

**CITY OF FLORENCE
ORDINANCE NO. 8, SERIES 2016**

**An Ordinance amending Florence City Code Title 10, Chapter 33 regarding
wireless telecommunications facilities**

RECITALS:

1. Sharon Gretch initiated amendments to revise code related to wireless telecommunications by application on March 8, 2016.
2. On April 4, 2016 notice of the proposed code amendments was sent to the Department of Land Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
3. On April 28, 2016 a revised notice of the proposed code amendments was sent to the Department of Land Conservation and Development.
4. On April 20, 2016, the City sent notice to Referral Agencies about the proposed amendments and the public hearing.
5. On April 27, 2016 and May 4, 2016, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of May 10, 2016.
6. On June 8, 2016 and June 15, 2016, notice of hearing was published in the Siuslaw News prior to the City Council hearing of June 20, 2016.
7. Planning Commission opened their public hearing May 10, 2016 and continued the public hearing to a date certain on May 24, 2016.
8. Planning Commission re-opened their public hearing May 24, 2016 and then closed it and deliberated to a decision for a recommendation to the City Council on May 24, 2016.
9. City Council conducted a public hearing on June 20, 2016 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. The Florence City Code Chapter 33 of Title 10: Telecommunications Facilities Overlay District, is amended as explained in Exhibit A, as shown in Exhibit B, and initiated through citizen application provided as Exhibit C.
2. This ordinance shall become effective thirty days following adoption. (July 30, 2016).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 20th day of June, 2016.

Second Reading on the 20th day of June, 2016

This Ordinance is passed and adopted on the 20th day of June, 2016.

AYES	5	Councilors Greene, Preisler, Lacer and Mayor Henry
NAYS	0	
ABSTAIN	0	Councilor Lyddon
ABSENT	1	Councilor Lyddon



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder

At the time of this report, the City had received no referral comments on the proposal.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

Chapter 1: Zoning Administration, Section 1-3-C

Chapter 33: Telecommunications Facilities Overlay District, Section 1

Realization 2020 Florence Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 4, 5, and 6

Chapter 2: Land Use, Policies 1 and 3

Chapter 9: Economic Development, Policy 1

Chapter 11: Utilities, Facilities, and Services: Telephone Services and
Telecommunications Section, Policies 1 through 4, and Recommendations 1
& 2

Oregon Revised Statutes:

ORS 197.610(1) through 197.610(3)

ORS 227.186(4)

V. PROPOSED FINDINGS

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

C. Legislative Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

Application for this legislative change was made by Sharon Gretch, representative for a citizen. Staff has taken the opportunity to make needed updates to the chapter. Although the City Council could have requested that needed changes to address updates to state and federal regulation take place, those changes were not part of the scheduled work plan.

- 2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

Notification of the Planning Commission legislative public hearing for this application was published in the Siuslaw News two times on April 27, 2016 and May 4, 2016. Notification of the City Council legislative public hearing for this application was published in the Siuslaw News two times on June 8, 2016 and June 15, 2016. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

TITLE 10: CHAPTER 33: TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT

10-33-1: PURPOSE: The purpose of the Telecommunications Facilities Overlay District is to facilitate the location of necessary wireless telecommunications facilities, including towers, sufficient to provide service to area businesses and residents while preserving the viewsheds and character of the community, especially in residential districts.

The purpose of the Telecommunications Facilities Overlay District chapter is to give special consideration to specialized developments such as radio towers or personal wireless service facilities, while balancing the needs of the community and preserving viewsheds and avigation. The proposed amendments include regulation of these facilities, modify criteria for these developments, and clarify existing criteria. The purpose of review is to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of Title 10 are served. These proposed changes are in keeping with the intent and purpose of the Telecommunications Facilities chapter.

FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

CHAPTER 1: CITIZEN INVOLVEMENT

Goal

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies:

- 4. Official City meeting shall be well publicized and held at regular times.**

Agendas will provide the opportunity for citizen comment.

This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the paper prior to a public hearing before the Planning Commission as required by state law, published in the Siuslaw News on April 27, 2016 and May 4, 2016. Notice was also published within the Siuslaw News prior to a public hearing before the City Council on June 8, 2016 and June 15, 2016. Staff also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission and City Council meetings are posted on the website a week prior to the meeting. The agendas are also posted in City Hall.

5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.

The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City website, and made available on request to the public.

6. Planning documents and background data shall be available to interested citizens.

The proposal for these actions is consistent with this policy because the Resolution, Findings of Fact, staff report and proposed code amendments were available on June 13, 2016 seven days prior to the public hearings as well as posted on the City website.

CHAPTER 2: LAND USE

GOAL

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.

POLICY 1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.

The proposed code amendments establish and clarify existing regulations in order to establish a clear land use planning process and policy framework for this particular type of development. The establishment of these criteria allow a measurable or quantifiable factual base for land use decisions and actions regarding telecommunications facilities.

The proposed amendments specifically address the establishment of the need for these types of developments and the best methods to minimize the number of wireless telecommunications facilities within Florence. Criteria proposed address physical suitability of the proposed sites, adequacy of existing services, transportation and access, and potential impacts of these developments.

POLICY 3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes.

The establishment and update of this zoning section will allow for more thorough design review, better assignment of conditions of development approval which will better serve the Florence community, and better enforcement of City zoning. The proposed regulations will allow the benefit of residential, commercial, and industrial areas within the City.

CHAPTER 9: ECONOMIC DEVELOPMENT

Goal

To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation, social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policy 1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.

The proposed regulations, by relaxing some aspects of City Code and reinforcing others allows telecommunications industries to locate services within Florence that may not have been allowed previously. The proposed amendments allow for growth in key telecommunications services within Florence and building capacity for both personal, tourism, and business growth in the community. The amendments proposed, however, also provide the City with a greater ability to ensure that these facilities are located efficiently for both provision of services and protection of citizens.

The proposed amendment also provides for collocation of services which may have not previously warranted their own support structure, leading to the possible increase of employment within the community as new providers are able to move into the area.

CHAPTER 11: UTILITIES, FACILITIES, AND SERVICES

Telephone Services and Telecommunications**Telephone Services****Goal**

To secure residential and business telephone services equivalent to that found at any given time in similar size communities in the I-5 corridor.

Policies

- 1. The City shall pursue parity in telephone service as an essential element for the City to be competitive in attracting business to the community.**
- 2. The City shall pursue high quality digital telephone service as an essential element for the economic health and continued economic development of the community.**
- 3. Due to the isolation of the community geographically and its location in a high hazard tsunami zone, taken together with the large number of senior citizens in the community, the City shall pursue reliable telephone service as an essential element for the health and safety of the community.**

Wireless telephone services like those that will be affected by the proposed zoning code text amendments are needed for successful conduct of business, economic growth of the region, personal communications, and health and public safety. By creating a clear telecommunications code, the City can ensure that providers understand requirements and that telecommunications facilities are placed with utmost care.

The placement of wireless telecommunications facilities within a tsunami zone and the increase in usage of personal wireless service as an alternative to “land line” telephones, require that telephone providers offer reliable services with well-placed facilities. The expansion of wireless networks in the Florence-area will supplement established wired networks for communication for disaster relief, health, and public safety. Additionally, the increase in wireless infrastructure will expedite the restoration of communication facilities following a Cascadia or tsunami event, allowing emergency services to reach citizens, including senior citizens, who may be in need following such an event.

OREGON REVISED STATUTES

CHAPTER 197 – COMPREHENSIVE LAND USE PLANNING I

197.610 Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.

(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.

Notice of the proposed changes were sent to the Department of Land Conservation and Development on April 4, 2016, more than 35 days prior to the first evidentiary hearing. A revised submission of proposed code was sent to DLCDC after the first Planning Commission work session on the subject on April 28, 2016.

(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.

All changes were submitted within the timeline established by the State and DLCDC.

(3) Submission of the proposed change must include all of the following materials:

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;**
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;**
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;**
- (d) The date set for the first evidentiary hearing;**
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and**
- (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.**

The required details were submitted to the Department of Land Conservation and Development with two Form 1 submissions on the dates stated above.

CHAPTER 227 – CITY PLANNING AND ZONING

ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.

- (4) At least 20 days but not more than 40 days before the date of the first evidentiary hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.**

The proposed code amendments apply to the City zoning as a whole, as it affects wireless telecommunications facilities within each zoning district, and do not affect any particular district more so than any other. Staff finds that this Oregon Revised Statute does not apply in this particular situation. No changes have been proposed which have the effect of rezoning property or effecting the value of property. Notice was published within the Siuslaw News on April 27, 2016 and May 4, 2016.

VI. CONCLUSION

The proposed text amendments to Florence City Code Title 10, Chapter 33 meet the requirements of City Code, applicable criteria in the Florence Realization 2020 Comprehensive Plan, and Oregon Revised Statutes and approves Ordinance No. 8, Series 2016 – Approving an amendment to Florence City Code Title 10, Chapter 33 – Telecommunications Facilities Overlay District.

1 **Exhibit B**

2 **ORDINANCE NO. 8, SERIES 2016**

3
4 *Additions are shown in double underline and deletions are shown as strike-out.*

5 **[Change Directions are shown in Bold within Brackets]**

6
7
8 **TITLE 10**
9 **CHAPTER 33**

10
11 **TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT**
12

13 SECTION:

14 10-33-1: Purpose

15 10-33-2: Definitions

16 10-33-3: Siting Permits, Exemptions, Site Review & Conditional Uses, and Applications

17 ~~10-33-3: Permitted Uses~~

18 10-33-4: Development Standards~~Conditional Uses~~

19 ~~10-33-5: Application~~

20 ~~10-33-6: Setbacks~~

21 ~~10-33-7: Lighting~~

22 ~~10-33-8: Interference~~

23 ~~10-33-9: Access~~

24 ~~10-33-10: Review Criteria~~

25 10-33-~~511~~: Maintenance

26 10-33-~~612~~: Decommissioning

27 10-33-~~713~~: Severability

28 10-33-8: Review of Regulations

29
30
31 **10-33-1: PURPOSE:** The purpose of the Telecommunications Facilities Overlay District is to
32 facilitate the location of necessary wireless telecommunications facilities, including towers,
33 sufficient to provide service to area businesses and residents while preserving the viewsheds
34 and character of the community, especially in residential districts.

35
36 **10-33-2: DEFINITIONS:**

37
38 A. Ancillary facilities: the structures and equipment required for operation of the
39 telecommunication equipment, including but not limited to antennae, repeaters, base
40 stations, equipment housing structures, footings and foundations, and ventilation or
41 other electrical or mechanical equipment.

42
43 B. Antenna~~(e)~~: an exterior apparatus, electrical conductor or group of electrical conductors,
44 the surface of which is designed for telephonic, radio, data, or television communications

45 by sending and/or receiving radio frequency or electromagnetic waves, including those
46 sent and/or received by wireless communication facilities. Antennae include, but are not
47 limited to, the following types:

- 49 1. Ancillary antenna, which are antennae less than 12 inches in their largest
50 dimension and are not directly used to provide ~~personal~~ wireless communication
51 services.
- 52 2. Omni-direction (whip) antenna, which receives and transmits signals in a 360
53 degree pattern
- 54 3. Directional or parabolic (panel or disk) antenna, which receives and transmits
55 signals in a directional pattern typically encompassing an arc of 120 degrees.
- 56 4. Satellite Dish antenna, which receives signals that are reflected from satellites
- 57 ~~5. Other, which means all other transmitting or receiving equipment not specifically~~
58 ~~described herein.~~

60 C. Attached wireless communication facility. A wireless communication facility that is affixed
61 to an existing structure, e.g., an existing building, wall or roof, mechanical equipment or
62 alternative tower structure.

64 D. Attachment. An antenna or other piece of related equipment affixed to a transmission
65 tower.

67 ~~E. Base Station. Any on-site fencing, equipment, switches, wiring, cabling, power sources,~~
68 ~~shelters or cabinets associated with a tower. The term does but not include a tower or~~
69 ~~facilities affixed to a tower installed as part of an antenna.~~

71 ~~EF. Co-location. The mounting or installation of antenna on an eligible support structure for~~
72 ~~the purpose of transmitting and/or receiving radio frequency signals for communications~~
73 ~~purposes. The use or placement of two or more antenna systems or platforms by~~
74 ~~separate FCC license holders on a single support structure, transmission tower, or~~
75 ~~building.~~

77 ~~FG. Equipment enclosures. A small structure, shelter, cabinet or vault used to house and~~
78 ~~protect electronic equipment necessary for processing wireless communication signals.~~

81 ~~GHG.~~ Fall zone: The area within a prescribed radius from the base of a wireless
82 communication facility. The fall zone is the area within there might be a potential hazard
83 from falling debris or a collapsing mount.

85 ~~HI. Front yard: An area lying between side lot lines, the depth of which is a specified~~
86 ~~horizontal distance between the street line and a line parallel thereto on the lot.~~

88
89 ~~HJ.~~ Height: The distance measured from above ground level to the highest point of a
90 wireless communication facility, including the antenna array. For purposes of measuring
91 height, all ~~antennas or other~~ attachments ~~mounted on a structure~~ shall be included in the
92 measurements to determine overall combined height.

93
94 ~~JK.~~ ~~Mount: The structure or surface upon which antennae are mounted:~~

- 95
96 ~~1. Roof-mounted: mounted on the roof of a building~~
97 ~~2. Side-mounted: mounted on the side of a building~~
98 ~~3. Ground-mounted: mounted on a monopole, mast, pole or tower~~
99 ~~4. Structure-mounted: mounted on a structure other than a building~~

100
101 ~~KL.~~ ~~New facility. The installation of a new transmission tower. New attachments are not new~~
102 ~~facilities.~~

103
104 ~~LN.~~ ~~Pre-existing towers and pre-existing antennae. Any tower or antennae for which a~~
105 ~~building permit has been properly issued prior to the effective date of this ordinance.~~

106
107 ~~MO.~~ ~~Provider. A person in the business of designing and/or using WCF including~~
108 ~~radiotelephones, personal communication services, enhanced/specialized mobile radios~~
109 ~~and commercial paging services.~~

110
111 ~~NIP.~~ Roof line: The highest point of a roof, excluding chimneys, parapets, tanks, ventilating
112 fans, towers, steeples, flagpoles, or similar structures.

113
114 ~~QJ.~~ ~~“Substantially change the physical dimensions” means:~~

115
116 ~~{1. the mounting of the proposed antenna on the tower would increase the existing~~
117 ~~height of the tower by more than 10 percent, or by the height of one additional~~
118 ~~antenna array with separation from the nearest existing antenna not to exceed 20~~
119 ~~feet, whichever is greater, except that the mounting of the proposed antenna may~~
120 ~~exceed the size limits set forth in this paragraph if necessary to avoid~~
121 ~~interference with existing antennas; or~~

122
123 ~~{2.} the mounting of the proposed antenna would involve the installation of more than~~
124 ~~the standard number of new equipment cabinets for the technology involved, not~~
125 ~~to exceed four, or more than one new equipment shelter; or~~

126
127 ~~{3.} the mounting of the proposed antenna would involve adding an appurtenance to~~
128 ~~the body of the tower that would protrude from the edge of the tower more than~~
129 ~~20 feet, or more than the width of the tower structure at the level of the~~
130 ~~appurtenance, whichever is greater, except that the mounting of the proposed~~
131 ~~antenna may exceed the size limits set forth in this paragraph if necessary to~~

132 | shelter the antenna from inclement weather or to connect the antenna to the
133 | tower via cable; or

134 |
135 | ~~(4). the mounting of the proposed antenna would involve excavation outside the~~
136 | ~~current tower site, defined as the current boundaries of the leased or owned~~
137 | ~~property surrounding the tower and any access or utility easements currently~~
138 | ~~related to the site.~~

139 |
140 | **ORK.** Support structure. The structure to which wireless communication antennae and other
141 | necessary hardware are mounted. For purposes of this ordinance, the terms “support
142 | structure”, “tower”, and “transmission tower” shall be interchangeable. Support structures
143 | include, but are not limited to:

- 144 |
145 | 1. Lattice tower: A freestanding support structure which consists of an open
146 | framework of crossed metal braces on three or four sides which stabilize the
147 | tower and which is built without guy wires and ground anchors.
148 | 2. Monopole: A freestanding support structure consisting of a single upright pole
149 | sunk into the ground and/or attached to a foundation and engineered to be self-
150 | supporting without guy wires or ground anchors.
151 | 3. Guyed tower: A tower which is supported, in whole or in part, by the use of
152 | cables (guy wires) and ground anchors.

153 |
154 | ~~**PS.** Tower footprint. The area described at the base of a transmission tower as the perimeter~~
155 | ~~of the transmission tower including the transmission tower foundation and any attached~~
156 | ~~or overhanging equipment, attachments or structural members but excluding ancillary~~
157 | ~~facilities and guy wires and anchors.~~

158 |
159 | **LQT.** Tower height. The distance measured vertically from the highest point when positioned
160 | for operation to the lowest point, which is defined as the bottom of the base of the
161 | structure being measured at either roof level for a roof-mounted structure or at ground
162 | level for a freestanding structure. The height of a tower shall include the height of any
163 | antennae positioned for operation attached or which may be attached to the highest
164 | point of the tower.

165 |
166 | ~~**RU.** Tower pad. The area encompassing the tower footprint, ancillary facilities, fencing and~~
167 | ~~screening.~~

168 |
169 | **MSV.** Wireless communication facilities (WCF). An unstaffed facility, and its component parts,
170 | for the transmission and reception of radio or microwave signals used for commercial
171 | communications. Wireless communication facilities include facilities that provide
172 | telecommunication service as defined by the Federal Telecommunications Act of 1996,
173 | and facilities that use technologies that currently exist or that may be developed in the
174 | future, including but not limited to cellular, personal communications services,
175 | specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal

176 Communications Commission (FCC)-licensed commercial wireless telecommunications
177 services. Wireless communication facilities are composed of a support structure and
178 ancillary facilities of two or more of the following components: Antenna, support structure,
179 equipment structures, and security barrier. For the purposes of this section, amateur
180 radio transmission facilities are not WCF's.

181
182 **10-33-3: PERMITTED USES**

183 **10-33-3: SITING PERMITS, EXEMPTIONS, SITE REVIEW & CONDITIONAL USES, AND**
184 **APPLICATION CONTENTS:**

185
186 A. SITING PERMITS REQUIRED. Except as provided in subsection B below of this
187 section, no wireless communications facility may be sited, or existing facility modified, in
188 the City without a siting permit having first been obtained through site Administrative
189 Review or Conditional Use Permit. Siting of wireless communications facilities shall be
190 according to the following priority, by descending order of preference:

- 191
- 192 1. First priority: collocation or attachment of an antenna or antenna array on a
193 support tower, support structure, or utility structure;
- 194 2. Second priority: replacement of a utility structure for the purpose of attachment
195 of an antenna or antenna array;
- 196 3. Third priority: substantial change in the physical dimensions of a support tower
197 or replacement with a support tower that represents a substantial change in the
198 physical dimensions of the original support tower;
- 199 4. Fourth priority: construction of a new support tower.

200
201
202 B. EXEMPTIONS. A siting permit is not required for the following when meeting the height
203 requirements of the district where the facility is located and the development standards
204 of FCC 10-33-4:

- 205
- 206 1. Siting of dish or other antennae with a diameter of 3 feet or less or height of 5
207 feet or less, respectively, solely for the benefit of persons residing on a property
208 or necessary for the conduct of the business on the site of the dish or antenna.
- 209
- 210 2. Siting of temporary wireless communications facilities that are used by a public
211 agency or wireless carrier for emergency communications, emergency
212 preparedness, or other public health or safety purposes or during support
213 structure and facility replacement.
- 214
- 215 23. Amateur radio towers, also known as Ham radios, and associated equipment.
- 216
- 217 43. Ordinary or emergency maintenance or repair of a wireless communications
218 facility that does not increase the size, footprint, or bulk of such facilities, and
219 which otherwise comply with City, state, and federal regulations.

220
221 C. SITING PERMITS. Siting permits shall be processed using the following procedures.

222
223
224 ~~_____ A Type I review is required for: the placement or installation of each of the~~
225 ~~following when meeting the height requirements of the district where it is located~~
226 ~~and the development standards of FCC 10-33-4;~~

227
228 ~~1. 2. Amateur radio towers, also known as Ham radios, and associated~~
229 ~~equipment.~~

230 ~~1. _____~~

231 ~~1. 3. Ordinary maintenance or repair of a wireless communications facility.~~

232
233 ~~1. 4. M~~

234 ~~a. aA modification of an existing support structure or base station for the~~
235 ~~collocation of or attachment of new transmission equipment or removal or~~
236 ~~replacement of existing transmission equipment, pursuant to 47 U.S.C. §~~
237 ~~1455, and notwithstanding any provision of this Chapter to the contrary,~~
238 ~~provided that such modification does not “substantially change the~~
239 ~~physical dimensions” of such support structure or base station from the~~
240 ~~dimensions approved as part of the original decision or building permit for~~
241 ~~the support structure or base station, that the applicant requesting a~~
242 ~~modification or expansion of a support structure or base station~~
243 ~~establishes by substantial evidence that the requested separation~~
244 ~~between antennas is the minimum necessary to avoid interference, and,~~
245 ~~to the extent feasible, that the additional equipment or modified~~
246 ~~equipment shall maintain the appearance and design of the original~~
247 ~~facility, including, but not limited to, color, screening, landscaping, stealth~~
248 ~~or camouflage design, mounting configuration, and architectural~~
249 ~~treatment. However, any modification to a support structure or base~~
250 ~~station which “substantially changes the physical dimensions” of either~~
251 ~~the support structure or base station, and any other modification to a~~
252 ~~wireless communications facility that does not qualify as a support~~
253 ~~structure or base station, shall be subject to the siting permits and~~
254 ~~authorizations as required by this Chapter.~~

255
256 ~~b. Siting of temporary wireless communications facilities which do not meet~~
257 ~~the criteria listed in FCC 10-33-3-B-2 above or that will require placement~~
258 ~~for longer than 60 days, but no longer than 120 days.~~

259
260 ~~5. Siting of temporary wireless communications facilities that are used by a public~~
261 ~~agency for emergency communications, emergency preparedness, or other~~
262 ~~public health or safety purposes.~~

264 ~~6. Replacement of an existing support structure that does not “substantially change~~
265 ~~the physical dimensions” of the existing support structure.~~

266
267 ~~C. 2. A Type II n-Administrative-Review shall be required for all proposals~~
268 ~~meeting the height requirements in FCC 10-33-4-B.~~

269
270 ~~3. A Type III (Conditional Use Permit) Review shall be required for all proposals~~
271 ~~SITE REVIEW & CONDITIONAL USES: All non-exempt WCFs are required to~~
272 ~~undergo site review and obtain a Siting Permit through an Administrative Review~~
273 ~~process. Exempt and non-exempt WCFs which do not meet the height~~
274 ~~requirements listed as part of in FCC 10-33-4-B and all proposals below are~~
275 ~~conditional uses and must obtain a Conditional Use Permit. Any WCF proposed~~
276 ~~within an the Open Space District requires a Conditional Use Permit.~~

277
278 ~~D. APPLICATION CONTENTS: For a siting permit, the applicant shall submit:~~

279
280 ~~1. A site plan, drawn to scale.~~

281
282 ~~2. To-scale elevations of all proposed buildings and structures, together with a~~
283 ~~depiction of proposed screening.~~

284
285 ~~3. A landscaping and screening plan.~~

286
287 ~~4. The engineered design capacity of the WCF relative to the number and type of~~
288 ~~antennae it is designed to accommodate, at the location of such antennae in~~
289 ~~such a manner as to optimize performance, minimize visual impact, and~~
290 ~~encourage co-location.~~

291
292 ~~5. A feasibility study showing why this facility is necessary, including but not limited~~
293 ~~to an alternate candidate analysis and coverage/capacity maps depicting~~
294 ~~anticipated coverage and the area to be serviced. The study shall demonstrate~~
295 ~~the priority designation of the facility and why other higher priority options under~~
296 ~~10-33-3-A are not feasible. The study must show that co-location is unfeasible~~
297 ~~due to one or more of the following reasons: structural support limitations, safety~~
298 ~~considerations, lack of available space, failure to meet service coverage needs,~~
299 ~~consent cannot be obtained, or unreasonable economic constraints.~~

300
301 ~~6. Evidence of conformance with FAA requirements.~~

302
303 ~~7. Details of proposed security measures and content and location of warning signs.~~
304 ~~Such signs shall include notification of any hazardous materials onsite, and a~~
305 ~~24/7 contact number for emergency use.~~

306

307 8. Evidence that the proposed WCF meets FCC electromagnetic radiation emission
308 standards.

309 9. Narrative showing compliance with conditional use criteria and/or design review
310 criteria.

311 10. Applications that require a Type III review shall conduct a meeting with
312 surrounding property owners prior to the submittal of a land use application. To
313 the greatest extent practical, the neighborhood meeting shall be held in the
314 general vicinity of the proposed telecommunications facility.

315 a. Notice of the meeting shall be sent to neighboring property owners within
316 300 feet of the subject parcel and the Planning Department.

317 b. The applicant shall mail notice no less than 14 days prior to the date set
318 for the meeting to owners of record including the date, time, and location
319 of the meeting, as well as information that the topic of the meeting will be
320 to discuss the proposed location of a telecommunications facility on the
321 subject property. The notice shall state the assessor's map and taxlot
322 numbers for the subject property and, if available, the address of the
323 subject property.

324 c. The application submittal shall include the following:
325 1. Notice letter and any attachments;
326 2. Mailing labels;
327 3. Affidavit of mailing;
328 4. List of attendees;
329 5. Summary of discussion.

330 **10-33-4: DEVELOPMENT STANDARDS~~CONDITIONAL USES~~:- WCFs shall meet the**
331 **following**~~The development standards contained within this section are applicable to all WCFs,~~
332 **support structures, and their associated uses, including those exempt from site review and**
333 **conditional use.**

334 ~~A. In Industrial, Business Park and Highway Districts, any WCF in excess of the height~~
335 ~~limits in No. 1 above.~~

336 ~~B. Any WCF extending more than 3' above the roofline of any building located in the Old~~
337 ~~Town, Mainstreet or Commercial Districts.~~

338 ~~C. Any WCF extending more than 5' above the roofline of any building in the North~~
339 ~~commercial Districts.~~

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350 ~~D. Any WCF extending more than 3' above the roofline of the primary structure located in~~
351 ~~any residential district.~~

352
353 ~~E. Any WCF exceeding the limits in No. 4 above.~~

354
355 ~~F. All WCF's in any Open Space District.~~

356
357 ~~G. All WCF's exceeding 9 feet in height attached to public facilities.~~

358
359 A. SETBACKS:

360
361 1. WCFs shall not be located in front yards.

362 2. Telecommunication facilities meeting the height requirements of the underlying
363 district shall meet the setbacks required in that district.

364 3. The setback of the structure shall be governed by the setback requirements of
365 the underlying zone. In all zoning districts, the Planning Commission may allow
366 a variance to any required setback upon the request of the applicant if:

367 a. the Applicant provides a letter stamped by a certified structural engineer
368 documenting that the proposed structure's fall zone is less than the actual
369 height of the structure.

370 b. the Applicant can show that the proposed encroachment of the setback
371 minimizes the potential adverse impacts through natural topography,
372 reasonable design, landscape and/or construction practices.

373 c. The setback of the structure shall be governed by the setback
374 requirements of the underlying zone. However, the setback for a WCF
375 from a residential dwelling not on the subject parcel shall be no less than
376 the height of the proposed facility.

377 4. Additional setbacks may be required if there are lighting or noise impacts, or if
378 protection from damage or collapse of the facility warrants additional setbacks.

379 B. HEIGHT LIMITS BY DISTRICT: Height limits for each district apply to all wireless
380 telecommunications facilities, including those exempted from Siting Permits. Wireless
381 telecommunications facilities in excess of these height limits may be permitted through a
382 Type III review process.

383 1. **Limited Industrial, Service Industrial, Marine, Pacific View Business Park**
384 **and Highway Districts.** All non-exempt WCF meeting the height requirements of
385 those districts are subject to Siting Permits. Those height limits are 38' from
386 ground-level in the Limited Industrial District, Service Industrial, Marine, and
387 Pacific View Business Park Districts and 28' from ground-level in the Highway
388 District. Permitted without review or siting permits are antenna mounted on a
389 roof or side of a building and side-mounted antennae where such antenna is

390 necessary for the conduct of the business on the site of the antenna and
391 extending no more than 8 feet above the roof line.

392 2. **Old Town, Mainstreet, Professional Office/Institutional and Commercial**
393 **Districts.** WCF may extend 5' above the roofline.

394 3. **North Commercial District.** WCF may extend 5' above the roofline.

395 4. **Public and Estuary Districts.** WCF heights may not exceed those of the most
396 restrictive abutting district.

397 5. **Residential Districts.** WCF may not exceed 5' in height above the roofline in
398 any residential district. Towers erected for use by amateur radio operators may
399 exceed the 5' above roofline restriction if it is demonstrated that the increased
400 height is technically necessary to enable functional radio communications if
401 approved through a Type II Review.

402 6. **Public Facilities.** Monopoles for personal communication devices attached to
403 existing light, power, or telephone poles may not extend more than 6' in height in
404 any zone. WCFs attached to existing public facilities may not exceed 9' in
405 height. The owner of the facility may require screening, security measures, or
406 liability coverage, and may control access to the facility.

407 7. **Amateur Radio Towers.** Towers erected for use by amateur radio operators
408 may not exceed 40' in height. Amateur radio towers in excess of 40' shall be
409 reviewed by a committee of three amateur radio operators to determine whether
410 the additional height is technically necessary to enable functional amateur radio
411 communications and reviewed through a Type II Review.

412 C. **COLLOCATION REQUIRED.** All wireless communications facilities located in the right-
413 of-way shall be collocated or attached to replacement utility structures. All wireless
414 communications facilities located outside the right-of-way shall be collocated, unless the
415 collocation would interfere with other wireless communications facilities located on the
416 same structure or jeopardize the physical integrity of the structure upon which
417 collocation will be made, consent cannot be obtained for collocation on the structure, or
418 the available structures do not provide sufficient height to obtain coverage or capacity
419 objectives.

420 F. **ACCESS:** Access to commercial WCFs shall be from an arterial or a collector street.

421
422 G. **GENERAL REQUIREMENTS:**

423
424 1. **Tower sharing.** WCFs shall incorporate co-location either with another existing
425 facility, or offer the option for another entity to co-locate on the proposed facility.

426
427 2. **Towers exceeding height limits.** Towers which exceed district height limits shall
428 not exceed that necessary to meet the needs of the applicant, provide

429 reasonable service to the Florence area, and provide for future collocation of
430 facilities to prevent the siting of additional towers.

431
432 3. Security. Antennas must be secured from public access, either by vertical or
433 horizontal separation, fencing not less than 6 feet in height, locked access, or
434 other measures as appropriate. Ladders, rungs, and other means of access shall
435 be locked or removed to prevent unauthorized access to the facility.

436
437 4. Tower color, finish, concealment. For towers not regulated by the Oregon
438 Department of Aviation, or Federal Aviation Administration, a non-reflective finish
439 (paint/surface) must be provided that reduces the visibility of the structure so as
440 to blend in with the surrounding environment. In the alternative, the tower may
441 be designed so as to look like some feature other than a wireless tower from the
442 surrounding environment. Whether via color, finish, or design, the proposed
443 WCF design shall reduce/eliminate, to the greatest extent reasonably
444 feasible/possible, the visibility of the proposed facility from adjacent streets,
445 residences, parks and viewpoints. Colors and materials chosen to minimize
446 visibility.

447
448 5. Landscaping/Screening. The base of a tower and all necessary equipment or
449 structures located at grade must be fully screened from the street and any
450 abutting sites as follows:

451
452 a. A landscaped area at least 5 feet deep meeting the requirements of FCC
453 10-34-3-7 must be provided around the base of a tower and all accessory
454 equipment or structures located at grade.

455
456 1. Landscaping shall be selected from the City of Florence Tree and
457 Plant List and planted with a minimum height of 4 feet.

458
459 2. Plantings shall be spaced evenly apart to create adequate
460 screening density, provided that maximum spacing shall be 36
461 inches on center.

462
463 3. Plantings shall be of a species that attain a minimum mature
464 height of 10 feet.

465
466 4. Plantings shall be comprised of a minimum of three varieties of
467 shrub species, preferably evergreen.

468
469 5. Maintenance of landscaping shall meet the criteria of FCC 10-34-
470 3-8.

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- b. Sight Obscuring Fence. A sight-obscuring fence that is a minimum of 6 feet high and shall consist of chain link with slats, wood, masonry, or brick.

- c. Equipment shelters/cabinets. All at-grade equipment shall be enclosed within equipment shelters and/or cabinets constructed of wood, metal, or masonry. Building materials shall be stained or painted in a color that is consistent and compatible with surrounding development and then sealed for weather protection. Roofing and other architectural treatments proposed for the material shall also be consistent and compatible with surrounding development. Shipping containers are not acceptable unless fully screened. Ground mounted equipment cabinets shall be of a muted, earth-tone Pacific Northwest coastal color palette.

- d. The Planning Commission may approve plans which do not meet the above criteria, but serve the intended purpose through alternative means.

- 6. State and Federal Requirements. The site shall comply with electromagnetic radiation emission standards as established by the FCC. No WCF shall interfere with public safety telecommunications. Applicants must provide certification from a registered engineer that the proposed facility will be in compliance with FCC emissions standards with the permit application. The applicant shall also provide certification from a registered engineer that the proposed facility will be in compliance with FAA and Oregon Department of Aviation standards with the permit application.

- 7. Lighting. No lighting shall be permitted except as required by the Oregon Department of Aviation, FAA, or as necessary to provide security to the site. Refer to ~~section~~Chapter 10-37 of this Title for lighting requirements.

- 8. Fall zone. The applicant shall provide a fall zone adequate to protect surrounding uses, especially residences, but no less than the required setback.

- 9. Liability Coverage. The owner/operator shall certify that they have obtained sufficient liability insurance to cover damage from tower failure or collapse.

- 10. Lattice towers are permitted only if utilized by essential services such as fire, police, other City services, or amateur radio operators.

- 11. Noise requirements. Applications to locate or replace accessory equipment in or within 50 feet of a residential zone must be accompanied by a signed and stamped acoustical engineer's report demonstrating that noise levels from the equipment are in full compliance with noise regulations contained within FCC 6-1-2-3.

516
517 12. Display. No signs, striping, graphics or other attention getting devices, other than
518 those required by state or federal regulations, are permitted on the transmission
519 tower or ancillary facilities. Notwithstanding the preceding, no more than two
520 signs per site may be affixed to fencing or ancillary facilities, with each sign may
521 be being no larger than 3 square feet in surface area. Such signs must be
522 single-faced, two dimensional and unlit; commonly, such signs are used to
523 display ownership information, a warning message, or a safety message. except
524 for warning and safety signage with a surface area of no more than 3 square
525 feet. Such signage shall be affixed to a fence or ancillary facility and the number
526 of signs is limited to no more than 2.

527
528 **10-33-5: APPLICATION:** The applicant shall submit:

529
530 A. ~~— A site plan drawn to scale.~~

531
532 B. ~~— Elevations of all proposed buildings and structures, together with a depiction of proposed~~
533 ~~screening.~~

534
535 C. ~~— A landscaping plan.~~

536
537 D. ~~— The engineered design capacity of the WCF relative to of the number and type of~~
538 ~~antennae it is designed to accommodate, and the location of such antennae in such a manner~~
539 ~~as to optimize performance, minimize visual impact, and encourage co-location.~~

540
541 E. ~~— A feasibility study showing why this facility is necessary, and if not co-located, why it~~
542 ~~cannot be co-located. The study must show that co-location is unfeasible due to one or more of~~
543 ~~the reasons: structural support limitations, safety considerations, lack of available space, failure~~
544 ~~to meet service coverage needs, or unreasonable economic constraints.~~

545
546 F. ~~— Evidence of conformance with FAA requirements.~~

547
548 G. ~~— Details of proposed security measures and content and location of warning signs. Such~~
549 ~~signs shall include notification of any hazardous materials onsite, and a 24/7 contact number for~~
550 ~~emergency use.~~

551
552 H. ~~— Evidence that the proposed WCF meets FCC electromagnetic radiation emission~~
553 ~~standards.~~

554
555 I. ~~— Narrative showing compliance with conditional use criteria and/or design review criteria.~~

556
557 **10-33-6: SETBACKS:**

558
559 A. ~~— WCF's shall not be located in front yards.~~

- 560 ~~B. Telecommunication facilities meeting the height requirements of the underlying district~~
561 ~~shall meet the setbacks required in that district.~~
- 562 ~~C. Any facility exceeding the height requirements of the underlying zone shall be set back~~
563 ~~from the property line of all abutting uses at least 1.5 times the height of the facility.~~
- 564 ~~D. Additional setbacks may be required if there are lighting or noise impacts, or if protection~~
565 ~~from damage or collapse of the facility warrants additional setbacks.~~
- 566 ~~**10-33-7: LIGHTING:** No lighting shall be permitted except as required by the FAA, or as~~
567 ~~necessary to provide security to the site. Refer to section 10-37 of this Title for lighting~~
568 ~~requirements.~~
- 569
- 570 ~~**10-33-8: INTERFERENCE:** No WCF shall interfere with public safety telecommunications. The~~
571 ~~City may require a statement or other evidence from a qualified professional engineer licensed~~
572 ~~in the State of Oregon that the proposed WCF will not interfere with public safety~~
573 ~~telecommunications.~~
- 574
- 575 ~~**10-33-9: ACCESS:** Access to commercial WCF's shall be from an arterial or a collector street.~~
- 576
- 577 ~~**10-33-10: REVIEW CRITERIA:**~~
- 578
- 579 ~~A. Does the facility incorporate co-location either with another existing facility, or offer the~~
580 ~~option for another entity to co-locate on the proposed facility?~~
- 581
- 582 ~~B. Are the portions of the proposed structure(s) that exceed height limits the minimum~~
583 ~~necessary to meet the needs of the applicant and provide reasonable service to the~~
584 ~~Florence area?~~
- 585
- 586 ~~C. Is the site/facility secure? Will warnings and emergency contact information be posted?~~
- 587
- 588 ~~D. Is the site screened, and/or designed to minimize impacts to surrounding land uses and~~
589 ~~the community? Does the proposed WCF design eliminate, to the greatest extent~~
590 ~~possible, the visibility of the proposed facility from adjacent streets, residences, parks~~
591 ~~and viewpoints? Are colors and materials chosen to minimize visibility?~~
- 592
- 593 ~~E. Does the facility meet FAA requirements?~~
- 594
- 595 ~~F. Does the facility comply with electromagnetic radiation emission standards as~~
596 ~~established by the FCC?~~
- 597
- 598 ~~G. Has the applicant provided a fall zone adequate to protect surrounding uses?~~
- 599
- 600 ~~H. Does the owner/operator have sufficient liability insurance to cover damage from tower~~
601 ~~failure or collapse?~~
- 602

603 | **10-33-511: MAINTENANCE:** The owner(s) of any WCF shall ~~provide continuing maintenance~~
604 | ~~of~~ the facility and its accessory structures in a way that provides for guarantees safety, and
605 | continuous compliance with any conditions of approval.

607 | **10-33-612: DECOMMISSIONING:**

609 | A. If an owner plans to abandon or discontinue operation of a WCF, such owner shall notify
610 | the City by certified mail of the proposed date of abandonment or discontinuance of
611 | operations. Such notice shall be given no less than 30 days prior to abandonment or
612 | discontinuance.

614 | B. The City may require, as part of a review process ~~conditional use permit~~, that an
615 | applicant ~~to~~ post a bond or other financial security in the amount necessary to remove a
616 | WCF and its accessory structures in the case of discontinuance of use.

618 | C. In the event that an owner discontinues use of a transmission facility for more than six
619 | consecutive months, the City may require that the owner remove the WCF and
620 | associated accessory structures. Failure to remove the WCF without a request for
621 | extension of use, or other application to the City for continuation of use, shall allow the
622 | City to declare the WCF a nuisance and subject to the abatement procedures of the
623 | Florence City Code. The City may utilize the bond or other financial security for
624 | abatement.

626 | **10-33-713: SEVERABILITY:** If any section, subsection, sentence, clause, phase or portion of
627 | this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
628 | such portion shall be deemed a separate, distinct and independent provision and such holding
629 | shall not affect the validity of the remaining portions.

630 | **10-33-8: REVIEW OF REGULATIONS:** New federal or state standards. In the event that either
631 | the federal or state government adopts mandatory or advisory standards more stringent than
632 | those described in this chapter, the Planning staff will prepare a report and recommendation on
633 | any necessary revisions to the City's adopted standards.

634 | _____
635 | Ordinance No. 17, Series 2003

636 | Section 10-33-7 amended by Ord. No. 12, Series 2014, effective 12/-31/-14

637 | Sections 10-33-2 through 10-33-13 modified and/or deleted by Ord. No. 8, Series 2016,
638 | effective XX/XX/16

Other Information Required

Below is a check list of the required information to determine if an application is complete. The Florence City Code is available at City Hall or online at www.ci.florence.or.us (click on "City Code" which is located on the main menu). You will also find the *Florence Transportation Plan, Downtown Architectural Guidelines, Highway 101 Access Management Plans, Stormwater Design Manual, and Stormwater Management Plan* available on the City's website or at the City Hall for review or purchase.

Site Plan existing and proposed drawn to scale, showing the following: N/A; not site specific.

- Existing and proposed site boundaries and proposed lot boundaries
- Existing and proposed structures
- Existing and proposed roads, streets, rights-of-way, pedestrian walks (widths and types), names, grades, radii
- Existing and proposed utility services – location of water and sewer lines, drainage routes and facilities, manholes, meters, fire hydrants, etc...
- Areas of scenic value, wildlife habitat, potential hazard areas (floodplains, geologic instability), wetlands, or other areas of special significance None identified.

A description of the proposed use including:

- Activities proposed and general function of structures and uses
- Hours of operation
- A description of the conditions and land use of all land within 300' of the subject property
- Any special requirements: noise, heights, dust, outside storage

A title report from a title company showing:

- Existing liens
- Access and/or utility easements
- Legal description



March 8, 2016

Glen Southerland
City of Florence Planning Department
250 Highway 101
Florence, OR 97439

RE: Proposed Amendment to City of Florence City Code Title 10, Chapter 33 Telecommunications Facilities Overlay District

As you know, this office represents Verizon Wireless ("Verizon") with respect to the above-referenced Amendment request.

Verizon Wireless representatives have been in negotiations with the owner of property that is being annexed and will be zoned Service Industrial. Currently, the property development is unable to proceed unless the setback requirements can be modified. Should development continue under the current code, the following issues may result:

- Any tower siting would need to be in the middle of the property, potentially impacting appropriate development for future permitted uses;
- Proposed tower height would be limited in such a manner as to negatively impact the ability to appropriately serve the City of Florence;
- As the height would be significantly limited, more towers may be required;
- Other service providers may be unable to utilize the same structure. Again, potentially increasing the number of towers within the City.

As such, Verizon would request the following options be considered:

Delete: *Any facility exceeding the height requirements of the underlying zone shall be set back from the property line of all abutting uses at least 1.5 times the height of the facility.*

Proposed revised language options:

Option 1:

The setback of the structure shall be governed by the setback requirements of the underlying zone. In all zoning districts, the Planning Commission shall have the authority to vary any required setback upon the request of the Applicant if:

- (a) the Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structures fall zone is less than the actual height of the structure,*
- (b) the Applicant can show that the proposed encroachment of the setback minimizes the potential adverse impacts through natural topography, reasonable design, landscape and/or construction practices.*

Option 2:

The setback of the structure shall be governed by the setback requirements of the underlying zone. However, the setback from a residential dwelling not on the subject parcel shall be no less than the height of the facility.

Thank you in advance for considering this request.

Sincerely,



Sharon Gretch

Md7 | Zoning Manager

sgretch@md7.com

m 541.515.8263

