



# WASHINGTON COUNTY

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## OREGON

September 10, 2004

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager  
Department of Land Use and Transportation

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 623**

Enclosed for your information is a copy of proposed A-Engrossed Ordinance 623. A-Engrossed Ordinance No. 623 proposes to make changes to Community Development Code (Code) Section 430-109, Receiving and Transmitting Antennas and Communication Towers, and to each of the land use districts as well as a few other Code Sections.

The Board of County Commissioners (Board) ordered changes to Ordinance No. 623 at their September 7, 2004 public hearing. These changes are incorporated into A-Engrossed Ordinance 623. The changes set forth in A-Engrossed Ordinance 623 include a number of "word-smithing changes" as well as substantive changes. The key substantive changes ordered by the Board will:

1. Exempt the replacement of antennas and transmitters on all lawfully established telecommunication facilities from the provisions of CDC Section 430-109 when certain design criteria are met.
2. Exempt private for-profit wireless service providers from the regulations of CDC Section 430-109 when providing temporary communication during natural disasters and other emergencies when certain criteria are met.
3. Exempt the placement of 'E911' antennas from the regulations of CDC Section 430-109 when required by the Federal Communications Commission (FCC) and when certain design criteria are met.
4. Allow the co-location of antennas on buildings, structures and existing telecommunication towers, subject to certain design requirements, and the construction of new Facility 2 towers (i.e., concealed or 'stealth' towers) in all land use districts, except in the EFU and AF-20 districts, through the Type I Procedure.
5. Defer the timing of certain engineering analysis from time of land use application submittal to prior to issuance of the building permit, but require that the initial development application contain certified documentation from a structural engineer licensed in Oregon that the proposed tower is structurally sound.
6. Limit the use of outside peer review to only telecommunication facilities under 200 feet in height located on lands designated EFU and AF-20.
7. Delete the requirement that Procedure Type III telecommunication facilities in residential districts lands be designed and located to minimize obstruction or degradation of views and vistas **not** (emphasis added) identified in the Community Plans or the Rural/Natural Resource Plan.
8. Provide a Type III setback adjustment process through which an applicant can deviate from the minimum required setbacks when the Hearings Officer finds that the proposed site development plan will reduce the impacts of the proposed telecommunication facility on surrounding land uses.

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The Board will hold two public hearings for A-Engrossed Ordinance No. 623 at their regular meetings at **10:00 a.m. on Tuesday, September 21, 2004**, and at **6:30 p.m. on Tuesday, September 28, 2004**. The public hearings will be held in the Shirley Huffman Auditorium of the Public Services Building, located at 155 North First Avenue in downtown Hillsboro, Oregon. At the September 28<sup>th</sup> meeting, the Board may choose to adopt the ordinance, continue the hearing to a future date, order additional changes, or reject the ordinance. Testimony may be provided at the public hearing or it may be submitted in writing prior to the hearings.

If you would like more information about A-Engrossed Ordinance No. 623 please contact Paul Schaefer, Planning Division, at (503) 846-8817, or write to the Planning Division at 155 North First Avenue MS-14, Hillsboro, OR 97124-3072. An electronic copy of this ordinance is on the County's Internet site: [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm).

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE No. 623

An Ordinance Amending the  
Community Development Code Element  
of the Comprehensive Plan Relating to  
Receiving and Transmitting Antennas and  
Communication and Broadcast Towers

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, and 618.

B. Subsequent ongoing planning efforts of the County indicate a need for changes to the Community Development Code in order to better regulate the siting of receiving and transmitting antennas and communications and broadcast towers and to comply with the Telecommunications Act of 1996. The Board takes note that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County.

C. Under the provisions of Washington County Charter Chapter X, the Land Use Ordinance Advisory Commission has carried out its responsibilities, including preparation of

1 notices, and the County Planning Commission has conducted one or more public hearings on the  
2 proposed amendments and has submitted its recommendations to the Board. The Board finds that  
3 this Ordinance is based on the recommendation and any modifications made by the Board, as a  
4 result of the public hearings process.

5 D. The Board finds and takes public notice that it is in receipt of all matters and  
6 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance  
7 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional  
8 Plan, and the standards for legislative plan adoption, as set forth in Chapters 197 and 215 of the  
9 Oregon Revised Statutes, the Washington County Charter, the Washington County Community  
10 Development Code, and the Washington County Comprehensive Plan.

11 SECTION 2

12 The following Exhibits, attached and incorporated herein by reference, are hereby adopted as  
13 amendments to the Community Development Code:

- 14 A. Exhibit 1 (27 pages) amending Section 430-109, Receiving and Transmitting Antennas  
15 and Communication Towers, of the Community Development Code;
- 16 B. Exhibit 2 (17 pages) amending Sections 302 (R-5 DISTRICT), 303 (R-6 DISTRICT),  
17 304 (R-9 DISTRICT), 305 (R-15 DISTRICT), 306 (R-24 DISTRICT), 307 (R-25+  
18 DISTRICT), 308 (FD-20 DISTRICT), 309 (FD-10 DISTRICT), 346 (AF-10  
19 DISTRICT), 348 (AF-5 DISTRICT) and 350 (RR-5 DISTRICT) of the Community  
20 Development Code;
- 21 C. Exhibit 3 (20 pages) amending Sections 311 (NC DISTRICT), 312 (OC DISTRICT),  
22 313 (CBD DISTRICT), 314 (GC DISTRICT), 320 (IND DISTRICT), 330 (INS  
DISTRICT), 352 (R-COM DISTRICT), 354 (R-IND DISTRICT), 356 (MAE  
DISTRICT) and 377 (SID DISTRICT) of the Community Development Code;
- D. Exhibit 4 (6 pages) amending Sections 340 (EFU DISTRICT), 342 (EFC DISTRICT)  
and 344 (AF-20 DISTRICT) of the Community Development Code;

- 1 E. Exhibit 5 (3 pages) amending Section 375, Transit Oriented Districts, of the  
Community Development Code;
- 2 F. Exhibit 6 (2 pages) amending Section 430-1 of the Community Development Code;
- 3 G. Exhibit 7 (4 pages) amending Section 106-174, Definitions, of the Community  
4 Development Code;
- 5 H. Exhibit 8 (2 pages) amending Section 201-2, Exclusions from Permit Requirement,  
of the Community Development Code; and
- 6 I. Exhibit 9 (1 page) amending Section 413-9.2, Minimum Off-Street Parking  
7 Requirements, of the Community Development Code.

8 SECTION 3

9 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
10 are not expressly amended or repealed herein, shall remain in full force and effect.

11 SECTION 4

12 All applications received prior to the effective date shall be processed in accordance with  
13 ORS 215.427 (4) (2003 Edition).

14 SECTION 5

15 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid  
16 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby  
17 and shall remain in full force and effect, and any provision of a prior land use ordinance amended  
18 or repealed by the stricken portion of this Ordinance shall be revived and again be considered in  
19 full force and effect.

20 SECTION 6

21 The Office of County Counsel and Department of Land Use and Transportation are authorized  
22 to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance,

1 including deleting and adding textual material and maps, renumbering pages or sections, and  
2 making any technical changes not affecting the substance of these amendments as necessary to  
3 conform to the Washington County Comprehensive Plan format.

4 SECTION 7

5 This Ordinance shall take effect thirty (30) days after adoption.

6 ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2004, being the \_\_\_\_\_ reading  
7 and \_\_\_\_\_ public hearing before the Board of County Commissioners of Washington County,  
8 Oregon.

9 BOARD OF COUNTY COMMISSIONERS  
10 FOR WASHINGTON COUNTY, OREGON

11 \_\_\_\_\_  
12 *CHAIRMAN*

13 \_\_\_\_\_  
14 *RECORDING SECRETARY*

15 READING

15 PUBLIC HEARING

16 First \_\_\_\_\_  
17 Second \_\_\_\_\_  
18 Third \_\_\_\_\_  
19 Fourth \_\_\_\_\_  
20 Fifth \_\_\_\_\_  
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20 VOTE: *Aye:* \_\_\_\_\_

20 *Nay:* \_\_\_\_\_

21 Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_  
22

Amend Section 430-109, Receiving and Transmitting Antennas and Communication Towers, of the Community Development Code as shown below:

**430-109 Receiving and Transmitting Antennas, ~~and~~ Communication ~~and Broadcast~~ Towers**

The standards of this Section apply to all telecommunication facilities except as otherwise provided herein.

~~430-109.1~~—As used in this section, the words listed below have the following meaning:

- ~~A. Antenna—A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation, digital signals, analog signals, radio frequencies, wireless telecommunication signals, broadcast signals, and other communication signals. Accessory equipment and shelters needed for the use of the antenna shall be included in the term antenna.~~
- ~~B. Non-residential Districts—Includes the NC, OC, CBD, GC, IND, INS, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND and MAE Land Use Districts.~~
- ~~C. Residential Districts—Includes the R-5, R-6, R-9, R-15, R-24, R-25+, FD-10, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.~~

~~430-109.12~~ The following are exempt from the standards provided in this Section:

- ~~A. Emergency or routine repairs or maintenance of lawfully established communication towers or antennasTelecommunication facilities that are otherwise exempt from a development permit under Section 201-2;~~
- ~~B. Replacement of existing antennas and transmitters on lawfully established telecommunication facilities, provided:~~
  - ~~(1) They are mounted using similar techniques as that of the antennas and transmitters they are replacing in order to minimize visual impact, or in the case of replacing antennas and transmitters on a Facility 2 tower, replacement antennas and transmitters shall also be designed as Facility 2;~~
  - ~~(2) They are made of non-reflective material and painted to match the telecommunication facility or existing antennas and transmitters, whichever results in the replacement antennas and transmitters being less visible, or are placed in the tower;~~
  - ~~(3) Replacement does not result in an increase in the number of antennas or transmitters (e.g., like antennas or transmitters may be replaced with like antennas or transmitters). Notwithstanding, existing antennas and transmitters may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing antennas or transmitters to the replacement antennas or transmitters; and~~
  - ~~(4) Replacement antennas or transmitters do not exceed the size (e.g., area or length) of existing antennas or transmitters by more than twenty (20) percent.~~
- ~~CB. Reconstruction or replacement of telecommunication facilities, excluding the replacement of transmitters, antennas, or other components of antennas or communication towers;~~

approved ~~after November 26, 1992, the effective date of~~ subject to the provisions of Ordinance 402~~;~~, subject to the following:

- (1) Does not increase the height or ~~bulk~~ base diameter of the existing tower or structure as originally approved or constructed;
- (2) Does not reduce existing landscape buffers unless replaced with vegetation with ~~the same effects~~ similar characteristics, plant densities and maturity; ~~and~~
- (3) Does not use colors or lights that make the tower or antenna more visually obtrusive, ~~unless required by either the Oregon Department of Aviation (ODA) or the Federal Aviation Administration (FAA);~~ ~~and~~
- ~~(4) Does not result in an increase in radio frequency emissions.~~

Reconstruction or replacement of ~~telecommunication facilities, excluding transmitters, and antennas~~ replacements pursuant to Section 430-109.1 B., or other components of nonconforming antennas or communication towers approved before November 26, 1992 is subject to the provisions of Section 440, Nonconforming Uses, and applicable provisions of 430-109 as required by Section 440;

~~DC. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR Part 18; The following telecommunication facilities that are regulated by the Federal Communications Commission (FCC) pursuant to the Code of Federal Regulations as may be amended:~~

- ~~(1) Industrial, scientific, and medical equipment;~~
- ~~(2) Military and government radar antennas and associated communication and broadcast towers used for aviation services; and~~
- ~~(3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication and broadcast towers.~~

~~D. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR Part 87;~~

~~E. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers, as regulated by 47 CFR Parts 97 and 95 respectively (see Sections 201-2 and 430-1 for applicable standards);~~

~~EF. A telecommunication facility transmitting antenna and associated communication tower as a temporary use - Section 430-135.1 H.;~~

~~FG. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, watercraft, or aircraft, including cellular phone or mobile broadcast studio;~~

~~GH. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys; or is in storage, shipment, or on display for sale, provided such machines are not operated except for demonstration purposes;~~

~~I. Receive-only satellite dishes and other antennas for reception of broadcast signals, as an accessory use (see Sections 201-2 and 430-1 for applicable standards); and~~

~~J. Pole-mounted receiving and transmitting antennas and associated equipment located within a public road right-of-way, as provided in Section 201-2.;~~



HK. Temporary telecommunication facilities used solely for emergency communications by public officials in the event of a natural disaster, emergency preparedness or public health or safety purposes;

IL. Two-way transmitting antennas used on a temporary basis by "911" emergency services, including fire and rescue, medical, and law enforcement, as well as essential public utility providers, including but not limited to water and sanitary and storm sewer providers;

J. Temporary communication uses, including, but not limited to, wireless telecommunications, mobile services and other types of broadcast towers used solely for emergency communications by non-emergency service providers (i.e., private, for-profit wireless service providers) in the event of a loss of service or communications due to an act of God, natural disaster, or other occurrence that necessitates the re-establishment of services for the public benefit are subject to the following:

(1) Notification of the temporary tower is provided to the Director within two (2) days of placement; and

(2) The emergency use of the broadcast or communication tower shall not exceed a period of one (1) year commencing when transmissions or receiving begins. The tower and associated structures must be removed within 30 days after they are no longer used, unless land use approval is obtained through the appropriate procedure to allow their continued use in accordance with all applicable requirements.

K. Antennas to provide enhanced 911 (i.e., E911) network coverage when required by the FCC, subject to the following:

(1) E911 antennas shall be flush-mounted or installed using davit arms a maximum of five (5) feet from the tower and painted or otherwise constructed of materials with the same or similar color as the tower; and

(2) Accessory equipment and related equipment are either located completely within the existing structure (i.e., tower, building or other structure), or are located within an existing fenced site. In the case of a tower designed as a Facility 2, E911 antennas shall also be designed as a Facility 2.

Notwithstanding, existing 911 antennas may remain for a period not to exceed six (6) months in order to accommodate the transfer of service from the existing 911 antennas to the E911 antennas.

430-109.2 Expansion or Alteration of Existing Telecommunication Facilities:

A. Telecommunication facilities and related site improvements that were lawfully in existence after November 26, 1992 are considered to be conforming uses. However, because these uses may not be designed in accordance with the current development standards (i.e., setbacks, landscaping, screening and fencing, etc.) future expansions or alterations, excluding replacement of antennas and transmitters pursuant to Section 430-109.1 B., shall be subject to the development standards in effect at that time, including this Section, to the extent reasonably practicable. Where the tower design or site configuration makes it not reasonably practicable to apply a particular development standard or the applicant provides an alternative development proposal which equally or better meets the purpose of a particular development standard, the Review Authority shall waive the application of that standard.

B. Telecommunication facilities and related site improvements that were lawfully in existence prior to November 26, 1992 are considered to be nonconforming uses and shall be subject to the provisions of this chapter as well as the provisions of Section 440, Nonconforming Uses and Structures. However, existing antennas and transmitters replaced pursuant to Section 430-109.1 B. are not subject to the provisions of this chapter or Section 440.

430-109.3 Antennas may be co-located (i.e., Facility 1) in all land use districts, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:

A. Antennas attached to previously approved existing towers shall be:

- (1) Flush-mounted or mounted using similar techniques that minimize visual impact, or in the case of co-locating on a Facility 2 tower, co-located antennas shall also be designed as Facility 2;
- (2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and
- (3) No higher than fifteen (15) feet above the existing tower.

B. Antennas attached to previously approved existing structures other than towers (i.e., water tanks or electric transmission towers) shall be:

- (1) Flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimizes visual impacts;
- (2) Made of non-reflective material and painted to match the tower or existing antennas, whichever results in the new antennas being less visible; and
- (3) No higher than fifteen (15) feet above the existing structure.

Notwithstanding, an existing electric transmission pole may be replaced with a new electric transmission pole in order to support the co-location of antennas, provided that the replacement pole is painted to match adjacent poles in the system and is not more than fifteen (15) feet taller than the pole to be replaced.

C. Antennas, excluding whip antennas, on top of or attached to the side or roof edge of existing buildings shall be:

- (1) When located on top of a building in all land use districts: Screened from public view by placing them behind a parapet or other architectural feature designed to resemble an architectural feature of the building, such as dormers, chimneys, or a clock or bell tower; and
  - (a) When located in a residential district: Extend no more than ten (10) feet above the building, and
  - (b) When located in a non-residential district: Extend no more than thirty (30) feet above the building.
- (2) When attached to the side or roof edge of a building in a residential district: Camouflaged (i.e., Facility 2) by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached.

(3) When attached to the side or roof edge of a building in a non-residential district: At minimum, painted the same color as the exterior building and flush-mounted. Otherwise antennas shall be camouflaged by incorporating into their design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

D. Whip antennas located on top of an existing building shall be:

(1) Made of non-reflective material;

(2) No higher than fifteen (15) feet above the existing structure; and

(3) Limited to applications involving five (5) or fewer whip antennas.

E. External cabling and wiring shall be painted to match the tower, structure or building.

F. New accessory equipment shall be screened or otherwise hidden from public view and:

(1) When serving antennas pursuant to A. above: Located completely within the existing site.

(2) When serving antennas pursuant to B. above: Located completely within the footprint of the structure to the greatest extent practicable.

(3) When serving antennas pursuant to C. and D. above: Located within or on top of the building.

G. The application complies with Sections 430-109.6; 430-109.7 A., B., F., and G.; 430-109.8 H.; 430-109.9 A., B., C., D., E., F., and H.; 430-109.10; and 430-109.12. When applicable, existing fencing shall be made sight obscuring in accordance with Section 430-109.9 C. (3).

430-109.4 Communication Towers (i.e., Facility 2) may be located in all land use districts, excluding those towers regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2, through the Procedure Type I provided:

A. The tower is designed to resemble an object which is not a wireless telecommunication facility and which is already present in the natural environment, such as an indigenous evergreen tree, or man-made objects, such as a flag or light pole, pole signs, a clock or bell tower, a church steeple, cross or other religious symbol, or a silo, that are or would be commonly found on the site or in the surrounding area based upon the site's land use designation. The tower's physical dimensions are proportionate and scaled to resemble the natural or manmade object.

B. The tower design results in a tower that is not easily recognized as a structure design to support antennas and in a manner appropriate to the site's context and surrounding environment, camouflages or hides the antennas from public view.

C. The tower functions to the extent practicable in a manner consistent with its design, unless doing so would interfere with the operation of the antennas. For example, a flagpole-designed tower shall be able to fly a flag.

D. Accessory attachments, such as flags, are sized in proportion to the tower.

E. Roof and ground-mounted accessory equipment (i.e., equipment shelters) are completely screened or hidden from public view. Examples of acceptable methods include placing

them within the interior of the building or structure, behind a roof parapet or landscaping and a sight-obscuring fence, within architectural elements such as a clock or bell tower, or concealed (i.e., placed within a shell made of material resembling a boulder). Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view.

F. Cabling and wiring are hidden from public view.

G. The application complies with Sections 430-109.6; 430-109.7 A., B., C., F., and G.; 430-109.8 G. and H.; 430-109.9, excluding G.; 430-109.10; 430-109.12; and the height provisions of the individual land use district.

430-109.53 Facility Siting Requirements for Procedure Type II and III Applications, excluding telecommunication facilities regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 or 201-2:

A. Telecommunication facilities~~Receiving and transmitting antennas and communication towers~~ shall be designed and located so as to minimize their visual impacts and minimize the number of new ~~communication~~ towers. New antennas and ~~communication~~ towers shall be sited using the hierarchy described below. The order of ranking by Facility ~~Type~~, from highest to lowest, shall be 1, 2, 3, 4. When a lower ranked facility ~~type~~ is proposed (e.g., 4), the applicant shall submit documentation which demonstrates that the higher ranked ~~facilities~~ type(s) are not technically feasible, available, or reasonably practicable.

A. (1) Facility Type-1: Co-location. Co-location means the placement of two or more antenna systems and accessory equipment facilities by one or more separate FCC license holders (service providers) on an existing structure such as a tower or the placement of one or more antenna systems and accessory equipment facilities on a structure such as a building, water tank, ~~or~~ utility pole or electric transmission tower.

B. (2) Facility Type-2: Concealment. Concealment means to:

(1)(a) Hide an antenna in or on a structure to minimize its appearance, so that it is not visible, such as placing~~hiding~~ an antenna behind a building parapet, ~~under the eave of a building,~~ or hiding an antenna and/or tower through the use of innovative technology referred to as "stealth;" Stealth technology includes designing the tower and antennas to resemble a natural or man-made object that is or would be commonly found on the site or in the surrounding area based upon the site's land use designation. Examples of such facilities can include an indigenous evergreen tree, rock feature, building architectural feature (i.e., a clock or bell tower), and a flag or light pole.~~or~~

(2)(b) Hide roof-mounted and ground-mounted accessory equipment (i.e., equipment shelters) from public view to the extent practicable. Examples of acceptable methods include placing them within the interior of the building or structure, behind a sight-obscuring fence and landscaping or roof parapet, or within some other architectural element such as a clock or bell tower. Alternatively, placement of equipment shelters in underground vaults is encouraged as an acceptable means of hiding them from public view. Disguise an antenna and/or communication tower by designing the facility to resemble a natural or man-made object that is or would be commonly found on the site or in the surrounding area based upon the site's land use designation. Examples of disguised facilities include facilities designed to resemble an indigenous evergreen tree, rock feature, building architectural feature (e.g., clock or bell tower, parapet), flag pole, or light pole.

(3) Hide cabling and wiring from public view to the greatest extent practicable.

C. (3) Facility Type-3: Screening of New Communications Towers. Screening means to use existing evergreen vegetation, topography, and/or buildings to substantially screen the proposed ~~antenna and/or communication~~ tower from view and cause the facility to be ~~visibly-visually~~ subordinate to the surrounding area. Screened facilities may be partially visible, but not visually dominant~~te~~ in relation to their surroundings. The height of the existing trees, buildings or topography that is used as screening shall be at least seventy (70) percent of the height of the tower.

D.(4) Facility Type-4: New communication-towers without no screening (i.e., Facility Type-3) or concealment (i.e., Facility Type-2).

430-109.6 The following are prohibited in all land use districts:

A. Speculation ("spec") towers; and

B. The attachment of any antennas or associated equipment to trees.

B.—Alternative Sites

~~Applications for a new antenna and/or tower, excluding the replacement of an approved, conforming tower or co-located antennas (i.e., Facility Type 1 applications), shall include documentation which demonstrates the following:~~

~~(1) That other existing or approved communication towers and other existing or approved structures cannot accommodate the antenna(s) planned for the new tower. Proposed antenna(s) cannot be accommodated on another existing or approved tower or other structure if:~~

~~(a) The antenna(s) would exceed the structural capacity of existing and approved towers, considering their existing and planned use;~~

~~(b) The antenna(s) would cause RF interference with other existing or approved antennas, and that interference cannot be prevented at reasonable cost;~~

~~(c) Existing or approved towers or other structures do not have space on which the proposed antenna(s) can be placed so that it will fulfill the purpose for which it is intended;~~

~~(d) The proposed antenna(s) cannot function effectively given the communication services to be provided and the user group or area it is intended to serve; or~~

~~(e) Addition of the proposed antenna(s) to an existing tower or structure would cause radio frequency emissions in excess of the levels allowed by Table B or in excess of 1,000 watts ERP total output power.~~

~~(2) Use of an existing or approved tower or structure is not precluded simply because a reasonable fee is charged for use of the tower or structure or because of reasonable costs necessary to adapt the existing and proposed antenna(s).~~

C.—Communication Tower Sharing

~~(1) A new communication tower, or a proposed tower that will replace an existing, nonconforming tower, shall be designed and constructed to accommodate shared use by two or more antenna systems by separate service providers in a manner that~~

~~will accommodate the additional antennas without the need to increase the height or footprint of the tower.~~

~~(2) A tower subject to this subsection shall describe the nature and approximate number of antennas that can be accommodated on the new tower.~~

~~(3) A tower subject to this subsection may be approved only subject to a condition that the applicant negotiate in a timely manner and in good faith for shared use of the tower by third parties and allow shared use of the tower if the third party agrees in writing to pay a reasonable pro rata charge for sharing, including all charges necessary to modify the tower to accommodate shared use and to observe technical requirements warranted to avoid radio frequency interference. An applicant will not be required to permit shared use of any unused tower capacity that the applicant demonstrates is needed for the applicant's future system expansion or modification plans. This condition shall run with the land and be binding on subsequent purchasers of the tower site. Failure to comply with this condition shall be grounds for revocation of the permit for the tower.~~

430-109.47 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.1 and 201-2: Application Requirements:

~~In addition to the requirements of Section 203-4, an application for a communication tower or antenna shall contain the following information:~~

~~A. An accurate and to-scale site plan showing the location of the tower(s), guy anchors (if any), antennas, transmitter building and other uses accessory to the communication tower or antenna;~~

~~B. An engineering report from one or more licensed professional engineers that addresses the requirements described below. The report shall be accepted as complete by the Director prior to the submission of an application for a new antenna or tower. The Director may require an outside peer review of the report by an engineer selected by the Director to assist staff determine the report's completeness. The applicant shall be responsible for the cost of this review.~~

~~All applications for telecommunication facilities, except as otherwise noted, shall include the following:~~

~~A. An accurate, scaled site plan and on-site analysis (Section 404-1) showing the location of the tower(s), guy anchors (if any), equipment shelter(s) and other uses accessory to the telecommunication facility;~~

~~B. An accurate, scaled elevation drawing(s) showing the tower design, dimensions, materials and color of the tower and antennas, including the mounting type(s) and locations of all proposed antennas, and other uses accessory to the telecommunication facility;~~

~~C. An Alternative Sites Analysis (Facilities 2 through 4 and those regulated under Section 430-109.11 only) demonstrating that the proposed antenna(s) can not be co-located on an existing or approved tower, building or other suitable structure within the identified search ring.~~

~~For the purpose of this analysis:~~

~~(1) Antenna(s) can be accommodated on an existing or approved tower, building or other suitable structure unless:~~

- (a) Existing or approved towers, buildings or other suitable structures do not have the structural or leasable capacity to support additional antennas;
  - (b) Existing or approved towers, buildings or other suitable structures are not appropriately located or tall enough for the antenna(s) to effectively provide the proposed service; or
  - (c) Addition of the proposed antenna(s) to an existing or approved tower, building or other suitable structure would cause radio frequency emissions at that location in excess of the levels allowed by the FCC.
- (2) Use of an existing or approved tower, building or suitable structure is not precluded simply because a reasonable lease fee is charged for use of the tower or structure or because of reasonable costs necessary to adapt the proposed antenna(s) to said tower, building or structure.
- (3) The analysis shall include a map showing the locations of all existing towers, buildings or other suitable structures included in the search ring and a written analysis as to their capability and availability to support additional antennas in response to items (1) and (2) above.
- D. A Tower Sharing Plan (Facilities 2 through 4 and those regulated under Section 430-109.11 only)
- (1) All new towers and replacement towers shall provide for the future co-location of antenna systems by other service providers as follows:
    - (a) Towers under one hundred (100) feet in height shall provide for a minimum of two antenna systems (the proposed service provider and a future co-location site) in a manner that will accommodate the additional antenna system without the need to increase the height or base diameter of the tower.
    - (b) Towers greater than one hundred (100) feet in height shall provide for a minimum of three antenna systems (the proposed service provider and two future co-location sites) in a manner that will accommodate the additional antenna system(s) without the need to increase the height or base diameter of the tower.
  - (2) A tower subject to this subsection may be approved only subject to a condition that the applicant negotiate in a timely manner and in good faith for shared use of the tower by third parties. The applicant shall allow shared use of the tower if the third party agrees in writing to pay a reasonable pro rata charge for sharing, including all charges necessary to modify the tower to accommodate shared use. An applicant will not be required to permit shared use of any unused tower capacity that the applicant demonstrates is needed for the applicant's future system expansion or modification plans as set forth in an approved business plan. This condition shall run with the land and be binding on subsequent purchasers of the tower or site. Failure to comply with this condition shall be grounds for revocation of the permit for the tower and removal of the tower in accordance with Section 430-109.12.
  - (3) Tower Sharing Plans shall contain certified documentation from a structural engineer licensed in Oregon that the tower has been designed to safely accommodate the proposed antennas in addition to future co-located antennas required pursuant to (1)(a) and (b) above. Tower Sharing Plans shall also show the mounting locations for future co-located antennas required by this section.

E. A District Siting Analysis (Residential Districts only) demonstrating that the tower or antenna(s), excluding co-located antennas (i.e., Facility 1 applications), cannot be sited in a non-residential district.

For the purpose of this analysis:

(1) The proposed tower or antenna(s) can be sited in a non-residential district unless:

(a) Existing non-residential sites would not accommodate the proposed antenna(s) or tower associated with the antenna(s) considering the site area needed for the tower, topography and other physical characteristics of possible alternative sites, and the communication or transmission services to be provided by the proposed antenna(s);

(b) The tower or antenna(s) would pose a hazard to aircraft; and

(c) The proposed antenna(s) cannot function effectively given the communication or transmission services to be provided and the user group or areas it is intended to serve.

(2) Clustering

(a) New telecommunication facilities may not be sited in a residential district within 1,000 feet of any existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2. This restriction does not apply to the siting of new antennas on existing towers.

(b) If a new telecommunication facility is proposed to be sited in a residential district, the applicant shall submit evidence that there are no existing telecommunication facilities, except those exempt pursuant to Sections 430-109.1 and 201-2, located within 1,000 feet of the proposed facility. The 1,000 foot radius shall be measured from the center of the footprints of any existing and the proposed towers and/or antennas, not from property lines or guy wire anchors.

F. An engineering report that addresses the requirements in B., C., D., and E., above and contains the following information:

(1) Certified documentation from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower as well as all accessory equipment on the site as shown on the site plan. Notwithstanding, tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, are not required to be submitted with the land use application, unless they are needed to demonstrate the feasibility of siting the proposed telecommunication facility on the site. Otherwise they shall be submitted prior to issuance of the Building Permit pursuant to Section 430-109.9.

Engineering Report Requirements:

(1) Communication Tower Design

(a) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included;



~~(b) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated, including antennas that can be co-located on the tower;~~

~~(c) Evidence of structural integrity of the tower structure as required by the Building Official;~~

~~(d) Failure characteristics of the tower and documentation that site and setbacks are of adequate size to contain debris; and~~

~~(e) Ice hazards and mitigation measures, which have been employed, including increased setbacks and/or de-icing equipment).~~

~~(2) Communication Antenna Design (For Each Antenna)~~

~~\_\_\_\_\_ (a) Antenna height above ground, design, dimensions, wind load rating, gain and radiation pattern;~~

~~\_\_\_\_\_ (b) Failure characteristics of the antenna and documentation that the site and setbacks are of adequate size to contain debris; and~~

~~(c) Ice hazards and mitigation measures, which can be employed, including increased setbacks and/or deicing equipment.~~

~~(3) Compliance with the NIER emission standards of 430-109.6 E., except as exempted therein. Documentation shall be prepared by a professional engineer licensed in the State of Oregon to address these emission standards.~~

~~(24) Evidence that it is feasible to comply~~ Compliance with applicable DEQ noise standards if the installation contains heating, cooling, electrical generating or other equipment likely to produce noise.

~~(5) Compliance with the requirements of Section 430-109.3 A. and B., 430-109.6 A.(4), 430-109.6B., 430-109.6E., 430-109.6F.(4), and 430-109.7.~~

~~(6) When applicable in the rural area, compliance with ORS 215.275 and OAR 660-33 (utility facilities necessary for public service), including the required technical analysis.~~

~~C. Agency coordination statements required by 430-109.6 F.(2) or evidence of a good faith, timely effort to achieve such responses.~~

~~D. Proof of liability insurance coverage for the proposed communication tower or antenna. Such proof shall be submitted prior to issuance of a building permit. Liability insurance shall be maintained until the tower or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this Code.~~

G.E. When applicable, a copy of a signed contractual agreement, excluding financial information, between the tower provider and a telecommunications service provider to provide wireless service on the proposed tower.

430-109.85 General Design Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:

A. New individual antennas attached to a tower, excluding those employing concealment technology (i.e., Facility 2), shall be flush-mounted, mounted on davit arms extending a

maximum of five (5) feet out from the tower, or mounted using other similar techniques that minimize visual impact;

B. New antennas, excluding whip antennas, mounted on top of buildings in all land use districts shall be designed as a Facility 2 and extend no more than ten (10) feet above buildings in residential districts and no more than thirty (30) feet above buildings in non-residential districts;

C. New antennas mounted to the side or roof edge of an existing building or structure in a residential district shall be designed as a Facility 2;

D. New antennas mounted to the side or roof edge of an existing building or structure in a non-residential district shall at a minimum be the same color as the exterior of the building or structure and be flush-mounted;

E. New antennas mounted to existing structures (i.e., water reservoir tanks or electric transmission towers) that are not buildings or previously approved towers shall be flush-mounted to the greatest extent practicable or otherwise mounted in ways that minimize visual impacts, extend no more than fifteen (15) feet above the structure, and be the same color as the structure;

F. New whip antennas shall be made of non-reflective material and no higher than fifteen (15) feet above the tower, building or structure;

AG. New towers, except those approved as a Facility Type-2, shall be painted or otherwise treated/coated in a manner that blends in with the surrounding area in order to minimize visual impact, unless state or federal regulations require different colors. The exterior finish-color of the tower shall also be result in a non-reflective in nature surface that and makes the tower as visually unobtrusive as possible, unless state or federal regulations require different colors. If there is/are stands of trees or other sight-obscuring heavy vegetation on site or in the immediate area, the tower shall be painted or finished from base to treeline to blend with the landscapesurrounding vegetation;

BH. New towers shall be illuminated only whenas required by the ODAOregon Department of Aviation, FAA or other state or federal agency. However, no lighting shall be incorporated if not required by the Oregon Department of Aviation, FAA or other responsible agency; and

I. Ground-mounted equipment shelters shall be constructed of materials and/or painted with earth-tone colors that are non-reflective in nature. They shall also be no taller than twelve (12) feet high.

C. The property owner shall execute and record a restrictive covenant which sets forth the requirements of Section 430-109.9. The covenant shall specifically include the following language: "In the event the antenna(s) and/or tower are not removed and the site restored within the time period specified in Section 430-109.9, Washington County may remove the facilities and restore the site pursuant to Section 430-109.9. Washington County's costs to remove the facilities and restore the site shall be a lien on the property of the owner."

A copy of the recorded covenant shall be provided to the Director prior to the issuance of a building permit, or when required, final land use approval of the antenna and/or tower. The restrictive covenant shall not be modified or released without the written signature of the Director.

~~D. A speculation ("spec") tower is prohibited in all land use districts. A speculation tower is a tower for the purpose of providing location mounts for wireless communications facilities without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of application submittal.~~

430-109.96 Site-Specific Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters Type II and III Applications:

A. General Criteria

- ~~(1) Arrange structures and use areas to minimize impacts on adjacent developments and surrounding land uses;~~
- ~~(2) Locate and design structures and uses to preserve, to the greatest extent possible, scenic views or vistas identified in the applicable community plan and viewable from adjacent properties or public thoroughfares, by considering setbacks, building height, bulk and landscaping;~~
- ~~(3) Orient major service activity areas (e.g., loading and delivery areas) of the proposed development, if any, away from existing dwellings; and~~
- ~~(4) Placement of more than one tower on a non-residential lot shall be permitted, provided all applicable regulations are met. Structures may be located as close to each other as technically feasible, provided failure characteristics of the towers on the site will minimize the potential for multiple failures in the event that one fails.~~

BA. Setbacks

~~Notwithstanding the setback provisions of the individual land use districts, the setback provisions in Table A shall be applied to communication towers and antennas, except for antennas that are incorporated in or on an existing building and are hidden or disguised as a Facility Type 2.~~

- (1) New telecommunication facilities shall comply with the setback provisions of the individual land use districts, unless greater setbacks are required by Table A, except as set forth below:-

Antennas that are co-located on an existing building in accordance with Section 430-109.3 C.

- (2) New ground-mounted equipment shelters shall comply with the setback provisions of the individual land use districts, except as set forth below:

Underground vaults containing equipment cabinets and other associated equipment supportive of wireless telecommunication or broadcast facilities may be located in a required setback, except as otherwise restricted by the UBC, the Uniform Fire Code (UFC) or subsection C. below.

- (3) Notwithstanding the requirements set forth in (1) and (2) above, the Review Authority may reduce the required setbacks through a Procedure Type III adjustment process, provided that the applicant can demonstrate to the Hearings Officer that the proposed site development plan will reduce the impacts on surrounding land uses. The Hearings Officer may approve an adjustment to the setbacks based on findings that:

- (a) The applicant has submitted an alternate siting and/or tower design (e.g., Facility 2) and development plan which utilizes existing on-site vegetation (e.g.,

trees) and/or buildings, topography or other site-specific factors or constraints to more effectively screen the tower and accessory equipment; and

(b) Impacts to surrounding properties are less with the alternate setback as compared to the setbacks required by Table A and can be mitigated for the benefit of the surrounding property owners by an adjustment to the setbacks.

#### CB. Access

~~In residential districts, when a site abuts a local street and a collector or an arterial, new access to the site shall be from the collector or arterial when there is compliance with applicable County transportation standards, including the requirements of Section 501-5.3 and the Washington County Uniform Road Improvement Design Standards. Access shall be taken from the local street when access to a collector or arterial cannot meet the applicable transportation standards.~~

(1) In residential districts, when a site fronts a local street and a collector or a local and an arterial, site access shall be from the collector or arterial subject to all applicable County standards. Access may be taken from the local street when access to a collector or arterial does not meet the applicable standards.

(2) In non-residential districts, site access may be from a local street, a collector or arterial, subject to all applicable County standards.

(3) Access to the site shall be oriented away from existing dwellings.

#### DC. Landscaping, Screening and Fencing

(1) Landscaping, screening and buffering, including fencing, shall be provided as required by Sections 407 and 411 to screen the site from public view. Notwithstanding, landscaping, screening and buffering is not required for Facility 2 uses when the equipment shelter is hidden from public view, such as when located within an existing building, designed to resemble a natural object, such as a boulder, or when it does not exhibit any visible exterior characteristics, such as cables, of an equipment shelter. However, in no case shall the screening and buffering within or adjacent to a residential district be less than what is required by Section 411-6.3. Tree and shrub species shall be selected so as to achieve the maximum screening effect without interfering with transmitted signals which will attain a minimum height of twelve (12) feet;

(2) Native on-site vegetation on the site shall be preserved to the greatest practical extent. The landscape plan shall show all existing significant vegetation to be removed applicant shall provide a site plan showing existing significant vegetation to be removed (as described in Section 407-46.2 B.) and vegetation to be replanted to replace that vegetation which will be removed;

(3) Notwithstanding the requirements of Section 411, trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted; All fencing shall be sight-obscuring (i.e., solid wood fence, chain link fence with slat inserts, or other solid material fencing) and installed in accordance with Sections 418 and 419. Barbed or razor wire is not permitted; and

(4) The base of a communication tower and any guy anchors shall be fenced or otherwise designed to prevent access by unauthorized personnel; and

(54) In lieu of the preceding standards in (1) through (3) above, the approval authority may approve use of an alternate detailed landscape, screening and fencing

plan ~~through a Type II or III procedure and specifications for landscape and screening, including plantings, fences, walls and other features. The plan shall be designed to screen and buffer towers and accessory uses when the plan accomplishes the same degree of screening achieved in (1) through (3) above.~~ The plan shall accomplish the same degree of screening achieved in (1), (2), (3), and (4) above, except when less screening is required to provide as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

#### ED. Radio Frequency Emissions

- (1) All applications shall contain a certified statement from a licensed, qualified professional engineer experienced in radio frequencies that the proposed facility will comply with all FCC standards for radio frequency emissions or television signal transmissions.

~~A transmitting antenna shall not exceed or cause other facilities to exceed the radio frequency emission standards specified in Table B.~~

- ~~(2) A transmitting antenna that operates at less than 1000 watts ERP and that complies with the minimum siting distance to habitable structures shown in Table C is conclusively presumed to comply with the emission standards in Table B.~~

- ~~(3) Unless the proposed antenna complies as outlined in (2) above, an application for a transmitting antenna subject to Section 430-109.6 E. shall include a scaled map and exhibits showing:~~

~~(a) Horizontal and radial distance from the proposed antenna to the nearest point on the property line; the nearest habitable structure regularly occupied by people other than those residing or working on the property; the nearest publicly accessible spaces, such as parks and playgrounds; and the point(s) off the property with the highest calculated radio frequency emission level(s) and the elevation above sea level at those points.~~

~~(b) Ambient radio frequency emission levels in the frequency range of the proposed antenna measured at the points identified above.~~

~~(c) Calculated radio frequency emission levels after establishment of the proposed antenna(s) at the points identified above. Radio frequency emission level calculations shall be consistent with FCC Office of Science and Technology Bulletin 65 or other engineering practices recognized by the FCC, EPA, NCRP, ANSI, or similar organization.~~

- ~~(4) If the calculated radio frequency emission level at any point identified in section 430-109.6 E. (3)(a) is more than one-third the maximum radio frequency emission level permitted under Table B, then the antenna may only be approved subject to a condition that the applicant measure the radio frequency emission level at those points after the antenna is established, and that such measurements show the radio frequency emission level complies with Table B. Additional radio frequency emission tests shall be conducted every two (2) years thereafter.~~

- ~~(5) Radio frequency emission measurements.~~

~~(a) Radio frequency emission measurements required in Section 430-109.6 E. shall be made by a licensed professional engineer with an FCC General Radio-Telephone License.~~

- (b) ~~Measurement shall comply with the latest version of American National Standards Institute (ANSI) Standard C95.3 Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, or with similar methods considered appropriate by the engineer and shall employ spatial averaging procedures.~~
- (c) ~~For all radio frequency emission measurements made to ensure compliance with this section, evidence must be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. A letter must also be submitted verifying the accuracy of the results of the measurements and stating that the measurements were made in accordance with good engineering practices.~~
- (d) ~~Measurements shall be made when radio frequency emission levels are reasonably expected to be highest due to operating and environmental characteristics.~~
- (e) ~~The effect of contributing sources of radio frequency emissions below the lower frequency limit of a broadband measuring instrument may be included by separate measurement of these sources with a narrow band measuring instrument. Radio frequency emission levels of less than 20 microwatts per square centimeter or the minimum sensitivity of the instrument, whichever is less, shall be treated as zero.~~
- (6) ~~Measurements and calculations shall be certified by the person responsible for them and shall be accompanied by an explanation of the protocol, methods, equipment, and assumptions used. The certification shall include an affidavit stating the qualifications of the person responsible for the measurements and calculations. If deemed necessary by the Director, the County may retain the services of an independent RF emissions expert to review the calculations and any subsequent RF emission measurements submitted by the applicant. The services of the independent expert shall be paid for by the applicant.~~
- (7) ~~If the federal or state government adopts mandatory or advisory radio frequency emission standards more stringent than those described in this section, the Director shall prepare a report and recommendation to the Planning Commission and Board of County Commissioners to bring the County standards into compliance with those state or federal standards within a reasonable period of time after the date the new standards are effective.~~

#### FE. Other Provisions~~Signs~~

- (1) ~~Signs.~~ Notwithstanding the provisions of Section 414, all antennas and communication towers ~~and antennas~~, which are not located at the user's place of business or operation, shall be identified with a sign not exceeding four (4) square feet. The sign shall list the owner or operator's name and emergency telephone number and shall be posted in a conspicuous place visible to the general public. Other signs may be located on the site as allowed by the underlying land use district.

#### F. Noise

If the installation contains heating, cooling, emergency power or other potentially noise-producing equipment, the service provider shall submit documentation prepared by qualified personnel documenting that the operation complies with applicable Department

of Environmental Quality (DEQ) noise standards. Such evidence shall be submitted within ninety (90) days of completion and operation.

G. Additional Standards for Procedure Type II and III Telecommunication Facilities, excluding those regulated under Section 430-109.11:

- (1) Arrange structures and accessory uses to minimize visual and noise impacts on adjacent developments and surrounding land uses;
- (2) Locate and design structures and uses to preserve, to the greatest extent possible, scenic views or vistas identified in the applicable community plan and viewable from adjacent properties or public thoroughfares, by considering setbacks, building height, bulk and landscaping;
- (3) Placement of more than one tower on a non-residential lot shall be permitted, provided all applicable regulations are met. Structures may be located as close to each other as technically feasible, provided failure characteristics of the towers on the site will minimize the potential for multiple failures in the event that one fails; and
- (4) New towers shall be no taller than necessary to provide adequate communications for immediate and future planned use, except as otherwise limited by the provisions in this section or in the individual land use districts.

H. The following shall submitted to the Director prior to issuance of a Building Permit, except as otherwise noted:

- (1) Proof of liability insurance coverage for the proposed telecommunication facility. Liability insurance shall be maintained until the tower or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this Code.
- (2) A copy of the recorded restrictive covenant by the property owner setting forth the requirements of Section 430-109.12. The covenant shall specifically include the following language: "In the event the antenna(s) and/or tower are not removed and the site restored within the time period specified in Section 430-109.12, Washington County may remove the facilities and restore the site pursuant to Section 430-109.12. Washington County's costs to remove the facilities and restore the site shall be a lien on the property of the owner." The copy shall be provided to the Director prior to issuance of the building permit (Procedure Type I applications) and prior to issuance of final land use approval (Procedure Type II and III applications). The restrictive covenant shall not be modified or released without the written signature of the Director.
- (3) Certification from a structural engineer licensed in Oregon that the tower is structurally sound and complies with all applicable building and structural codes and that it is feasible to safely site the tower and accessory equipment on the site as shown on the final approved site plan.
- (4) Tower design specifications and other related structural information, including the foundation design and failure characteristics of the tower, unless they were submitted with the initial land use application.
- (5) Ice hazard mitigation measures to be employed (e.g., increased setbacks or de-icing equipment) or evidence documenting why mitigation measures are not needed.

430-109.10 (2) Agency Coordination- Documentation

The applicant shall provide the following information prior to issuance of a building permit for a Procedure Type I telecommunication facility applications and prior to issuance of final land use approval for Procedure Type II and II telecommunication facility applications in writing from the appropriate responsible official:

A. (a) A statement from the FAA Federal Aviation Administration notification that the antenna or tower application has not been found not to be a hazard to air navigation pursuant to under Section 77.19 of Part 77, of the Federal Aviation Regulations, unless the proposed antenna or tower is exempt from notification pursuant to Section 77.19 of Part 77, or a statement that no compliance with Part 77 is required.

B. (b) A statement from the ODA Oregon Department of Aviation notification that the antenna or tower that the application has been found not to be a hazard to air navigation pursuant to OAR 738-070-0090, unless the proposed antenna or tower is exempt from notification pursuant to OAR 738-070-0060 comply with the applicable regulations of the Division, or a statement that no such compliance is required.

C. (c) A copy of the operating license issued to the service provider for the proposed antenna or tower. In the event that the FCC does not issue an individual operating license for the proposed use and location, a copy of the service provider's current geographic area license shall be provided, statement from the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

(d) The statements in (a) through (c) shall be waived when the applicant demonstrates that a good faith, timely effort was made to obtain such responses but that no such response was forthcoming, provided the applicant conveys any response received; and further provided any subsequent response that is received is conveyed to the approval authority as soon as possible.

(3) If the installation contains heating, cooling, electrical generating or other equipment likely to produce high noise levels, the operator shall submit appropriate evidence prepared by qualified personnel documenting that the operation complies with applicable DEQ noise standards. Such evidence shall be submitted within forty-five (45) days after the date the equipment commences operation.

(4) The applicant shall submit a statement describing the nature and extent of any interference which may be associated with the proposed communication tower and/or antenna and describing the applicant's responsibilities under federal regulations.

(5) If deemed necessary by the Director, the County may retain the services of an independent expert to review the completed engineering report(s) submitted under Section 430-109.4 B. to assist staff determine compliance with the requirements of Sections 430-109.3 A. and B., 430-109.4 B. (6), and 430-109.7 A. The applicant shall be responsible for the cost of this review.

430-109.7 Additional Standards for Type II and III Applications in Residential DistrictsA. Standards Applicable to Type II and III Applications

(1) If a communication tower or antenna is proposed, other than as a replacement for an approved, conforming tower or antenna or co-located antennas (i.e., Facility Type 1 applications), the applicant shall submit documentation to show that the



~~tower or antenna cannot be sited in a non-residential district. The proposed facilities cannot be sited in a non-residential district if:~~

- ~~(a) Sites in non-residential districts would not accommodate the proposed antenna(s) or the communication tower associated with the antenna(s) considering the site size needed for the tower, topography and other physical characteristics of possible alternative sites, and the communication services to be provided by the proposed antenna(s);~~
- ~~(b) The tower or antenna(s) would pose a hazard to aircraft as an obstacle or source of adverse electromagnetic interference; and~~
- ~~(c) The proposed antenna(s) cannot function effectively given the communication services to be provided and the user group or area it is intended to serve.~~

~~(2) Maximum Height~~

~~Transmitting and receiving antennas and communication towers shall be no higher than necessary to provide adequate communications for immediate and future planned use, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.~~

~~(3) Clustering~~

- ~~(a) New communication towers and antennas may not be sited in a residential district within 1,000 feet of any existing nonexempt communication tower and/or antenna. This restriction does not apply to the siting of new antennas on existing communication towers.~~
- ~~(b) If a new communication tower and/or antenna is proposed to be sited in a residential district, the applicant shall submit evidence that there are no existing nonexempt communication towers and/or antennas located within 1,000 feet of the proposed facility. The 1,000 foot radius shall be measured from the center of the footprints of any existing and the proposed towers and/or antennas, not from property lines or guy wire anchors.~~

~~B. Standards Applicable to Type III Applications~~

~~The tower/antenna shall be located and designed to minimize obstruction or degradation of views and vistas not identified in the Community Plans or the Rural/Natural Resource Plan by considering setbacks, building heights, bulk and landscaping.~~

~~430-109.8 No source of non-ionizing electromagnetic radiation, including facilities operational before the effective date of these regulations, shall exceed the RF emission standards specified in Section 430-109.6 E., Table B.~~

430-109.11 Application Requirements for Telecommunication Facilities less than two hundred (200) feet proposed on lands designated EFU and AF-20:

- A. The applicant shall demonstrate that the facility is necessary for public service pursuant to ORS 215.213 (1)(d) and OAR 660-033-0120 (16). Applications shall include a report containing an alternative analysis consistent with ORS 215.275. The report shall be accepted by the Director as complete prior to the submission of the application. The Director may require an outside peer review of the applicant's ORS 215.275 and Section 430-109.7 F. reports by an engineer selected by the Director to assist staff determine the report's completeness. The applicant shall be responsible for the cost of this review; and

B. In addition to the requirements set forth in state law, these telecommunication facilities are subject to Sections 430-109.2; 430-109.6; 430-109.7, excluding E.; 430-109.8; 430-109.9, excluding G.; 430-109.10; and 430-109.12.

430-109.129 Abandonment

- A. All antennas and towers shall be considered abandoned when there has not been a licensed service provider operating from the site facility for a period of one year. Within ninety (90) days of abandonment, the service provider shall remove all facilities from the site and restore the site to its previous condition. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.
- B. If any abandoned facilities have not been removed from a site, no new communication or broadcast facility in unincorporated Washington County shall be approved for the service provider or property owner.
- C. The ~~property owner and~~ service provider shall annually provide the Director with written documentation verifying that the antenna(s) continue to operate in accordance with the requirements of Section 430-109, all conditions of approval and all applicable state and federal regulations.

Figure 1.

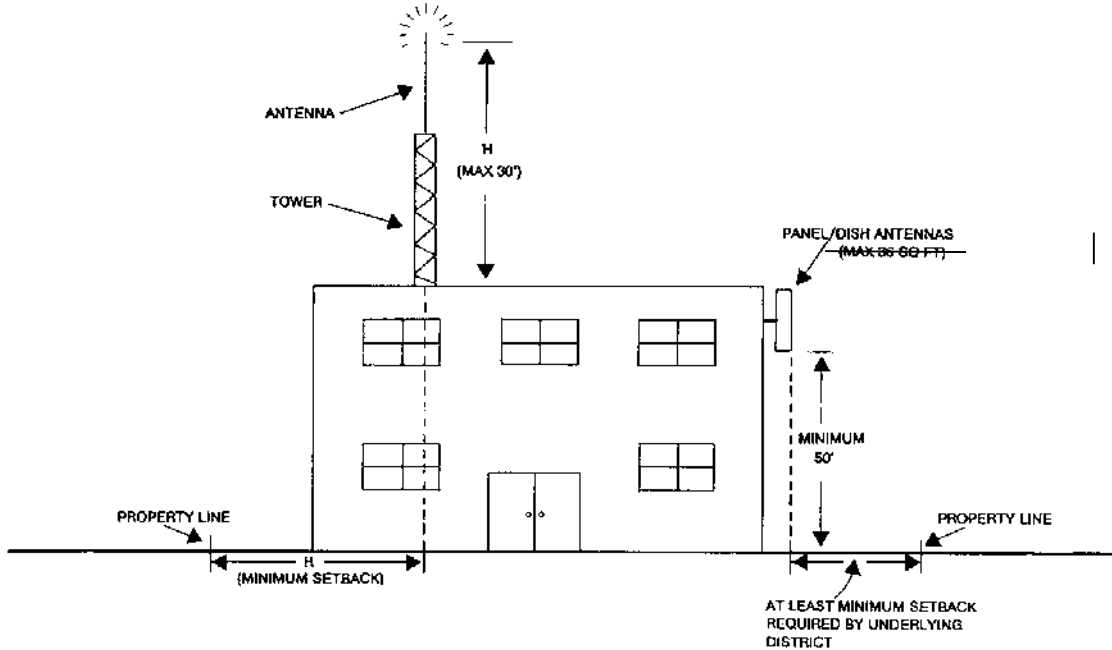
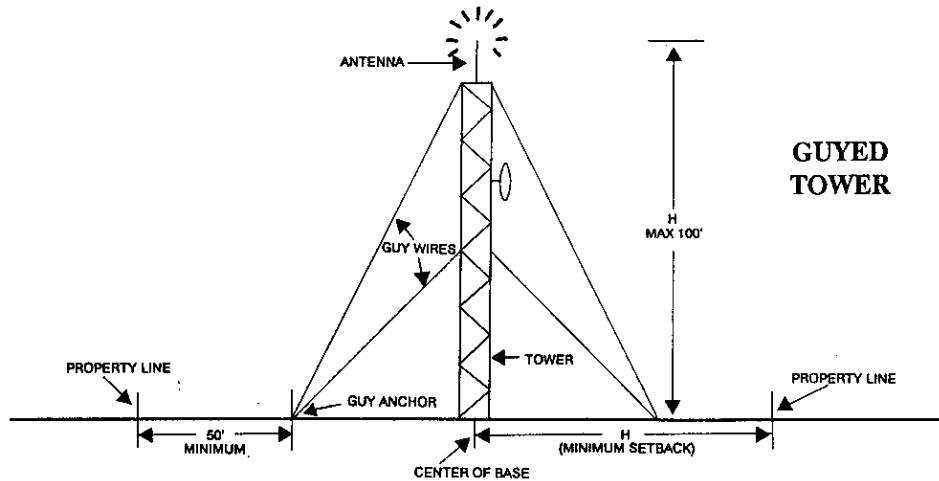
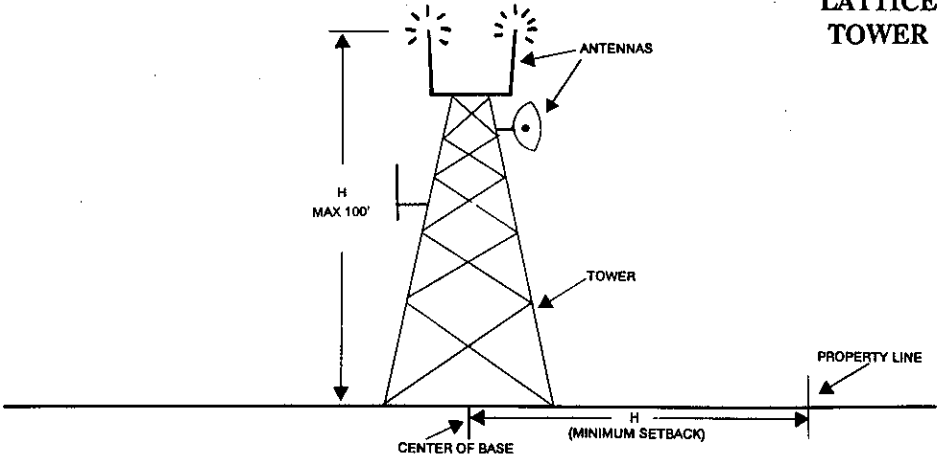


Figure 2.



**LATTICE  
TOWER**



**MONOPOLE**

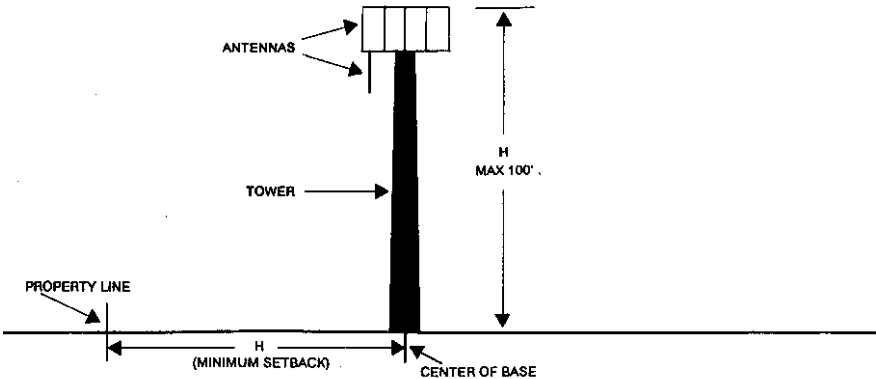


Figure 3.

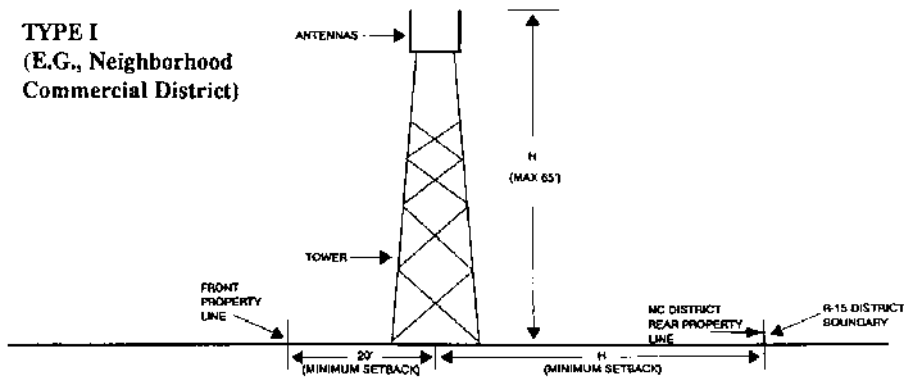
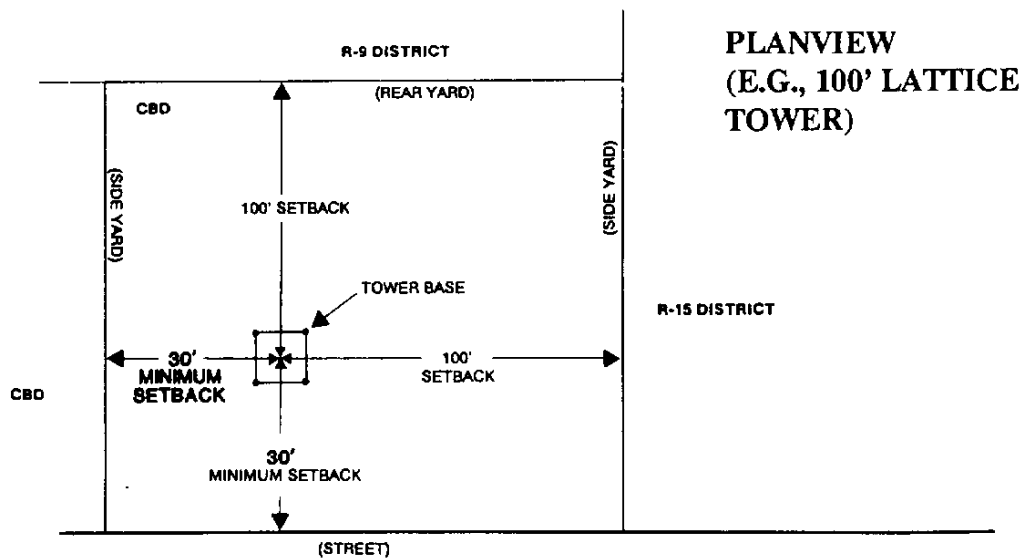
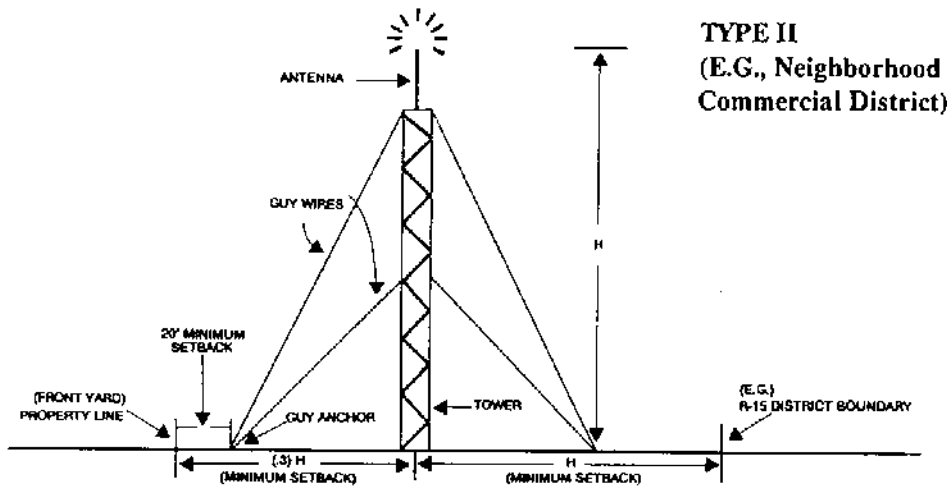


Figure 4.



430-109

**TABLE A  
 SETBACK PROVISIONS**

| ALLOWED USE   | SETBACK PROVISION<br>(See below) | ILLUSTRATION |
|---|----------------------------------|--------------|
| <u>RESIDENTIAL DISTRICTS</u>  |                                  |              |
| Type II Uses:   |                                  |              |
| (a) Towers and antennas located on existing structures or buildings                             | II-R/I-NR                        | Fig. 1       |
| (b) Antennas located on previously approved towers  | Not applicable                   |              |
| Type III Uses:  |                                  |              |
| (c) Free-standing towers and antennas to a maximum height of 100 feet                           | III-R                            | Fig. 2       |
| <u>NONRESIDENTIAL DISTRICTS</u>   |                                  |              |
| Type I Uses:  |                                  |              |
| (a) Free-standing towers and antennas to maximum height of underlying district                  | I-NR                             | Fig. 3       |
| (b) Towers and antennas located on existing structures or buildings                             | II-R/I-NR                        | Fig. 1       |
| (c) Antennas located on previously approved towers  | Not applicable                   |              |
| Type II Uses:   |                                  |              |
| (d) Free-standing towers and antennas up to 200 feet in height                                  | III-NR                           | Fig. 4       |
| (e) Towers and antennas on parcels with 50% or more of perimeter abutting residential districts | III-NR                           | Fig. 4       |
| Type III use:   |                                  |              |
| (f) Free-standing towers and antennas over 200 feet in height                                   | III-NR                           | Fig. 4       |

R = RESIDENTIAL DISTRICT; NR = NONRESIDENTIAL DISTRICT

II-R/I-NR: The base of the antenna and/or its supporting tower shall maintain setbacks at least equal to the height of the antenna and its supporting tower. Dish or panel antennas shall be located at least fifty (50) feet above grade and meet the minimum yard requirements of the underlying district (Figure 1).

III-R: Provide setbacks for the tower/antenna at least equal to the height of the tower/antenna above grade between the base of the tower and the outer boundary of the site. Provide setbacks of at least fifty (50) feet between any guy anchors and the outer boundary of the site. Provide a setback of at least twenty-five (25) feet between any accessory structures (except fences) and the outer boundary of the site (Figure 2).

I-NR: Provide setbacks as required by the underlying land use district. However, in no case shall the setbacks be less than 100 percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted (Figure 3).

III-NR: Provide setbacks for the antenna/tower equal to 30 percent of the height of the tower above grade between the base of the tower and the outer boundary of the site. In no case shall the setback be less than 100 percent of the height of the tower above grade between the base of the tower and the boundary of any residential district existing at the time the application is submitted. Provide setbacks for guy anchors and accessory uses (except fences) in accordance with the provisions of the underlying land use district (Figure 4).

Notwithstanding the provisions of III-NR above, within the EFU, AF-20 and EFC Land Use Districts, the setbacks shall also not be less than 100 percent of the height of the tower above grade between the base of the tower and any dwelling unit in these districts existing at the time the application is submitted.

430-109  
 Table B  
 RF Emission Standards<sup>a</sup>

| Frequency Range | Mean Squared Electric (E <sup>2</sup> ) Field Strength (V <sup>2</sup> /m <sup>2</sup> ) <sup>b</sup> | Mean Squared Magnetic (H <sup>2</sup> ) Field Strength (A <sup>2</sup> /m <sup>2</sup> ) <sup>c</sup> | Equivalent Plane-Wave Power Density (uw/cm <sup>2</sup> ) <sup>d</sup> |
|-----------------|---|---|--|
| 100KHz-3MHz     | 80,000  | 0.5   | 20,000   |
| 3MHz-30MHz      | 4,000(180/f <sup>2</sup> ) <sup>e</sup>   | 0.025(180/f <sup>2</sup> )  | 180,000/f <sup>2</sup>   |
| 30MHz-300MHz    | 800   | 0.005   | 200  |
| 300MHz-1,500MHz | 4,000(f/1,500)  | 0.025(f/1,500)  | f/1.5  |
| 1,500MHz-300GHz | 4,000   | 0.025   | 1,000  |

<sup>a</sup> \_\_\_\_\_ All standards refer to root mean square (rms) measurements gathered by an approved method.

<sup>b</sup> \_\_\_\_\_ V<sup>2</sup>/m<sup>2</sup> = Volts squared per meter squared.

<sup>c</sup> \_\_\_\_\_ A<sup>2</sup>/m<sup>2</sup> = Amperes squared per meter squared.

<sup>d</sup> \_\_\_\_\_ uw/cm<sup>2</sup> = Microwatts per centimeter squared.

<sup>e</sup> \_\_\_\_\_ f = Frequency in Megahertz (MHz).



430-109  
 Table C  
 Minimum Siting Distance to Habitable Structures<sup>a</sup>

| Effective Radiated Power (ERP) | Frequency (f) (MHz) | Minimum distance from Point A to habitable structure (feet) <sup>b</sup> | Minimum distance from Point B to habitable structure (feet) <sup>c</sup> |
|--------------------------------|---------------------|--|--|
| <100 watts                     | All                 | 10   | 3  |
| 100 watts to 999 watts         | All                 | 15   | 6  |
| 1,000 watts to 9,999 watts     | <7                  | 11   | 5  |
|                                | 7-30                | <del>f / 0.67</del>  | <del>f / 15</del>  |
|                                | 30-300              | 45   | 20   |
|                                | 300-1,500           | <del>780 / √f</del>  | <del>364 / √f</del>  |
|                                | >1,500              | 20   | 10   |
| ≥10 Kw                         | <7                  | 17.5   | 8  |
|                                | 7-30                | <del>f / 0.4</del>   | <del>f / 0.91</del>  |
|                                | 30-300              | 75   | 33   |
|                                | 300-1,500           | <del>1300 / √f</del>   | <del>572 / √f</del>  |
|                                | >1,500              | 34   | 15   |

<sup>a</sup> ~~Measurements are made from point A and B on the antenna to the nearest habitable structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna.~~

<sup>b</sup> ~~Point A is the highest point of the antenna (not the tower) to the structure.~~

<sup>c</sup> ~~Point B is the closest point of the antenna to the structure.~~

Community Development Code Sections 302 (R-5 DISTRICT), 303 (R-6 DISTRICT), 304 (R-9 DISTRICT), 305 (R-15 DISTRICT), 306 (R-24 DISTRICT), 307 (R-25+ DISTRICT), 308 (FD-20 DISTRICT), 309 (FD-10 DISTRICT), 346 (AF-10 DISTRICT), 348 (AF-5 DISTRICT) and 350 (RR-5 DISTRICT) are amended to reflect the following changes. Note that for each CDC Section amended, sub-sections will be renumbered where necessary to maintain proper sequence. Lines below represented by a series of asterisk symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

1. CDC Section 302 (R-5 District), is amended as shown below:

**302-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

302-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a ~~receiving or transmitting antenna or communication tower~~telecommunication facility.

\*\*\*\*\*

~~302-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

~~302-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.~~

**302-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

302-3.8 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-~~

~~409.~~ Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

~~302-3.9 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP. Section 430-109.~~

(NOTE: Sections 302-3.10 through 302-3.13 will be renumbered accordingly.)

**302-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

302-4.13 ~~Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers,~~ to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.

302-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

(NOTE: Sections 302-4.14 through 302-4.17 will be renumbered accordingly.)

\*\*\*\*\*

302-7.3 Height:

\*\*\*\*\*

- D. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

2. CDC Section 303 (R-6 District), is amended as shown below:

**303-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

303-2.5 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;

- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a ~~receiving or transmitting antenna or communication tower telecommunication facility~~.

\*\*\*\*\*

303-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

303-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **303-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~303-3.13 Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-109.~~  
Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

~~303-3.14 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP – Section 430-109.~~

*(NOTE: Sections 303-3.15 through 303-3.18 will be renumbered accordingly.)*

\*\*\*\*\*

### **303-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~303-4.13 Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

303-4.14 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

(NOTE: Sections 303-4.14 through 303-4.16 will be renumbered accordingly.)

\*\*\*\*\*

**303-7.3 Height**

\*\*\*\*\*

- D. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

3. CDC Section 304 (R-9 District) is amended as follows:

**304-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

304-2.5 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility.

\*\*\*\*\*

304-2.13 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

304-2.14 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**304-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

- 304-3.12 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of 1,000 watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel~~

~~antennas and there shall be no more than five (5) other antennas – Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

~~304-3.13 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed 1,000 watts ERP – Section 430-109.~~

(NOTE: Sections 304-3.14 through 304-3.18 will be renumbered accordingly.)

\*\*\*\*\*

**304-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~304-4.13 Receiving and transmitting antennas and communication towers with a maximum power output of 1,000 watts ERP, Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

~~304-4.14 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.~~

(NOTE: Sections 304-4.14 and 304-4.15 will be renumbered accordingly.)

\*\*\*\*\*

**304-7.3 Height**

\*\*\*\*\*

E. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

4. Section 305 (R-15 District) is amended as follows:

**305-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

305-2.4 Expansion of any Type II or III use which meets the following:

A. Is exempt from application of public facility standards of Section 501-2;

- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a ~~receiving or transmitting antenna or communication tower telecommunication facility~~.

\*\*\*\*\*

305-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

305-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**305-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~305-3.13 Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-109.~~  
Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

~~305-3.14 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP – Section 430-109.~~

*(NOTE: Sections 305-3.15 through 305-3.18 will be renumbered accordingly.)*

**305-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~305-4.9 Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP~~  
Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet, ~~not otherwise allowed through a Type II procedure~~ - Section 430-109.

305-4.10 Broadcast Towers a maximum height of one-hundred (100) feet - Section 430-109.

305-4.~~1140~~ Special Recreation Use – Section 430-131.

\*\*\*\*\*

**305-7.3 Height**

\*\*\*\*\*

- E. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

5. CDC Section 306 (R-24 District) is amended as follows:

**306-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

306-2.4 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and
- C. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility.

\*\*\*\*\*

~~306-2.12 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

~~306-2.13 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.~~

**306-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

306-3.11 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~



~~306-3.12 — Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP - Section 430-109.~~

(NOTE: Sections 306-3.13 through 306-3.16 will be renumbered accordingly.)

\*\*\*\*\*

#### **306-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

306-4.8 ~~Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

~~306-4.9 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

306-4.109 Special Recreation Use – Section 430-131.

\*\*\*\*\*

#### **306-7.3 Height**

\*\*\*\*\*

E. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

6. CDC Section 307 (R-24+ District) is amended as follows:

#### **307-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

307-2.3 Expansion of any Type II or III use which meets the following:

- A. Is exempt from application of public facility standards of Section 501-2;
- B. Is not in an area of special concern as designated on the applicable Community Plan map; and

- C. ~~Is not a receiving or transmitting antenna or communication tower telecommunication facility.~~

\*\*\*\*\*

307-2.11 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

307-2.12 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

### **307-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~307-3.11 Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas. Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

~~307-3.12 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP. Section 430-109.~~

*(NOTE: Sections 307-3.13 through 307-3.15 will be renumbered accordingly.)*

\*\*\*\*\*

### **307-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~307-4.9 Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure. Section 430-109.~~

307-4.10 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

*(NOTE: Sections 307-4.10 and 307-4.11 will be renumbered accordingly.)*

\*\*\*\*\*

**307-7.3 Height**

\*\*\*\*\*

E. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

7. CDC Section 308 (FD-20 District) is amended as follows:

**308-2 Uses Permitted Through a Type I Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of this Code.

\*\*\*\*\*

308-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan or the Future Development Areas Map in Policy 41 of the Comprehensive Framework Plan;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility.

\*\*\*\*\*

308-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

308-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**308-3 Uses Permitted Through a Type II Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

308-3.5 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas - Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.~~

~~308-3.6 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP - Section 430-109.~~

(NOTE: Sections 308-3.7 and 308-3.8 will be renumbered accordingly.)

\*\*\*\*\*

**308-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted unless specified otherwise by the applicable Community Plan or Policy 41 of the Comprehensive Framework Plan. These uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

308-4.10 ~~Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one-hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

308-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

308-4.1~~2~~4 School - Section 430-121.

\*\*\*\*\*

308-6.~~43~~ Height:

\*\*\*\*\*

D. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

8. CDC Section 309 (FD-10 District) is amended as follows:

**309-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

309-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility.

\*\*\*\*\*

~~309-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

~~309-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.~~

**309-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~309-3.5 Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

~~309-3.6 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP - Section 430-109.~~

(NOTE: Sections 309-3.7 and 309-3.8 will be renumbered accordingly.)

#### **309-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~309-4.10 Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

~~309-4.11 Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.~~

\*\*\*\*\*

#### **309-6.4 Height**

\*\*\*\*\*

- D. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

9. CDC Section 346 (AF-10 District) is amended as follows:

#### **346-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

~~346-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

~~346-2.11 Facility 2 communication towers to a maximum height of one hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.~~

### 346-3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

346-3.5 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas- Section 430-109.Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

~~346-3.8 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP – Section 430-109.~~

(NOTE: Sections 346-3.9 through 346-3.11 will be renumbered accordingly.)

\*\*\*\*\*

### 346-4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 346-4.2.

346-4.1 Uses which may be allowed:

\*\*\*\*\*

V. ~~Receiving and transmitting antennas and communication towers with a maximum power output of one thousand (1,000) watts ERP, Facility 3 and 4 communication towers, to a maximum height of one hundred (100) feet, not otherwise allowed through a Type II procedure - Section 430-109.~~

\*\*\*\*\*

Y. Broadcast Towers to a maximum height of one hundred (100) feet - Section 430-109.

\*\*\*\*\*

### 346-6.3 Height

\*\*\*\*\*

D. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

10. CDC Section 348 (AF-5 District) is amended as follows:

**348-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

348-2.10 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

348-2.11 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**348-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

~~348-3.5 Receiving and transmitting antennas and communication towers, with a total maximum power output of one thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas – Section 430-109.~~  
Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

\*\*\*\*\*

~~348-3.8 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP – Section 430-109.~~

(NOTE: Sections 348-3.9 through 348-3.11 will be renumbered accordingly.)

\*\*\*\*\*

**348-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 348-4.2.



348-4.1 Uses which may be allowed:

\*\*\*\*\*

- U. ~~Receiving and transmitting antennas and communication towers, with a maximum power output of 1,000 watts ERP, not otherwise allowed through a Type II procedure, Facility 3 and 4 communication towers,~~ to a maximum height of one-hundred (100) feet - Section 430-109.
- V. Home Occupation – Section 430-63.3.
- W. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

\*\*\*\*\*

**348-6.3 Height**

\*\*\*\*\*

- C. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

11. CDC Section 350 (RR-5) is amended as follows:

**350-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

- 350-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.
- 350-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4.

**350-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted, subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

- 350-3.5 ~~Receiving and transmitting antennas and communication towers, with a total maximum power output of one-thousand (1,000) watts ERP, located on existing structures or buildings and extending no more than ten (10) feet above the existing structure. Such antennas shall be limited to a total of thirty-six (36) square feet for dish or panel antennas and there shall be no more than five (5) other antennas--~~

~~Section 430-109. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

\*\*\*\*\*

~~350-3.7 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type III procedure, consistent with the shared use plan approved for the tower. The total maximum power output of the tower shall not exceed one thousand (1,000) watts ERP – Section 430-109.~~

(NOTE: Sections 350-3.8 through 350-3.10 will be renumbered accordingly.)

\*\*\*\*\*

**350-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 350-4.2.

350-4.1 Uses which may be allowed:

\*\*\*\*\*

K. ~~Receiving and transmitting antennas and communication towers, with a maximum power output of one thousand (1,000) watts ERP, not otherwise allowed through a Type II procedure, Facility 3 and 4 communication towers,~~ to a maximum height of one-hundred (100) feet - Section 430-109.

\*\*\*\*\*

Q. Broadcast Towers a maximum height of one hundred (100) feet - Section 430-109.

\*\*\*\*\*

**350-6.3 Height**

\*\*\*\*\*

E. The height of ~~receiving and transmitting antennas and communication towers is~~ telecommunication towers are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

Community Development Code Sections 311 (NC DISTRICT), 312 (OC DISTRICT), 313 (CBD DISTRICT), 314 (GC DISTRICT), 320 (IND DISTRICT), 330 (INS DISTRICT), 352 (R-COM DISTRICT), 354 (R-IND DISTRICT), 356 (MAE DISTRICT) and 377 (SID DISTRICT) are amended to reflect the following changes. Note that for each CDC Section amended, sub-sections will be renumbered where necessary to maintain proper sequence. Lines below represented by a series of asterisk symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

1. CDC Section 311 (Neighborhood Commercial District) is amended as follows:

**311-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

311-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

311-2.7 ~~Receiving and transmitting antennas and Facility 3 and 4~~ Communication ~~t~~Iowers that:

- ~~A. Operate at less than one thousand (1,000) watts ERP;~~
- ~~BA.~~ Do not exceed a maximum height of sixty-five (65) feet; and
- ~~CB.~~ Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109.~~ For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see Sections 430-109.2 and 430-109.3 B.~~

311-2.8 ~~Receiving and transmitting antennas, except as restricted by Section 314-2.6 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure – Sections 430-109.2 and 430-109.3 B~~Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

311-2.9 ~~Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower – Section 430-109.2-Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

**311-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

311-3.17 ~~Receiving and transmitting antennas and eC~~ommunication ~~t~~Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.

\*\*\*\*\*

311-3.25 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**311-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

311-4.6 ~~Receiving and transmitting antennas and eC~~ommunication ~~t~~Towers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

311-4.7 Broadcast Towers – Section 430-109.

\*\*\*\*\*

**311-5 Prohibited Uses**

\*\*\*\*\*

~~311-5.6 Siting a communication tower or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined in Section 430-109), school, hospital or group care facility.~~

311-5.76 Auto wrecking yards.

\*\*\*\*\*

**311-6.3 Height**

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C. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

2. CDC Section 312 (Office Commercial District) is amended as follows:

**312-2 Uses Permitted Under a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

312-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

312-2.6 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eCommunication ~~t~~owers that:

- ~~A. Operate at less than one thousand (1,000) watts ERP;~~
- ~~BA.~~ Do not exceed a maximum height of seventy-five (75) feet; and
- ~~CB.~~ Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109~~. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see \_ Sections 430-109.2 and 430-109.3 B.~~

312-2.7 ~~Receiving and transmitting antennas, except as restricted by Section 314-2.6 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure – Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

312-2.8 ~~Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower – Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

### **312-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

312-3.23 ~~Receiving and transmitting antennas and eCommunication tTowers greater than seventy-five (75) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

312-3.27 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

### **312-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

312-4.5 ~~Receiving and transmitting antennas and eCommunication tTowers greater than two-hundred (200) feet in height not otherwise allowed through a Type I procedure - Section 430-109.~~

312-4.6 Broadcast Towers – Section 430-109.

\*\*\*\*\*

**312-5 Prohibited Uses**

\*\*\*\*\*

~~312-5.7 Siting a communication tower and/or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined in Section 430-109), school, hospital or group care facility.~~

312-5.8Z Auto wrecking yards.

\*\*\*\*\*

**312-6.3 Height**

\*\*\*\*\*

B. The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

3. CDC Section 313 (Community Business District) is amended as follows:

**313-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

313-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

313-2.6 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eCommunication ~~t~~Iowers that:

- ~~A. Operate at less than one thousand (1,000) watts ERP;~~
- ~~B~~A. Do not exceed a maximum height of seventy-five (75) feet; and
- ~~C~~B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109~~. For the purpose of this subsection, lots

or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see Sections 430-109.2 and 430-109.3 B.~~

313-2.7 ~~Receiving and transmitting antennas, except as restricted by Section 313-2.6 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 Section 430-109.3.~~

313-2.8 ~~Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

**313-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

313-3.34 ~~Receiving and transmitting antennas and eCommunication towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

313-3.39 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**313-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

313-4.4 ~~Receiving and transmitting antennas and eCommunication towers greater than two-hundred (200) feet in height not otherwise allowed through a Type I procedure - Section 430-109.~~



~~313-4.5~~ Broadcast Towers – Section 430-109.

(NOTE: Section 313-4.5 will be renumbered to 313-4.6.)

\*\*\*\*\*

**313-5 Prohibited Uses**

\*\*\*\*\*

~~313-5.6~~ Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one-thousand (1,000) feet of an existing residential district (as defined in Section 430-109), school, hospital or group care facility.

313-5.76 Auto wrecking yards.

\*\*\*\*\*

**313-6.3 Height**

\*\*\*\*\*

B. The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

4. CDC Section 314 (General Commercial District) is amended as follows:

**314-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

314-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an "Area of Special Concern" as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

314-2.6 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 ~~e~~ Communication ~~t~~ Towers that:

~~A. Operate at less than one-thousand (1,000) watts ERP;~~

~~BA.~~ Do not exceed a maximum height of sixty-five (65) feet; and

~~CB.~~ Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109.~~ For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see Sections 430-109.2 and 430-109.3 B.~~

~~314-2.7 Receiving and transmitting antennas, except as restricted by Section 314-2.6 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure – Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

~~314-2.8 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower – Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

~~A. Do not exceed a maximum height of sixty-five (65) feet; and~~

~~B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.~~

\*\*\*\*\*

### **314-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~314-3.39 Receiving and transmitting antennas and eCommunication towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

~~314-3.44 Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

### **314-4 Uses Which May Be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

314-4.6 ~~Receiving and transmitting antennas and e~~Communication ~~t~~Towers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

314-4.7 Broadcast Towers – Section 430-109.

\*\*\*\*\*

**314-5 Prohibited Uses**

\*\*\*\*\*

~~314-5.7 Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one-thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital or group care facility.~~

314-5.87 Auto wrecking yards.

\*\*\*\*\*

**314-6.3 Height**

\*\*\*\*\*

C. The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

5. CDC Section 320 (Industrial District) is amended as follows:

**320-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

320-2.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an “Area of Special Concern” as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and
- F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

320-2.6 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eC ~~ommunication~~ ~~t~~Towers that:

~~A. Operate at less than one thousand (1,000) watts ERP;~~

~~BA. Do not exceed a maximum height of sixty-five (65) feet; and~~

~~CB. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district as defined by Section 430-109. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. For required standards see Sections 430-109.2 and 430-109.3 B.~~

~~320-2.7 Receiving and transmitting antennas, except as restricted by Section 320-2.6 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure - Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 - Section 430-109.3.~~

~~320-2.8 Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower - Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

~~A. Do not exceed a maximum height of sixty-five (65) feet; and~~

~~B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.~~

\*\*\*\*\*

**320-3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

~~320-3.17 Receiving and transmitting antennas and communication towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

~~320-3.19 Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.~~

**320-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other

applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

320-4.6 ~~Receiving and transmitting antennas and communication towers~~ greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

320-4.7 Broadcast Towers – Section 430-109.

320-4.87 Auto wrecking yards – Section 430-15.

\*\*\*\*\*

**320-5 Prohibited Uses**

\*\*\*\*\*

~~320-5.6 Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital or group care facility.~~

\*\*\*\*\*

**320-6.1 C. Height**

\*\*\*\*\*

(3) The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

6. CDC Section 330 (Institutional District) is amended as follows:

**330-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

330-3.2 Any Type II or III use, expansion of an existing use or change of use which meets all of the following:

- A. Is exempt from application of the Public Facility Standards under Section 501-2;
- B. Is not in an “Area of Special Concern” as designated on the applicable Community Plan map;
- C. Is on an existing lot;
- D. Does not amend any previous approval or previous condition of approval;
- E. Is in compliance with all applicable standards of this Code; and

F. Is not a ~~receiving or transmitting antenna or communication tower~~ telecommunication facility allowed through a Type II or III procedure.

\*\*\*\*\*

330-3.7 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 e ~~C~~ communication ~~t~~ Towers that:

~~A. Operate at less than one thousand (1,000) watts ERP;~~

~~BA.~~ Do not exceed a maximum height of seventy-five (75) feet; and

~~CB.~~ Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109.~~ For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see, Sections 430-109.2 and 430-109.3 B.~~

330-3.8 ~~Receiving and transmitting antennas, except as restricted by Section 330-3.7 C. above, which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure - Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 - Section 430-109.3.~~

330-3.9 ~~Receiving and transmitting antennas attached to a communication tower that was previously approved through a Type I, II or III procedure, consistent with the shared use plan approved for the tower - Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

~~A. Do not exceed a maximum height of seventy-five (75) feet; and~~

~~B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.~~

\*\*\*\*\*

#### 330-4 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

330-4.4 ~~Receiving and transmitting antennas and e~~ Communication ~~t~~ Towers ~~greater than seventy-five (75) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

**330-5 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

\*\*\*\*\*

330-5.18 ~~Receiving and transmitting antennas and c~~ommunication ~~t~~owers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

330-5.19 Broadcast Towers – Section 430-109.

\*\*\*\*\*

**330-6 Prohibited Uses**

\*\*\*\*\*

~~330-6.4 Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one-thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital or group care facility.~~

330-6.54 Auto wrecking yards.

\*\*\*\*\*

**330-7.4 Height**

\*\*\*\*\*

B. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

8. CDC Section 352 (Rural Commercial District) is amended as follows:

**352-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

352-2.5 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 ~~c~~ommunication ~~t~~owers that:

- ~~A.~~ A. Operate at less than one-thousand (1,000) watts ERP;
- ~~B.~~ B. Do not exceed a maximum height of seventy-five (75) feet; and
- ~~C.~~ C. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109~~. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or

private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see Sections 430-109.2 and 430-109.3 B.~~

352-2.6 ~~Receiving and transmitting antennas and communication towers, except as restricted by Section 352-2.5 C., which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure – Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

352-2.7 ~~Receiving or transmitting antennas attached to a communication tower that was previously approved through a Type I, II, or III procedure, consistent with the shared use plan approved for the tower – Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

A. Do not exceed a maximum height of seventy-five (75) feet; and

B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

### 352-3 Uses Which May Be Permitted Through a Type II Procedure

The uses listed in Section 352-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

#### 352-3.1 Permitted Uses:

\*\*\*\*\*

AA. ~~Receiving and transmitting antennas and c~~ommunication ~~T~~towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height, ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

\*\*\*\*\*

CC. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

### 352-4 Uses Which May Be Permitted Through a Type III Procedure

The uses listed in Section 352-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the



Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 352-4.2.

352-4.1 Uses which may be allowed:

\*\*\*\*\*

B. ~~Receiving and transmitting antennas and e~~Communications ~~t~~Towers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

C. Broadcast Towers – Section 430-109.

\*\*\*\*\*

**352-5 Prohibited Uses**

\*\*\*\*\*

~~352-5.4 Siting a communication tower or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital, or group care facility.~~

352-5.54 Auto wrecking yards.

\*\*\*\*\*

**352-6.3 Height**

\*\*\*\*\*

C. The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

9. CDC Section 354 (Rural Industrial District) is amended as follows:

**354-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

354-2.4 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eCommunication ~~t~~Towers that:

~~A. Operate at less than one thousand (1,000) watts ERP;~~

~~B.~~ Do not exceed a maximum height of seventy-five (75) feet; and

~~C.~~ Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district as defined by Section 430-109. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see~~ Sections 430-109.2 and 430-109.3-B.

354-2.5 ~~Receiving and transmitting antennas, except as restricted by Section 354-2.4 C., which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure - Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 - Section 430-109.3.~~

354-2.6 ~~Receiving or transmitting antennas attached to a communication tower that was previously approved through a Type I, II, or III procedure, consistent with the shared use plan approved for the tower - Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

- A. Do not exceed a maximum height of seventy-five (75) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

**354-3 Uses Permitted Through a Type II Procedure**

The uses listed in Section 354-3.1 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-3.2. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

354-3.1 Permitted Uses:

\*\*\*\*\*

H. ~~Receiving and transmitting antennas and e~~Communication ~~t~~Towers greater than seventy-five (75) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.

\*\*\*\*\*

T. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.

\*\*\*\*\*

**354-4 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 354-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 354-4.2.

354-4.1 Uses which may be allowed:

\*\*\*\*\*

F. ~~Receiving and transmitting antennas and e~~Communication ~~t~~Towers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure~~ - Section 430-109.

G. Broadcast Towers – Section 430-109.

\*\*\*\*\*

**354-5 Prohibited Uses**

\*\*\*\*\*

~~354-5.4 Siting a communication tower or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital, or group care facility.~~

\*\*\*\*\*

**354-7.3 Height**

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C. The height of ~~receiving and transmitting antennas and communication towers~~ istelecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

10. CDC Section 356 (Land Extensive Industrial District) is amended as follows:

**356-2 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

356.2.6 ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eCommunication ~~t~~Towers that:

~~A. Operate at less than one thousand (1,000) watts ERP;~~

~~B~~A. Do not exceed a maximum height of sixty-five (65) feet; and

~~C~~B. Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109~~. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see, Sections 430-109.2 and 430-109.3 B.~~

356-2.7 ~~Receiving and transmitting antennas, except as restricted by Section 356-2.6 C., which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure~~

~~Sections 430-109.2 and 430-109.3 B. Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.~~

356-2.8 ~~Receiving or transmitting antennas attached to a communication tower that was previously approved through a Type I, II, or III procedure, consistent with the shared use plan approved for the tower – Section 430-109.2. Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

- A. Do not exceed a maximum height of sixty-five (65) feet; and
- B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.

\*\*\*\*\*

**356-3 Uses Permitted Through a Type II Procedure**

356-3.1 The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

J. ~~Receiving and transmitting antennas and e~~Communication ~~t~~Towers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.

\*\*\*\*\*

U. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

\*\*\*\*\*

**356-4 Uses Which May be Permitted Through a Type III Procedure**

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the intent and purpose and the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

\*\*\*\*\*

356-4.7 ~~Receiving and transmitting antennas and e~~Communication ~~t~~Towers greater than two-hundred (200) feet in height ~~not otherwise allowed through a Type I procedure - Section 430-109.~~

356-4.8 Broadcast Towers – Section 430-109.

\*\*\*\*\*

**356-5 Prohibited Uses**

\*\*\*\*\*

~~356-5.4 Siting a communication tower or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital, or group care facility.~~

\*\*\*\*\*

**356-7.3 Height**

\*\*\*\*\*

C. The height of ~~receiving and transmitting antennas and communication towers~~ telecommunication facilities are regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

11. CDC Section 377 (Special Industrial Overlay District) is amended as follows:

**377-5 Uses Permitted**

The following lists of uses are uses which may be permitted under the review procedure indicated except when the particular use has been reviewed and approved through the Master Plan-Site Analysis process for a specific location within the SID, then the application for a development permit for the approved use shall be a Type I procedure unless the use has been changed in location, nature and size.

377-5.1 Uses Permitted Through a Type I Procedure:

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F. ~~Receiving and transmitting antennas and~~ Facility 3 and 4 eCommunication ~~t~~Towers that:

- ~~(1) — Operate at less than one thousand (1,000) watts ERP;~~
- ~~(2)~~ (1) Do not exceed a maximum height of sixty-five (65) feet; and
- ~~(3)~~ (2) Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district ~~as defined by Section 430-109.~~ For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. ~~For required standards see; Sections 430-109.2 and 430-109.3 B.~~

G. ~~Receiving and transmitting antennas, except as restricted by Section 377-5.1 F. (C), which operate at less than one thousand (1,000) watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure — Sections 430-109.2 and 430-109.3 B.~~ Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

H. ~~Receiving or transmitting antennas attached to a communication tower that was previously approved through a Type I, II, or III procedure, consistent with the shared use~~

~~plan approved for the tower – Section 430-109.2, Facility 2 Communication Towers, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, that:~~

- ~~A. Do not exceed a maximum height of sixty-five (65) feet; and~~
- ~~B. Are located on a lot or parcel of which more than fifty (50) percent of the perimeter abuts a residential district. Notwithstanding, Facility 2 communication towers may be located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site - Section 430-109.4.~~

377-5.2 Uses Permitted Through a Type II Procedure:

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- ~~E. Receiving and transmitting antennas and eCommunication tTowers greater than sixty-five (65) feet and up to two-hundred (200) feet in height, not otherwise allowed through a Type I procedure - Section 430-109.~~

\*\*\*\*\*

- ~~G. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.~~

377-5.4 Uses which may be permitted through a Type III Procedure.

The following uses may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the district, the Development Standards of Article IV and all other applicable standards of the Code. The Review Authority shall make specific findings with respect to the use being compatible to the intent and purpose of the district. Approval may be further conditioned by the Review Authority pursuant to Section 207-6.

\*\*\*\*\*

- ~~G. Receiving and transmitting antennas and eCommunication tTowers greater than two-hundred feet in height not otherwise allowed through a Type I procedure - Section 430-109.~~

- ~~H. Broadcast Towers – Section 430-109.~~

\*\*\*\*\*

~~**377-5 Prohibited Uses**~~

~~Siting a communication tower or antenna with a power output greater than one-thousand (1,000) watts ERP within one-thousand (1,000) feet of an existing residential district (as defined by Section 430-109), school, hospital, or group care facility.~~

CDC Sections 340 (EFU DISTRICT), 342 (EFC DISTRICT) and 344 (AF-20 DISTRICT) are amended to reflect the following changes. Note that for each CDC Section amended, sub-sections will be renumbered where necessary to maintain proper sequence. Lines below represented by a series of asterisks symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

1. CDC Section 340 (Exclusive Farm Use District) is amended as follows:

### **340-3 Uses Permitted Through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

340-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

### **340-4 Uses Permitted Through a Type II Procedure**

The uses listed in Sections 340-4.1 and 340-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-4.3.

340-4.1 Permitted Uses which are exempt from Section 340-4.3:

\*\*\*\*\*

- J. ~~Broadcast and Communication Towers Receiving and transmitting antennas and communication towers~~ less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11. ~~Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).~~

K. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.

\*\*\*\*\*

- QP. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 340-5.2 M. -below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).

(NOTE: Sections 340-4.1 K. through 340-4.1 S. will be renumbered accordingly.)

\*\*\*\*\*

**340-5 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Sections 340-5.1 and 340-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 340-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

340-5.2 Uses which may be allowed subject to Section 340-5.3:

\*\*\*\*\*

- M. ~~Broadcast and Communication Towers Receiving and transmitting antennas and communication towers~~ greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height, ~~except communication towers that are subject to Section 430-109.~~

\*\*\*\*\*

**340-6 Prohibited Uses**

\*\*\*\*\*

~~340-6.5 Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one thousand (1,000) feet of a dwelling unit, residential district (as defined by Section 430-109), school, hospital or group care facility existing at the time the application is submitted.~~

*(NOTE: Sections 340-6.6 through 340-6.8 will be renumbered accordingly.)*

\*\*\*\*\*

**340-8.3 Height**

\*\*\*\*\*

- D. The height of ~~telecommunication facilities are receiving and transmitting antennas and communication towers is~~ regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

2. CDC Section 342 (Exclusive Forest & Conservation District) is amended as follows:

**342-2 Uses Permitted through a Type I Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*



342-2.9 Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2, provided that all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3. For required standards, see Section 430-109.3.

342-2.10 Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2, provided that the tower and all new accessory equipment shelters meet the Type I fire structure siting and fire safety standards in Section 428-3 – For required standards, see Section 430-109.4.

**342-3 Uses Permitted Through a Type II Procedure**

The uses listed in Section 342-3.1 and 342-3.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-3.3.

\*\*\*\*\*

342-3.2 Permitted Uses which are subject to Section 342-3.3:

\*\*\*\*\*

M. ~~Television, m~~Microwave ~~facilities and radio, Broadcast and Communication Towers, excluding communication towers allowed under Section 342-2.10, communication facilities and~~ transmission towers up to two-hundred (200) feet in height - Section 430-109.

\*\*\*\*\*

U. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.

**342-4 Uses Which May be Permitted Through a Type III Procedure**

The uses listed in Section 342-4.1 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 342-4.2.

342-4.1 Uses which may be allowed:

\*\*\*\*\*

J. ~~Television, m~~Microwave ~~facilities, Broadcast and Communication Towers and radio communication facilities and~~ transmission towers greater than two-hundred (200) feet in height - Section 430-109.

\*\*\*\*\*

### 342-6 Prohibited Uses

\*\*\*\*\*

~~342-6.5 Siting a communication tower and/or antenna with a power output greater than one thousand (1,000) watts ERP within one thousand (1,000) feet of a dwelling unit, residential district (as defined by Section 430-109), school, hospital or group care facility existing at the time the application is submitted.~~

(NOTE: Sections 342-6.6 through 342-6.8 will be renumbered accordingly.)

\*\*\*\*\*

### 342-7.3 Height

\*\*\*\*\*

D. The height of ~~telecommunication facilities are receiving and transmitting antennas and communication towers is~~ regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

3. CDC Section 344 (AF-20 District) is amended as follows:

#### 344-3 Uses Permitted Through a Type I Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code.

\*\*\*\*\*

344-3.4 Co-located antennas, excluding those antennas regulated by Section 430-109.11 or otherwise exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3.

#### 344-4 Uses Permitted Through a Type II Procedure:

The uses listed in Section 344-4.1 and 344-4.2 are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-4.3.

344-4.1 Permitted Uses which are exempt from Section 344-4.3:

\*\*\*\*\*

J. ~~Receiving and transmitting antennas and Broadcast and eC~~ommunication towers less than two-hundred (200) feet in height that are utility facilities necessary for public service - Section 430-109.11. ~~Application findings must demonstrate compliance with ORS 215.275 and OAR 660-33 (Utility facilities necessary for public service).~~

K. Co-located antennas, not otherwise allowed through a Type I Procedure - Section 430-109.11.

\*\*\*\*\*

QP. Utility facilities necessary for public service, including wetland waste treatment systems. Utility facilities necessary for public service do not include: 1) commercial facilities for the purpose of generating power for public use by sale, 2) transmissions towers over two-hundred (200) feet in height, 3) receiving and transmitting antennas, broadcast and communication towers listed under J. and K. above and under Section 344-5.2 M. below, 4) utility facilities exempt pursuant to Section 201-2, and 5) utility facilities listed under S. below. A facility is necessary if it must be situated in an agricultural district in order for the service to be provided. For required standards, see Sections 430-105.3 through 430-105.7. Application findings must demonstrate compliance with ORS 215.275 (Utility facilities necessary for public service).

(NOTE: Sections 344-4.1 K. through 344-4.1 S. will be renumbered accordingly.)

\*\*\*\*\*

### 344-5 Uses Which May be Permitted Through a Type III Procedure

The uses listed in Section 344-5.1 and 344-5.2 may be permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5. Unless the use is specifically exempted, the Review Authority shall make specific findings with respect to the standards in Section 344-5.3. A waiver of the right to remonstrate against commonly accepted farm or forest practices shall be recorded for each permitted use.

344-5.2 Uses which may be allowed subject to Section 344-5.3:

\*\*\*\*\*

- M. ~~Receiving and transmitting antennas and Broadcast and e~~Communication towers greater than two-hundred (200) feet in height - Section 430-109.
- N. Transmission towers over two-hundred (200) feet in height, ~~except communication towers that are subject to Section 430-109.~~

\*\*\*\*\*

### 344-6 Prohibited Uses

\*\*\*\*

~~344-6.5 Siting a communication tower and/or antenna with a power output greater than one-thousand (1,000) watts ERP within one-thousand (1,000) feet of a dwelling unit, residential district (as defined by Section 430-109), school, hospital or group care facility existing at the time the application is submitted.~~

(NOTE: Sections 344-6.6 through 344-6.8 will be renumbered accordingly.)

\*\*\*\*\*

### 344-9.3 Height

\*\*\*\*\*

D. The height of telecommunication facilities are receiving and transmitting antennas and communication towers is regulated by the Permitted Use sections of this Land Use District, Sections 201, 430-1, 430-109 and other applicable provisions of this Code.

Community Development Code Section 375, Transit Oriented Districts, is amended as shown below. Lines below represented by a series of asterisk symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

- 1. CDC Section 375-5, Prohibited Uses, is amended as follows:

**375-5 Prohibited Uses**

- 375-5.1 Uses in each of the transit oriented districts that are identified in Table A as a prohibited use.
- 375-5.2 Structures or uses not specifically authorized by the applicable transit oriented district, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2.

375-5.3 New Facility 3 and 4 Communication Towers.

375-5.4 New Broadcast Towers.

375-5.5 Telecom Hotels.

- 2. CDC Section 375-7, Development Limitations for Permitted Uses in Transit Oriented Districts, is amended as follows:

**375-7 Development Limitations for Permitted Uses in Transit Oriented Districts**

The following use or design limitations apply where specified in Section 375-4:

\*\*\*\*\*

- 26. ~~Telecommunication facilities, excluding those identified in Section 375-5, Receiving and transmitting antennas and communications towers shall be allowed in all TO Districts subject to the applicable provisions of Section 430-109. The appropriate procedure is dependent upon the wattage of the antenna and the height of the tower upon which it is mounted. Receiving and transmitting towers allowed in transit oriented districts are the same as those allowed in the R-24 District, pursuant to the procedure types specified in the R-24 District. In the TO:EMP District, however, receiving and transmitting towers allowed are the same as those allowed in the Industrial District, pursuant to the procedure types specified in the Industrial District.~~

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

| USE  | DISTRICT                  |                           |                               |                            |                           |                           |                           |                           |                           |
|--|---------------------------|---------------------------|-------------------------------|----------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|  | TO:RC                     | TO:BUS                    | TO:EMP                        | TO:R9-12                   | TO:R12-18                 | TO:R18-24                 | TO:R24-40                 | TO:R40-80                 | TO:R80-120                |
| <b>Parks:</b>  |                           |                           |                               |                            |                           |                           |                           |                           |                           |
| Regional   | N                         | N                         | N                             | N                          | N                         | N                         | N                         | N                         | N                         |
| Community  | N                         | N                         | N                             | N                          | N                         | N                         | N                         | N                         | N                         |
| Neighborhood - Sections 430-95 and 97  | I or II                   | I or II                   | I or II                       | I or II                    | I or II                   | I or II                   | I or II                   | I or II                   | I or II                   |
| Special Recreation Uses (21)   | III                       | III                       | III                           | III                        | III                       | III                       | III                       | III                       | III                       |
| Accessory Recreation Uses (22)   | II                        | II                        | II                            | II                         | II                        | II                        | II                        | II                        | II                        |
| Expansion of a Type I, II or III use   | I                         | I                         | I                             | I                          | I                         | I                         | I                         | I                         | I                         |
| Change of use for a Type I, II or III use  | I                         | I                         | I                             | I                          | I                         | I                         | I                         | I                         | I                         |
| <b>Accessory, Secondary and Temporary Uses and Structures:</b>   |                           |                           |                               |                            |                           |                           |                           |                           |                           |
| Accessory Uses and Structures (23.a. and 23.b.)  | II                        | II                        | II                            | I                          | I                         | I                         | I                         | I                         | I                         |
| Temporary Uses and Structures (24)   | I                         | I                         | I                             | I                          | I                         | I                         | I                         | I                         | I                         |
| Home Occupations (25)  | N                         | N                         | N                             | I                          | I                         | I                         | I                         | I                         | I                         |
| <del>Receiving &amp; Transmitting Antennas and Communication Towers</del><br><u>Co-located antennas, excluding those antennas exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.3 (26)</u> | <del>II or III</del><br>↓ | <del>II or III</del><br>↓ | <del>I, II, or III</del><br>↓ | <del>II, or III</del><br>↓ | <del>II or III</del><br>↓ | <del>II or III</del><br>↓ | <del>II or III</del><br>↓ | <del>II or III</del><br>↓ | <del>II or III</del><br>↓ |
| <u>Facility 2 communication towers to a maximum height of one-hundred (100) feet, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109.4 (26)</u>                      | ↓                         | ↓                         | ↓                             | ↓                          | ↓                         | ↓                         | ↓                         | ↓                         | ↓                         |

Table A. Permitted and Prohibited Uses in Transit Oriented Districts (continued)

| USE  | DISTRICT |        |        |          |           |           |           |           |            |
|--|----------|--------|--------|----------|-----------|-----------|-----------|-----------|------------|
|  | TO:RC    | TO:BUS | TO:EMP | TO:R9-12 | TO:R12-18 | TO:R18-24 | TO:R24-40 | TO:R40-80 | TO:R80-120 |
| <b>Accessory, Secondary and Temporary Uses and Structures:</b>   |          |        |        |          |           |           |           |           |            |
| <u>Facility 2 communication towers greater than one-hundred (100) feet and up to two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109 (26)</u> | II       | II     | II     | N        | N         | N         | N         | N         | N          |
| <u>Facility 2 communication towers greater than two-hundred (200) feet in height, excluding those towers exempt pursuant to Sections 430-109.1 and 201-2 – Section 430-109 (26)</u>                                  | III      | III    | III    | N        | N         | N         | N         | N         | N          |
| Expansion of a Type I, II or III use   | I        | I      | I      | I        | I         | I         | I         | I         | I          |
| Change of use for a Type I, II or III use  | I        | I      | I      | I        | I         | I         | I         | I         | I          |
| Elementary Schools Accessory to a Campus Development (28)  | N        | N      | II     | N        | N         | N         | N         | N         | N          |

- I = Permitted through a Type I process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.1.
- II = Permitted through a Type II process. If a use does not follow the minimum design standards in Section 431, the use shall be reviewed as a Type III use pursuant to Section 375-4.2.
- III = Permitted through a Type III process.
- ( ) = Use or design limitation(s) specified in Section 375-7.
- N = Prohibited.

Amend Section 430-1 of the Community Development Code as shown below:

- 1. CDC Section 430-1, Accessory Uses and Structures, is amended as follows:

**430-1 Accessory Uses and Structures**

Accessory uses and structures support and are subordinate to the use of a site. Accessory buildings and structures shall serve, primarily, those persons regularly and customarily involved with the use and include buildings and structures customarily incidental to a permitted use located on the same lot. Uses identified elsewhere in this Code are not accessory uses.

\*\*\*\*\*

~~430-1.7 Receiving and Transmitting Antennas and Communication Towers in the EFU, EFG and AF-20 District that are Accessory to a Non-Residential Use are allowed as follows:~~

~~A. Receiving or transmitting antennas and communication towers that:~~

~~(1) Operate at less than 1,000 watts ERP;~~

~~(2) Do not exceed a maximum height of sixty (60) feet; and~~

~~(3) Are located on a lot or parcel of which less than fifty (50) percent of the perimeter abuts a residential district as defined by Section 430-109. For the purpose of this subsection, lots or parcels that are separated from the proposed site by an existing or dedicated public or private street or right-of-way shall be considered as abutting the perimeter of the proposed site. For required standards see Sections 430-109.2 and 430-109.3 B.~~

~~B. Receiving or transmitting antennas, except as restricted by 430-1.4 A. (3) above, which operate at less than 1,000 watts ERP, located on a structure other than a communication tower and extending no more than thirty (30) feet above the structure -- Sections 430-109.2 and 430-109.3 B.~~

~~C. Receiving or transmitting antennas attached to a communication tower that was previously approved through a Type I, II, or III procedure, consistent with the shared use plan approved for the tower -- Section 430-109.2.~~

- 2. CDC Section 430-135, Temporary Use, is amended as follows:

**430-135 Temporary Use**

A temporary use is one of an impermanent nature, or one used for a limited time.

430-135.1 Type I:

\*\*\*\*\*

H. A telecommunication facility transmitting and/or receiving antenna and associated communication tower for non-emergency communications operating at not more than 1,000 watts ERP for not more than 30 days within a six (6) month period commencing when transmissions or receiving begins. The antenna(s) and associated structures must be removed within 30 days after they are no longer used for telecommunications purposes.



The emergency use of a telecommunication facility shall not exceed a period of one (1) year commencing when transmission or receiving begins. The antenna(s) and associated structures must be removed within 30 days after they are no longer used.

Amend Section 106-174, Definitions, of the Community Development Code as shown below:

- 106-174** Terms Relating to Receiving and Transmitting Antennas, Communication and Broadcast Towers
- 106-174.1 Antenna A device ~~commonly in the form of a metal rod, wire panel or dish,~~ for transmitting or receiving radio frequency (RF) signals or electromagnetic radiation, such as digital and analog signals, ~~analog signals,~~ radio frequencies, ~~wireless telecommunication signals,~~ broadcast signals, such as television and radio signals, and other communication signals. ~~An antenna is~~ typically mounted on a supporting tower, pole or mast, building or other suitable structure. Types of antennas include directional antennas, such as panel antennas, microwave dishes, and omni-direction antennas, such as whip antennas, but not domestic satellite dishes. Additionally, some antennas operate as both transmitting and receiving devices.
- ~~106-174.2~~ Base (or Primary Station) The primary sending and receiving site in a wireless service provider's telecommunication network and generally consisting of one or more antennas mounted on a communication tower.
- ~~106-174.3~~ Broadcast Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission of radio or television signals. The actual broadcast tower itself may also function as the antenna, (i.e., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission. Broadcast towers are often sited within a non-staffed broadcast facility for the transmission of radio or television signals.
- 106-174.4~~2~~ Communication Tower A tower, pole, or mast whose primary purpose is to elevate an antenna above the surrounding terrain or structures for the transmission and/or receiving of radio frequency (RF) signals or electromagnetic radiation to provide wireless telecommunication service, including wireless Internet service. ~~A tower, pole or mast also may be considered an antenna, (i.e., for AM broadcast radio) if part of the apparatus is necessary to produce a clear signal or message within the licensee's operating range, as allowed by the Federal Communications Commission.~~ Communication towers are often sited within a non-staffed wireless telecommunication facility for the transmission of radio frequency (RF) signals. Said facility usually consists of an equipment shelter, cabinet or other enclosed structure housing electronic equipment, a communication tower, and antennas, including repeaters and microcells, or other transmission and reception devices used to provide cellular, specialized mobile radio and personal communication services (PCS) services.
- ~~106-174.3~~ Effective Radiated Power (ERP) The power input to the antenna, times the numerical power gain of the antenna system.
- ~~106-174.5~~ Equipment Shelter An enclosed structure or cabinet usually placed at or near the base of the communication tower within which are housed electrical and other

equipment necessary for the operation of the facility. Cables connect the shelters to the antenna(s).

106-174.6 Federal Aviation Administration (FAA) The FAA, a division of the United States Department of Transportation, was established by the Federal Aviation Act of 1958, and is primarily responsible for the advancement, safety and regulation of civil aviation.

106-174.7 Federal Communications Commission (FCC) The FCC is an independent government agency that was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

~~106-174.4 Hertz (Hz) The rate of oscillation of a sine wave from maximum amplitude through minimum amplitude and back to maximum amplitude expressed in cycles per second. KiloHertz (KHz) is one thousand hertz. Megahertz (MHz) is one million hertz. Gigahertz (GHz) is one billion hertz.~~

106-174.8 Microcell A low power facility used to provide increased capacity to wireless telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility. (See also "Repeater")

106-174.9 Non-Residential Districts: [FD-20](#), [FD-10](#), NC, OC, CBD, GC, IND, INS, SID, TO:RC, TO:EMP, TO:BUS, EFU, EFC, AF-20, R-COM, R-IND and MAE Land Use Districts.

106-174.10 Oregon Department of Aviation (ODA) The state agency that is responsible for developing aviation as an integral part of Oregon's transportation network; creating and implementing strategies to protect and improve Oregon's aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing commercial air service and general aviation in Oregon.

106-174.511 Radio Frequency Emission Electromagnetic radiation that is of low photon energy unable to cause ionization and is generated by a transmitting antenna.

106-174.12 Radio Frequency Engineer An engineer specializing in electrical or microwave engineering, licensed in the state of Oregon, with a degree in engineering, and experience to perform and certify radio frequency radiation measurements.

106-174.136 Receiving Antenna A device that only receives nonionizing electromagnetic energy ~~between the frequencies of 100 KHz to 300 GHz but~~ and does not emit radio frequency energy.

106-174.14 Repeater A small receiver/relay transmitter and antenna of relatively low power output designed to provide service to areas which are not able to receive adequate coverage directly from the base or primary station.

- 106-174.15 Replacement Tower A new communication or broadcast tower capable of supporting co-located antennas that is intended to replace an existing tower that is not capable of supporting co-located antennas. A replacement tower has the same height and base diameter, and same site improvements as the existing tower.
- 106-174.16 Residential Districts: R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12, TO:R12-18, TO:R18-24, TO:R24-40, TO:R40-80, TO:R80-120, AF-5, AF-10 and RR-5 Land Use Districts.
- 106-174.17 Site A parcel or portion of, which is owned or leased by one or more broadcast or wireless telecommunications providers and upon which a broadcast or communication tower and required site improvements, including landscaping, are located. With the exception of site access, these sites are usually fenced off from the remainder of the parcel.
- 106-174.18 Speculation or "Spec" Tower A tower for the purpose of providing location mounts for future antennas without a binding contractual commitment by a service provider to locate an antenna upon the tower at time of the original application submittal.
- 106-174.19 Stealth Design The design of new antennas or towers in a manner that camouflages, conceals, or disguises the facilities as described in Sections 430-109.3 and 430-109.6. The direct results of applying "stealth" technology are broadcast and communication towers designed in an aesthetically pleasing and acceptable manner typically. "Stealth" facilities are generally not easily discernible or easily noticeable.
- 106-174.20 Telecommunication Facility All equipment, including antennas for the transmitting and/or receiving of radio frequency signals or electromagnetic radiation (i.e., wireless telecommunication service and wireless Internet/'Wi-Fi'), broadcast signals (i.e., radio and television), and other communication signals, tower, accessory equipment, and improvements, such as landscaping, fencing and parking areas, located on the site.
- 106-174.21 Telecom Hotel A building or structure designed to warehouse telecommunications equipment, including utility hookups and connections to fiber-optic networks. Telecom hotels generally require thousands to hundreds of thousands of square feet, but relatively few employees.
- 106-174.22 "Top-Hat" Antenna Array A horizontal platform or enclosed framework of metal supports attached to a communication tower, or other building or structure, that is generally triangular or square in shape on which antennas are mounted. This type of antenna array is used to facilitate the transmission or reception of an omnidirectional or 360-degree signal.
- 106-174.23 Tower (e.g., broadcast and communication) types include:
- A. "Guyed tower" A tower that is permanently connected to the ground by cables (guy wires).

B. "Lattice tower" A self-supporting multiple-leg tower comprised of an open framework of either structural steel or diagonal cables or a combination thereof.

C. "Monopole" A self-supporting, single, upright pole and requiring no guy wires or diagonal cables to stabilize the structure. Monopoles are typically constructed of wood or steel.

106-174.~~247~~ Transmitting Antenna A device that emits and may receive nonionizing electromagnetic energy ~~between the frequencies of 100-KHz to 300-GHz with an effective radiated power of 1-watt or greater.~~

106-174.~~258~~ Uses Accessory to an Antenna A use that is customarily incidental to a receiving or transmitting antenna and is generally situated on the same property as the antenna, such an equipment shelter.

~~106-174.9~~ Watt A measure of electric energy. Milliwatt (mW) is one thousandth (1/1,000) of one watt. Microwatt (uw) is one millionth (1/1,000,000) of one watt.

~~106-174.26~~ Visually Subordinate The relative visibility of a broadcast or communication tower where the tower does not noticeably contrast with the surrounding built or natural landscape. Visibly subordinate towers may be partially visible, but not visually dominate in relation to their immediate surroundings.

Amend Section 201, Exclusions from Permit Requirement, of the Community Development Code as shown below. Lines below represented by a series of asterisk symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

1. CDC Section 201, Exclusions from Permit Requirement, is amended as follows:

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district but are excluded from the requirement of obtaining a Development Permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

\*\*\*\*\*

201-2.30 Installation of compact pole-mounted receiving and transmitting antennas on electric and other utility poles in the public road right-of-way, excluding street lights on power poles and traffic signal lights, where the subject support pole is part of an existing above ground electric transmission, distribution, communication or signal line, and where a "pole" is defined as a single monopole, double pole or lattice utility structure, subject to the following:

- A. Within the public road right-of-way, existing poles may be replaced with new poles in order to support the new antenna, provided the new pole ~~or structure~~ is not more than fifteen (15) feet higher than pole to be replaced adjacent poles in the system;
- B. No more than one (1) A associated equipment cabinet not to exceed twelve (12) cubic feet may be mounted on the pole. ~~Equipment mounted on the pole shall not exceed twenty (20) cubic feet, excluding antennas. The cabinet shall be painted with or constructed of material with a non-reflective neutral color that matches or is similar to that of the pole. Any~~ All associated ground-mounted equipment shelters or accessory structures located on the ground in the right-of-way are subject to the applicable standards of ODOT or Washington County to occupy or perform operations upon the affected roadway; ~~and~~
- ~~C. Antennas shall meet the RF emission standards set forth in Section 430-109, Table B, and minimum siting distances to habitable structures set forth in Section 430-109, Table C. Antennas, excluding whip antennas, shall not extend no more than five ten (510) feet above the pole it is mounted on. Antennas, excluding whip antennas, shall may be either mounted with davit or standoff arms that extend no more than five (5) feet from the utility structure, flush-mounted to the structure, or located within a cylindrical enclosure on top of the pole (including whip and omni-directional antennas), or via a similar mounting technique that in order to minimize visual impacts. Antennas and associated mounted equipment shall be painted with a non-reflective neutral color that matches or is similar to that of the pole to match the support structure;~~
- D. All cabling shall be painted with non-reflective neutral colors that match or are similar to that of the pole. If cabling is contained in protective conduit then the conduit shall be of the same or similar color as the pole; and
- E. Service providers shall provide to the Review Authority upon completion of the installation, copies of all plans and elevation schematics for purposes of maintaining an

accurate inventory of these exempt facilities. Service providers are encouraged, though not required, to include in future submittal materials pursuant to this Section, the same information for exempt facilities they maintain that were installed since October 5, 2000, the effective date of Ordinance 560.

F. All applicable county, state and federal right-of-way and/or building permits

Amend Section 413-9.2, Minimum Off-Street Parking Requirements, of the Community Development Code as shown below. Lines below represented by a series of asterisk symbols represent non-pertinent CDC language that has been omitted from presentation here in the interest of saving space.

**413-9 Minimum Off-Street Parking Requirements**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following:

| USE   | MINIMUM NUMBER OF STANDARD OFF-STREET PARKING SPACES PER UNIT OF MEASURE   |
|---|--|
| ****<br>413-9.2 Institutional:  |  |
| ****<br>L. <u>Telecommunication Facilities (unmanned) Free-standing Communication Towers</u> subject to Section 430-109 | <del>One (1) Two (2) spaces plus one space for each two (2) employees at facilities which require on-site personnel per tower.</del><br><br><u>The Review Authority may waive this requirement if the applicant can demonstrate that there is available on-site parking, on-street parking, leased or shared parking with adjacent or nearby uses authorized for use by a written agreement.</u> |
| M. <u>Telecommunication Facilities (manned) subject to Section 430-109</u>  | <u>Two (2) spaces plus one space for each two (2) employees.</u>   |