Chapter 17.93

WIRELESS COMMUNICATIONS FACILITIES

Sections:

17.93.010 Purpose.
17.93.020 Definitions.
17.93.030 Antennas to which this chapter has no application.
17.93.040 Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communication service.
17.93.050 Design standards.
17.93.060 Co-location of antennas and antenna support structures.
17.93.070 Interference with reception.
17.93.080 Antenna support structures--Removal when no longer used.
17.93.090 Application for permit for antennas, antenna arrays, antenna support structures and equipment enclosures.

17.93.010 Purpose. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of wireless communications services to the residents of the city. Such siting is intended to occur in a manner that will facilitate the location of various types of wireless communication facilities in permitted locations consistent with the residential character of the city, and consistent with land uses in commercial and industrial areas. The prevention of the undue proliferation and associated adverse visual impacts of wireless communications facilities within the city is one of the primary objectives of this chapter. This chapter, together with the provisions of the Uniform Building Code, is also intended to assist in protecting the health, safety, and welfare of the citizens of Scappoose. (Ord. 705 §1 (part), 2001)

17.93.020 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

“Alternative antenna support structures” means roofs of buildings, provided they are twenty feet or more in height above the street grade upon which such buildings front, church steeples, existing and replacement utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar manmade structures and devices that extend vertically from the ground to a sufficient height or elevation to accommodate the attachment of antennas at an altitude or elevation that is commercially desirable for wireless communications signal transmission and reception.

“Antenna” means a specific device used to receive or capture

incoming and/or to transmit outgoing radio frequency (RF) signals, microwave signals and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by this chapter include omni-directional (or “whip”) antennas, directional (or “panel”) antennas, parabolic (or “dish”) antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.

“Antenna array” means two or more antenna as defined in this section.

“Antenna support structure” means a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:

A. Lattice tower: which is a vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided;

B. Monopole tower: which is a vertical support structure consisting of a single vertical metal, concrete or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

“Co-location” means utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one wireless communications service provider.

“Equipment enclosure” means a small structure, shelter, cabinet, box or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

“Facilities” means all equipment and property associated with the construction of antenna support structures, antenna arrays and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, and buildings and similar structures.

“Radio frequency (RF) engineer” means a professional engineer licensed in Oregon, with a degree in electrical engineering and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.

“Wireless communications facility” means an unstaffed facility for the transmission and/or reception of RF, microwave or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna

support structure or an alternative antenna support structure, and one or more antennas.

"Wireless communications service" means the providing or offering for rent, sale, lease or in exchange for other consideration, of the transmittal and reception of voice, data, image, graphic and other information by the use of current or future wireless communications facilities. (Ord. 705 §1(part), 2001)

17.93.030 Antennas to which this chapter has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, antennas under seventy feet and owned and operated by a federally-licensed amateur radio station operators, to any antenna support structure or antenna lawfully in existence within the city on the effective date of this chapter (9/20/01), or to the facilities of any cable television company holding a valid and current franchise, or commercial radio or television broadcasting facilities. (Ord. 705 §1(part), 2001)

17.93.040

17.93.040 Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communications service. Wireless communication antenna, antenna arrays and antenna support structures are permitted, conditionally permitted or prohibited to be located in the zones as provided in this chapter and as listed below:

A. Antenna support structures are permitted with planning commission approval of a conditional use permit, subject to the requirements of Chapter 17.130, in the C (general commercial), EC (expanded commercial), LI (light industrial), and HI (heavy industrial) zones.

B. In the R-l, R-4, MH, and A-1 zones, antennas and antenna arrays may be mounted to existing alternative antenna support structures with planning commission approval of a conditional use permit, subject to the requirements of Chapter 17.130. However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a mariner that will blend with the appearance of the building.

C. In the C, EC, LI and HI zones, antennas and antenna arrays may be mounted to existing approved antenna support

structures upon review and approval by the building official. The placement of additional equipment enclosures and facilities is also permitted, subject to the requirements of this ordinance.

D. In the C, EC, LI and HI zones, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall add not more than twenty feet to the total height or elevation of such structure from the street grade, or shall require planning commission approval of a conditional use permit, subject to the requirements of Chapter 17.130. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.

E. Wireless facilities matrix.

Residen-tial	Prohibited	N/A	Less than or equal to 20 feet height added (Conditional Use) Greater than 20 feet height added
Indus-trial	Condi-tional Use	Permitted	Less than or equal to 20 feet height added (Permitted) Greater than 20 feet
* Subject to the requirements of Chapter 17.93			

WIRELESS FACILITIES			
ZONE	**ANTENNA SUPPORT STRUCTURES**	**ANTENNA ARRAY MOUNTS TO APPROVED ANTENNA SUPPORT STRUCTURES***	**ANTENNA ARRAY MOUNTS TO EXISTING ALTERNATIVE ANTENNA SUPPORT STRUCTURES***

17.93.050 Design standards. A. Where permitted, antenna support structures shall be constructed and installed as far away from existing buildings on adjoining land as is reasonably possible, and in no event within any required yard or set-back area or nearer than twenty-five feet to any publicly held land, residential structure or accessory building on adjoining land, or railroad right-of-way.

B. The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the planning services manager may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot or street frontage, adjacent to or within the subject site. Typically, three strand barbed wire is proposed above any sight-obscuring fence or barrier. Although barbed wire is permitted, no concertino (razor) wire shall be installed atop any fence or barrier.

C. All antenna support structures, antenna and antenna arrays, and associated facilities shall be finished in a nonreflective neutral color.

D. No antenna support structure shall be permitted to be constructed, installed or erected within one thousand feet of any other antenna support structure that is owned, operated or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the planning services manager if, after reviewing evidence submitted by the service provider, he finds: (1) that a closer spacing is required in order to provide adequate wireless communication service to the subject area; and (2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area. An appeal of the planning services manager’s decision may be

made to the planning commission provided such appeal is filed with the public works department within fifteen days of the manager's decision. Appropriate fees, as set by city council resolution, shall accompany the appeal.

E. The construction and installation of antenna support structures, antennas, antenna arrays, and the placement of antennas or antenna arrays on alternative antenna support structures, shall be subject to the requirements of the city's Building Code (UBC), Electrical Code (NEC), and National Electric Safety Code (NESC).

F. No antennas or antenna arrays, or antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.

G. There shall be no commercial signs, symbols, flags, banners or other such devices or things attached to or painted or inscribed upon any antennas, antenna arrays, or antenna support structures.

H. If the application involves the placement of an antenna or an antenna array on a building that is listed in the Scappoose register of historic structures, no permit to construct, install or erect antenna support structures or equipment enclosures, or to install, mount or erect antennas or antenna arrays on existing buildings or on other alternative antenna support structures, shall be issued without the prior approval of the planning commission. (Ord. 705 §l(part), 2001)

17.93.060 Co-location of antennas and antenna support structures.

A. Co-location shall be required unless demonstrated to be infeasible to the satisfaction of the planning services manager or planning commission. Evidence submitted to demonstrate such shall consist of the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; or

2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements; or

3. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas or antenna arrays and related equipment; or

4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference with nearby antennas or antenna arrays, or vice-versa; or

5. That there are other limiting factors, such as

inadequate space for a second equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

B. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas or antenna arrays on antenna support structures and/or alternative antenna support structures. The following co-location requirements shall apply:

1. All antenna support structures shall be designed so as to not preclude co-location;

2. In the event co-location is represented to be infeasible, the city may retain a technical expert in the field of telecommunications engineering to verify if colocation at the site is not feasible, or is feasible given the design configuration most accommodating to colocation. The cost for such a technical expert will be at the expense of the applicant;

3. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide wireless communications service, and provided that a provider is not utilizing co-location requirements as unfair economic advantage over providers seeking to locate within the city of Scappoose. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the city may require a third party technical study at the expense of either or both of such providers;

4. The city of Scappoose may deny a building or conditional use permit to the applicant for a wireless facility who has not demonstrated a good faith effort to colocate on an existing wireless communication facility. Determination of “good faith effort” shall be the responsibility of the planning services manager.(Ord. 705 §1 (part), 2001)

17.93.070 Interference with reception. No antenna or antenna array shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals, especially as regard police, and emergency services operating frequencies. If, after installation of wireless communication facilities, signal interference with existing signals occurs, the
applicant shall be responsible for resolving the interference, including the relocation or removal of wireless communication facilities as necessary. (Ord. 705 §1(part), 2001)

17.93.080 Antenna support structures--Removal when no longer used. Any antenna support structure that has had no antenna or antenna array mounted upon it for a period of one hundred eighty successive days, or if the antenna or antenna array mounted thereon are not operated for a period of one hundred eighty

successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within ninety days from the date of written notice from the City. During such ninety days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the planning services manager or building official shall determine. If such structure and equipment

enclosure are not so removed, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. (Ord. 705 §1(part), 2001)

17.93.090 Application for permit for antennas, antenna arrays, antenna support structures and equipment enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

A. Payment of all permit fees, plans check fees and inspection fees;

B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, antenna array, enclosure, and/or structure is proposed, or copy of an appropriate easement, lease or rental agreement;

C. A map, drawing or aerial photo showing all existing and proposed antenna support structures within one mile of the Scappoose urban growth boundary (UGB). Information provided shall include the number of existing antenna and antenna arrays per antenna support structure, as well as the number of arrays planned for use upon a proposed new antenna support structure. Any wireless communications service provider may utilize existing mapping information possessed by the city in order to create an updated map;

D. A scaled plan and a scaled elevation view and other supporting drawings, illustrating the location and dimensions of the relevant antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures and any and all other major devices and attachments;

E. Mailing labels including the names and addresses of all property owners within a two hundred foot radius of any monopole up to one hundred feet in height, and within a five hundred foot radius for any monopole exceeding one hundred feet in height. (Ord. 705 §1(part), 2001)