

Chapter 17.61

**WIRELESS
TELECOMMUNICATION
FACILITY**

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General Provisions

- 17.61.010 Title.

These regulations shall be known, cited, and referred to as the Wireless Telecommunication Facility Regulations of the City of Gladstone (hereinafter "these regulations").

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1277 §1 (part), 1998.

- 17.61.020 Purposes.

The purpose of this section is to establish design and siting standards for telecommunication facilities that:

(1) Minimize adverse visual effects of towers and ancillary facilities through careful design, siting and screening standards;

(2) Avoid potential damage to adjacent properties from tower failure and falling ice through structural standards and setback requirements;

(3) Provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

Statutory Reference: ORS Ch. 197 and 227
History: Ord. 1277 §1 (part), 1998.

- 17.61.030 Applicability.

These standards shall apply to all new telecommunication facilities and collocated telecommunication facilities and not pre-existing towers or pre-existing antennae.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998.

17.61.040 Authority.

The Planning Commission is vested with the authority to review, approve, conditionally approve, and disapprove applications for wireless communication facilities, including preliminary and final plans.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998.

17.61.050 Definitions.

The following definitions apply to the regulation of telecommunication facilities:

(1) Telecommunications Facilities. Facilities designed and used for the purpose of transmitting, receiving, and relaying analog and/or digital radio signals from various wireless communication devices.

(2) Abandoned Facility. A transmission tower and/or ancillary facilities whose use has been discontinued for a period of at least six (6) months.

(3) Ancillary Facilities. The structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, and ventilation and other mechanical equipment.

(4) Antenna(e). An electrical conductor or group of electrical conductors that transmit or receive radio waves.

(5) Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

(6) Collocated Facility. A new attachment, antenna, or tower placed on existing suitable structures or rebuilt transmission towers or facilities or the addition of new ancillary facilities to an existing transmission tower facility site.

(7) New Facility. The installation of a new transmission tower. New attachments are not new facilities.

(8) Pre-existing Towers and Pre-Existing Antennas. Any tower or antenna constructed or approved pursuant to city standards in effect prior

to the effective date of this ordinance.

(9) Service Area. The vicinity around a telecommunications facility site that effectively receives signals from and transmits signals to the facility at the strength of signal required by the Federal Communications Commission.

(10) Shadow. A geographic area that has less than adequate telecommunication service coverage.

(11) Tower Footprint. The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members but excluding ancillary facilities and guy wires and anchors.

(12) Tower Pad. The area that encompasses the tower footprint, ancillary facilities, fencing and screening.

(13) Tower Height. The vertical distance measured from the highest point on the transmission tower or other structure, including any antennae, to the original grade of the ground directly below this point.

(14) Transmission Tower. The guyed tower, lattice tower, monopole, or similar structure on which transmitting or receiving antennae are located. For purposes of this chapter, ham radio transmission facilities are considered "aerials" and not "transmission towers."

(a) Guyed Tower. A tower which is supported by the use of cables (guy wires) which are permanently anchored.

(b) Lattice Tower. A tower characterized by an open framework of lateral cross members which stabilize the tower.

(c) Monopole. A single upright pole, engineered to be self supporting and does not require lateral cross supports or guys.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998.

Approval Criteria for Collocated Facilities

17.61.060 Site size.

No minimum lot size shall apply when a telecommunication facility is collocated on an existing building or structure. Telecommunication facilities collocated on existing towers or reconstructed existing towers

shall not decrease the setback of the existing tower. For the purposes of this section, an increase in tower circumference to accommodate collocated facilities shall not be deemed to decrease setbacks.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.060(1) during codification.

17.61.070 Suitable facilities for collocation.

(1) Towers or attachments may be placed on existing structures such as athletic field light poles, utility towers and tall buildings provided that the addition of the antenna equipment will not interfere with the normal operation of utilities or existing transmission facilities and the collocated facility complies with the height limit in CMC Section 17.61.080 (height limit).

(2) Existing structures may be replaced or structurally enhanced when necessary to permit collocation as long as the setback of the reconstructed structure is not decreased as described in GMC Section 17.61.060 (site size) and as long as the height of the reconstructed facility complies with the height limit contained in GMC Section 17.61.080 (height limit) as applied to the existing structure prior to replacement or reconstruction.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.060(2) during codification.

17.61.080 Height limit.

Collocated facilities are exempt from the height limits of the underlying zoning district, but shall be no more than ten feet (10') taller than the existing telecommunications structure in a residential zone or no more than twenty feet (20') taller than the existing structure in a commercial or industrial zone.

(1) Exception: A collocated facility shall be no taller than the existing facility where the height of the existing facility has previously been increased in excess of the height limit of the underlying zone as a result of approval of a prior collocation application pursuant to this section.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.060(3) during codification.

17.61.090 Visual impact.

(1) All ancillary facilities shall be screened, hidden or disguised.

(2) Antennae shall be screened, hidden or disguised, or shall be painted or colored to blend into the structure or surroundings.

(3) A proposed collocated facility that does not comply with GMC Sections 17.61.100 through 17.61.180 shall be processed as a new facility.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.060(4) during codification.

Approval Criteria for New Facilities

17.61.100 Setbacks.

A new facility shall be sited on a parcel with setbacks that comply with the following criteria:

(1) Generally. The tower footprint shall be at least twenty-five feet (25') from any property line other than a residential property line. This setback may be reduced if the applicant can demonstrate that:

(a) The shape or configuration of the parcel prevents compliance with the setback standard or that a reduction in setback is necessary to take advantage of screening opportunities (such as tall trees, tree groves, buildings, or other tall elements) not available within the required setback area;

(b) The reduction in setback is the minimum required to best camouflage the facility;

(c) Adequate clearance between the facility and property line can be provided to accommodate landscaping and fencing; and

(d) The reduction in setback will not cause a greater visual impact to adjacent uses.

(2) Sites bordering on residential property. The tower footprint shall be set back at least two-thirds (2/3) the tower height from any residential property line.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(1) during codification.

17.61.110 Supplemental separation requirements.

(1) The tower pad shall be sited in a location that permits additional expansion to

accommodate future collected ancillary facilities. The tower shall be located centrally on this pad. This standard shall not apply to antennae attached to existing structures or towers located on rooftops.

(2) Separation from pre-existing towers: New towers shall be separated from existing towers by at least the following distances, measured in a straight line from the base of the proposed new tower to the base of any pre-existing tower.

TABLE

	Lattice	Guyed	Monopole 80% in height	Monopole 80% in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole >	1,500	1,500	1,500	750
Monopole <	750	750	750	750

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(2) during codification.

17.61.120 Collocation to be explored; Accommodated.

(1) Before an application for a new transmission tower is accepted, applicants shall demonstrate that they have exhausted all practicable collocation options within the proposed service area pursuant to GMC Sections 17.61.100 through 17.61.140, including placement of antennae on existing tall structures and placing multiple antennae or attachments on a single tower.

(2) New towers shall be constructed so as to accommodate future collocation, based on expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennae for every forty (40) vertical feet of tower.

(3) Multiple attachments on utility towers. In conformance with the Telecommunications Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right of way owned or controlled by it, unless there is insufficient capacity or access cannot be granted for reasons of safety, reliability, and general applicable engineering purposes.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(3) during codification.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.61.130 Height limit.

New telecommunications facilities shall not exceed the height limits of the underlying zone, unless the applicant demonstrates that:

(1) There is a service area need for the proposed facility at the proposed location.

(2) The increase in height above the maximum allowed height for the zone is the minimum increase necessary to eliminate service shadows.

(3) That providing coverage with telecommunications facilities which comply with the height requirements of the zone would result in an unacceptable proliferation of such facilities. For purposes of this subsection, "unacceptable proliferation" means an increase in the number of transmission towers by a factor of four in order to achieve the same level of adequate service. An increase in the number of transmission towers shall not include facilities or towers that would qualify as collocated facilities.

(4) The negative visual impacts on adjacent properties can be minimized by screening or disguising the facility.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(4) during codification.

17.61.140 Visual impact.

The applicant shall demonstrate the telecommunications facility will have the least practicable visual impact on the environment, considering technical, engineering, economic, and other pertinent factors.

(1) The height and mass of the telecommunications facility shall not exceed that essential for its intended use and public safety, as demonstrated in a report prepared by a licensed structural engineer.

(2) Telecommunications facilities two hundred feet (200') or less in height shall be camouflaged to ensure the facility is visually subordinate to surrounding objects and colors.

(3) Towers more than two hundred feet (200') in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration.

Applicants shall attempt to seek a waiver from OSAD and FAA marking requirements. When a waiver has been granted, towers shall be painted and/or camouflaged in accordance with subsection (2) above.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(5) during codification.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.61.150 Accessory uses.

Accessory uses shall include only building facilities that are necessary for transmission function and associated satellite ground stations, and shall not include broadcast studios (except for emergency broadcast), offices, vehicle storage areas, nor other similar uses not necessary for the transmission or relay function. No unenclosed storage of material is allowed.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277§1(part), 1998. Renumbered from 17.61.070(6) during codification.

17.61.160 Lighting.

No lighting shall be permitted on transmission towers except that required by the Oregon State Aeronautics Division of the FAA. This standard shall not prevent shared use or replacement of an existing light pole. For collocation on existing or replaced light poles, the transmission tower shall have no net increase to the spread, intensity, or direction of the existing light source.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.070(7) during codification.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.61.170 Fences and landscaping.

(1) The tower(s) and ancillary facilities shall be enclosed by a six foot (6') sight obscuring fence meeting the requirements of GMC Chapter 17.80 (design review).

(2) Landscaping shall be placed outside of fences and shall consist of fast growing vegetation placed densely so as to form a solid hedge with a minimum planted height of six feet (6').

(3) For new towers, landscaping and fencing shall be compatible with other nearby landscaping and fencing.

(4) Where antennae or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing requirements may be waived.

Statutory Reference. ORS Ch. 197 and 227

History: Ord. 1277§1 (part), 1998. Renumbered from 17.61.070(8) during codification.

17.61.180 Signs.

One (1) non-illuminated sign, not to exceed two (2) square feet, shall be provided at the main entrance to the facility stating a contact name and phone number for emergency purposes. Signs shall not be placed on towers or antennae.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 § 1 (part), 1998. Renumbered from 17.61.070(9) during codification.

Supplemental Application Requirements

17.61.190 Collocated facilities.

In addition to standard required application material, the applicant shall submit the following information in conjunction with an application for a collocated facility:

(1) Documentation demonstrating that the collocated facility will comply with non-ionizing electromagnetic radiation (NEIR) emissions standards adopted by the FCC; and

(2) Documentation addressing the specific criteria for compliance contained in GMC Sections 17.61.100 through 17.61.180.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277 §1 (part), 1998. Renumbered from 17.61.080(1) during codification.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.61.200 New facilities.

In addition to standard required application material, the applicant for a new facility shall submit the following information in conjunction with an application for a new facility:

(1) A site reconnaissance study containing, at

a minimum:

(a) A vicinity map depicting the proposed extent of the service area;

(b) A graphic simulation showing the appearance of the proposed tower and accessory structures from five (5) points within the impacted vicinity. Such points are to be mutually agreed upon by the Planning Director and applicant; and

(c) An inventory within the applicant's proposed service area depicting the height and location of non-habitable structures, including poles, towers, and appurtenances that could accommodate collocation of the proposed antennae.

(2) Evidence demonstrating collocation has been explored and is impractical on existing structures, existing transmission towers, and existing tower facility sites for reasons of safety, available space, or failing to meet service coverage area needs.

(3) A report containing the following:

(a) A description of the proposed tower and reasons for the tower design and height;

(b) Documentation to establish the proposed tower has sufficient structural integrity for the proposed uses at the proposed location in conformance with minimum safety requirements as required by the State Structural Specialty Code, latest adopted edition;

(c) Ice hazards and mitigation methods which will be employed, including increased setbacks, and/or deicing equipment;

(d) The general capacity of the tower in terms of the number and type of antennae it is designed to accommodate;

(e) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards adopted by the FCC;

(f) A signed agreement stating that the applicant will allow collocation with other users, provided all safety and structural requirements are met. This letter shall also state that any future owners or operators will allow collocation on the tower. This agreement is not necessary if the applicant does not own the facility or structure; however, a consent to allow the owner to grant access to other users for the same structure or facility shall be required;

(g) A soils report if the property contains

weak foundation soils or has landslide potential;

(h) Identification of any other antenna sites owned or operated by the applicant in the city.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1277§1 (part), 1998. Renumbered from 17.61.080(2) during codification.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

Abandoned Facilities

17.61.210 Abandoned facilities

(1) The owner of a telecommunication facilities and attachments shall file annually a declaration with the Planning Director as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean the facility is no longer in use and considered abandoned.

(2) The property owner shall remove abandoned or unused facilities no later than 90 days from date of cessation of operations at the site. Failure to remove an abandoned facility is declared a public nuisance and is subject to the penalties established by GMC Section 8.04.200 (violation-penalty). In addition, in the event a tower or associated facility is not removed within ninety (90) days of the cessation of operations at a site, the facilities may be removed by the city and the costs of removal assessed against the property pursuant to GMC Section 8.04.170 (abatement by city).

(3) Unused portions of towers above a manufactured connection shall be removed within ninety (90) days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

Statutory Reference: ORS Ch. 197 and 227

History: Adopted by Ord. 1277 §1 (part), 1998. Renumbered from 17.61.090 during codification.