilities siting permits.

(a) A Class 1 Permit is a permit for a first or second priority siting.

(b) A Class 2 Permit is a permit for a third priority siting.

(c) A Class 3 Permit is a permit for a fourth priority siting or fifth priority siting.

(3) Procedure Type.

(a) Class 1 Permit. Review of an application for a Class 1 Permit is subject to the Type I city administrator procedure under GMC Chapter 17.94. It is ministerial in nature and is not subject to the notice provisions of 17.94.050(3).

(b) Class 2 Permit. Review of an application for a Class 2 Permit is subject to the

Type II city administrator procedure under GMC Chapter 17.94.

(c) **Class 3 Permit.** Review of an application for a Class 3 Permit is subject to the Type III planning commission procedure under GMC Chapter 17.94.

(4) Submittal Requirements.

(a) **All Applications.** In addition to the application submittal requirements required by GMC Title 17, Division VII, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 17.61.030(3), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in GMC Chapter 8.12, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(b) **Class 1 Applications.** In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by 17.61.030(3). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(c) **Class 2 Applications.** In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate attachment on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by 17.61.030(3). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(E) Color simulations of the wireless communications facility after construction.

(d) **Class 3 Applications.** In addition to the submittal requirements under paragraph (a) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future attached or collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure, or by attachment on a replacement utility structure for one or more of the following reasons:

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 17.61.050(3).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements

are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 17.61.090(5), the graphic simulation shall include the proposed design. To the greatest extent possible, support towers must be non-reflective and must be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(G) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(5) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(a) For Class 1 Applications:

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(b) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

(c) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design, and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower:

- (i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.
- (ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage; and
- (iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

17.61.050. Siting Standards.

(1) **Class 1.** The attachment or collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(a) **Outside Right-of-Way.**

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new support tower, utility structure, or support structure.

(b) **Inside Right-of-Way.**

(A) All wireless communications facilities located within right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited within right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use.

- (i) First priority: freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(2) **Class 2.** The replacement of a utility structure shall comply with the following siting standards:

(a) **Inside Right-of-Way.**

(A) All wireless communications facilities located within right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited within right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use.

- (i) First priority: freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(3) **Class 3.** The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(a) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting

the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support tower and future attached or collocated facilities on the proposed tower.

(b) New support towers may not be sited within the C1 zones; in a historic district; or on property that has been designated as a historic resource under federal, state, or local law.

(c) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(d) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

(e) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by attachment on a replacement utility structure.

17.61.060. Antenna Development Standards.

(1) **Antennas on Support Towers.** Antennas attached to a support tower shall comply with the following development standards:

(a) **Height.** Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(b) **Surface and Coloration.** Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

(c) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(2) **Antennas on Existing Buildings.**

(a) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) **Height:**

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(b) Whip antennas located on the roof of a building shall comply with the following development standards:

arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a freeway or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(d) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length from the structure.

(e) **Surface and Coloration.** To the greatest extent possible, antennas must be non-reflective and must be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(f) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

17.61.070. Auxiliary Support Equipment Development Standards.

(1) Screening.

(a) **Equipment Associated with Support Towers.** Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 17.61.090(3). The City may require an applicant to plant trees, shrubs or otherwise provide landscaping on or near the fence or wall in order to ensure the fence or wall blends harmoniously into the surrounding environment.

(b) **Equipment Associated with Antennas on Existing Buildings.** Auxiliary support equipment shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(c) **Equipment Associated with Antennas on Support Structures Other than Existing Buildings.** Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(d) **Equipment Associated with Antennas on Utility Structures.**

(A) **Equipment installed in right-of-way.** Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on

the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height;

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(2) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(3) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(4) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(5) Coloration.

(a) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(b) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(6) Lighting. Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

(7) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource or in right-of-way where all other utilities are required to be placed underground shall be placed underground.

(8) Backup Power. Backup power for any wireless communication facility may not produce noise that is audible beyond the boundary of the property on which the backup power resides and may not produce any carbon emissions, unless the applicant demonstrates that these limitations will effectively prohibit the provision of wireless communications services.

17.61.080. Replacement Utility Structure Development Standards.

(1) Height.

(a) Outside Right-of-Way.

(A) Outside right-of-way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(B) Skipped poles. Outside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(b) Inside Right-of-Way.

(A) Inside right-of-way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae is no greater than:

- (i)** Seventy-eight feet for a replacement structure located on a freeway;
- (ii)** Seventy-three feet for a replacement structure on a major arterial;
- (iii)** Sixty-three feet for a replacement structure on a minor arterial; or
- (iv)** Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(2) Width.

(a) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(3) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(4) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(5) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted. (Ord No. 24-13)

17.61.090. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(1) **Height.**

(a) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
R-7.2	50 ft.
R-5	50 ft.
MR	70 ft.
C-1	Not applicable*
C-2	70 ft.
C-3	70 ft.
OP	70 ft.
LI	80 ft.
OS	35 ft.

* New support towers are not allowed in the C-1 zone pursuant to 17.61.050(3)(b).

(b) A support tower located three hundred feet or less from an R-7.2, R-5, MR or C-1 zone shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(2) **Setbacks.** The base of a support tower shall be set back as follows:

(a) In the LI, the base of the support tower shall be set back a minimum of fifteen feet from all property lines and a minimum of one hundred feet from all property zoned residential or OS.

(b) In all zones other than the LI, residential zones, and the OS zone, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned residential or OS.

(c) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned residential or OS, and 30 feet from all other property.

(d) In all zones, the six foot high sight-obscuring perimeter fence required below shall be set back a minimum of ten feet from all property lines.

(3) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to provide access to the facility. The landscaped area shall at least be planted with two plant units per twenty square feet of yard area. The landscaping must conform to GMC Chapter 17.46 and the City may require an applicant to provide additional landscaping on or near the fence or wall in order to ensure the fence or wall blends harmoniously into the surrounding environment.

(4) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment, unless the City permits otherwise.

(5) **Design Standards.** The following additional design standards shall apply to support towers in a residential zone or the OS zone and to support towers located within three hundred feet of a residential zone or the OS zone:

(a) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(b) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.

(c) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(d) To the greatest extent possible, the antennas shall not be easily recognizable.

(6) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.

(7) **Lighting.** Unless required by the FAA, the Oregon Aeronautics Division or the City, support towers shall not be lighted.

(8) **Collocation.**

(a) Support towers eighty feet in height shall be designed to provide for attachment or collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(b) Support towers between fifty feet and eighty feet in height shall be designed to provide for attachment or collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(9) **Access.**

(a) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(b) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or OS.

17.61.100. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(1) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(2) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(3) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

(4) All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is

associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.

(5) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as the city may require.

(6) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the city.

(7) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the city, in accordance with public works construction standards.

(8) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

(9) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

(10) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

(11) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in GMC Chapter 8.12.

17.61.110. Wireless Communications Facilities Adjustment.

(1) **Applicability.** Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Chapter.

(2) **Procedure Type.** A wireless communications facility adjustment is a Type II procedure.

(3) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under Title 17, Division VII, an application for a wireless communications facility adjustment shall include:

(a) A written statement demonstrating how the adjustment would meet the criteria.

(b) A site plan that includes:

(A) Description of the proposed siting's design and dimensions, as it would appear with and without the adjustment.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

(4) **Criteria.** An application for a wireless communications facility adjustment shall be granted if the following criteria are met:

(a) The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.

(b) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(c) The owner demonstrates the existence of either of the following:

(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and

(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

(B) Minimization of Impacts. The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

17.61.120. Special Provisions

(1) **Temporary facilities.** In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit, unless the Planning Commission approves otherwise after holding a public hearing.

(2) **Third-party review and associated fees.**

(a) The City shall obtain the services of a third party consultant to review and evaluate evidence offered as part of an application submitted under this Chapter for the following applications:

(A) A new support tower in or within 300 feet of a residential zone or the OS zone;

(B) An adjustment to exceed the maximum height of a support tower in or within 300 feet of a residential zone or the OS zone; or

(C) An adjustment to reduce the minimum setback of a support tower on a property zoned residential or OS.

(b) The City may, but is not required to, obtain the services of a third party consultant to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in or within 300 feet of a public zone, mixed-use zone, or overlay zone.

(c) The City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to perform third-party review under this section.

(3) **Issuance of Building Permit.** No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(4) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion, or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(5) **Removal for discontinuance of service.** Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in GMC Chapter 8.04. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(6) **Relocation.**

(a) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

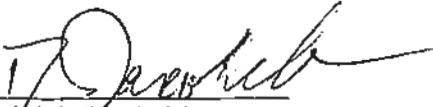
(b) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(c) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(d) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

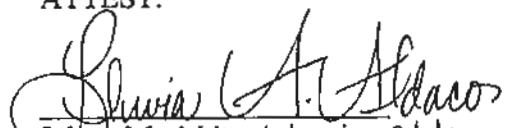
(e) **Measurements.** Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GLADSTONE THIS 13
DAY OF October 2015.



Dominick Jacobellis
Mayor

ATTEST:



~~Jolee Morishita~~ Lluvia Aldaco
Assistant City Administrator Acting City Recorder