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

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

430-109.1 The following are exempt from the standards provided in this Section:

A. Telecommunication 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.

C. Reconstruction or replacement of telecommunication facilities, excluding the replacement of transmitters, antennas, approved after November 26, 1992, the effective date of Ordinance 402, subject to the following:

(1) Does not increase the height or 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 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).

Reconstruction or replacement of telecommunication facilities, excluding transmitter and antenna replacements pursuant to Section 430-109.1 B., 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;

D. 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.

E. A telecommunication facility as a temporary use - Section 430-135.1 H.;

F. 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;

G. 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;

H. 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;

I. 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 and 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.

430-109.5 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:

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

A. Facility 1: Co-location. Co-location means the placement of two or more antenna systems and accessory equipment facilities by one or more 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, utility pole or electric transmission tower.

B. Facility 2: Concealment. Concealment means to:

(1) Hide an antenna in or on a structure to minimize its appearance, such as placing an antenna behind a building parapet 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.

(2) 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.

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

C. Facility 3: Screening of New Towers. Screening means to use existing evergreen vegetation, topography, and/or buildings to substantially screen the proposed tower from view and cause the facility to be visually subordinate to the surrounding area. Screened facilities may be partially visible, but not visually dominant 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. Facility 4: New towers with no screening (i.e., Facility 3) or concealment (i.e., Facility 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.

430-109.7 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.1 and 201-2:

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.

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

G. 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.

430-109.8 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;

G. New towers, except those approved as a Facility 2, shall be painted or otherwise treated 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 color of the tower shall also be non-reflective in nature and make the tower as visually unobtrusive as possible. If there are stands of trees or other sight-obscuring vegetation on site or in the immediate area, the tower shall be painted or finished to blend with the landscape;

H. New towers shall be illuminated only when required by the ODA, FAA or other state or federal 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.

430-109.9 Site-Specific Standards for Procedure Type II and III Antennas, Towers and Equipment Shelters:

A. Setbacks

(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.

B. Access

(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.

C. 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 which will attain a minimum height of twelve (12) feet;

(2) Native on-site vegetation shall be preserved to the greatest practical extent. The landscape plan shall show all existing significant vegetation to be removed (as described in Section 407-4.2 B.) and vegetation to be replanted to replace that vegetation which will be removed;

(3) 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) In lieu of the standards in (1) through (3) above, the approval authority may approve an alternate detailed landscape, screening and fencing plan through a Type II or III procedure. 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, except when less screening is required to provide 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.

D. 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.

E. Signs

Notwithstanding the provisions of Section 414, all antennas and towers, 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 Agency Coordination Documentation

The applicant shall provide the following information prior to issuance of a building permit for a Procedure Type I telecommunication facility application and prior to

issuance of final land use approval for Procedure Type II and II telecommunication facility applications:

A. FAA notification that the antenna or tower has been found not to be a hazard to air navigation pursuant to 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..

B. ODA notification that the antenna or tower 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.

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.

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 660-033-0130 (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.

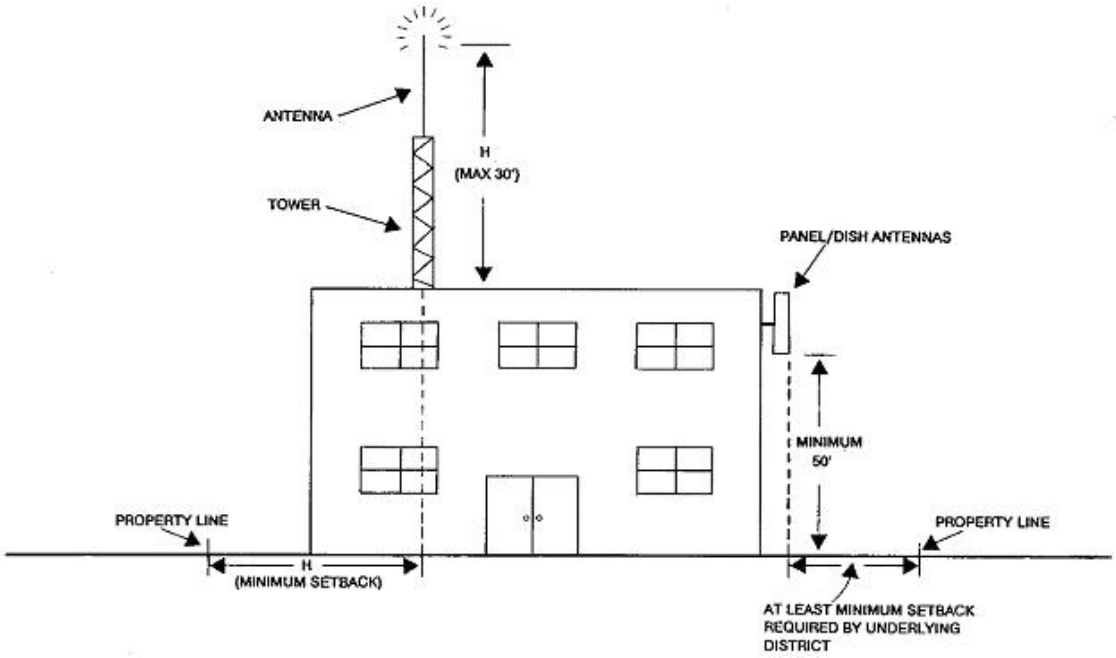
430-109.12 Abandonment

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 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.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