

Chapter 18.450
WIRELESS COMMUNICATION FACILITIES

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18.450.010 Purpose

The purpose of this chapter is to ensure that wireless communication facilities are regulated in a manner that:

- A. Minimizes visual impacts;
- B. Promotes universal service to all customers;
- C. Encourages collocation of facilities to minimize the number of new facilities required;
- D. Ensures structural safety;
- E. Ensures all providers are fairly treated; and
- F. Protects neighborhood livability. (Ord. 18-23 §2; Ord. 17-22 §2)

18.450.020 Exemptions

The following uses and activities are exempt from the regulations of this chapter:

- A. Existing towers and antennas and any repair, reconstruction, or maintenance of these facilities that do not create a significant change in visual impact;
- B. Ham radio towers, citizen band transmitters, and antennas;
- C. Microwave dishes;
- D. Antennas and equipment completely located within an existing structure whose purpose is to enhance or facilitate communication function of other structures on the same property. (Ord. 18-23 §2; Ord. 17-22 §2)

18.450.030 Uses Allowed

- A. Collocation on existing towers. Installation of an antenna on an existing communication tower of any height is allowed, provided the additional antenna is no more than 20 feet higher than the existing tower, the tower is not in the public right-of-way, and the color of the antenna blends with the existing structure or surroundings.

- B. Collocation on existing non-tower structures. Installation of an antenna on an existing structure other than a tower, such as a building, water tank, sign, light fixture, or utility pole, is allowed provided the supporting structure is not in a public right-of-way, the additional antenna is no more than 20 feet higher than the existing structure, and the color of the antenna blends with the existing structure or surroundings. Collocation of small cells in a public right-of-way is subject to the standards of Paragraph 18.450.030.E.
- C. Installation of accessory equipment shelters. The installation of accessory equipment shelters and related equipment is allowed at or near the base of a tower or structure where collocation is allowed as provided in Subsections 18.450.030.A and B subject to the following:
1. The accessory equipment shelter and related equipment are either located completely within the existing structure, or are located within a previously approved fenced area;
 2. The equipment shelter and related equipment must comply with the applicable development standards in Chapter 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards;
 3. No previously-approved landscaping may be removed to locate the accessory equipment shelter and related equipment. If any such landscaping is removed, the applicant must replace it with the equivalent quantity and type of landscaping on site, in a manner to achieve the original intent, or to achieve sufficient screening of any proposed new shelter or equipment if the original intent would no longer be applicable. If any removed landscaping cannot be replaced on site, then the applicant is subject to a site development review as provided in Section 18.450.040.
- D. Towers in the I-L and I-H zones. Locating a tower of any height, including antennas, other supporting equipment, and accessory equipment shelters, is allowed in the I-L and I-H zones, provided that such a tower is set back from any existing off-site residence by a distance equal to the height of the tower. Any accessory equipment shelter must comply with the development standards of the applicable development standards in Chapter 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards. Towers in the right-of-way are subject to either the small cell standards of Subsection 18.450.030.E or the site development review process of Section 18.450.040.
- E. Small cells. The following small cell facilities are allowed in a public right-of-way:
1. Small cell antennas and accessory equipment mounted to existing public infrastructure or small cell monopoles, when all of the following are met:
 - a. A valid lease, license, or franchise agreement is in place for the use of the public facility improvement or public infrastructure;
 - b. A right-of-way permit has been issued for the installation of the antenna and accessory equipment; and
 - c. The color of the antenna and accessory equipment are of similar color to the supportive infrastructure.
 - d. The small cell facility does not increase the height of the infrastructure by more than 10 percent or 10 feet, whichever is greater, and the total height is not more than 35 feet in any residential zone or 50 feet in any other zone.

2. Small cell monopoles, including antennas and associated accessory equipment, when all of the following are met:
 - a. The monopole does not exceed 30 feet in height;
 - b. A valid lease, license, or franchise agreement is in place for the use of the right-of-way;
 - c. A public facility improvement or right-of-way permit has been issued for the installation of tower and associated equipment; and
 - d. The color of the tower and associated equipment are of similar color to other proximate utility poles. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.450.040 Uses Allowed Subject to Site Development Review

A. Uses allowed. The following uses are subject to approval through a site development review as provided in Chapter 18.780, Site Development Review, using the standards of Subsection 18.450.040.B as approval criteria:

1. Towers in commercial zones and the I-P zone. A tower, including antennas, other support equipment, or accessory equipment shelters, in any commercial or I-P zone, provided that such a tower is set back from any existing off-site residence by a distance equal to the height of the tower.
2. Towers in the parks and recreation zone. A tower, including antennas, other support equipment, or accessory equipment shelters, in the parks and recreation zone, provided that such a tower is set back from any existing off-site residence by a distance equal to the height of the tower.
3. Collocations. Collocation of an antenna that extends more than 20 feet above an existing tower or non-tower structure.
4. Accessory equipment shelter. Additional accessory equipment shelters or related equipment must be screened as required by Subparagraph 18.450.040.B.7.b.
5. Towers in public rights-of-way. Installation of a tower exceeding 30 feet in height within any public right-of-way, provided that such tower is set back from any off-site residence by a distance equal to the height of the tower and the tower does not exceed 50 feet in height.
6. Small cell facilities. Installation of any small cell facility in a public right-of-way that increases the height of the infrastructure it is attached to by more than 10 percent or 10 feet, whichever is greater, provided that the total height does not exceed 40 feet in any residential zone or 50 feet in any other zone.

B. Standards. Any use subject to site development review is reviewed using the following standards:

1. Aesthetic.
 - a. New towers must include a non-reflective grey finish or be painted pursuant to FAA requirements;

- b. If collocation is requested, the design of any antenna, accessory structures, or equipment must, to the extent possible, use materials, colors, and textures that will match the existing tower or non-tower structure to which the equipment is being attached;
2. Setbacks.
 - a. Towers designed to collapse within themselves must be set back in compliance with the setbacks of the applicable development standards in Chapter 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards, except that all towers must be set back a minimum of 35 feet from any adjacent residentially zoned lot;
 - b. Towers not designed to collapse within themselves must be set back from the property line by a distance equal to or greater than the height of the tower.
3. Tower spacing. No new tower is allowed within 500 feet of an existing tower. Small cell facilities in a public right-of-way are exempt from this standard, but must meet any spacing requirements of the city's engineering standards.
4. Tower height.
 - a. The maximum height for a tower not in a public right-of-way is 100 feet. If the tower includes antennas owned by multiple providers, the maximum height is 125 feet.
 - b. The maximum height for a tower in a public right-of-way is 50 feet, except that the maximum height in residential zones is 35 feet.
5. Lighting. No lighting is allowed on a tower except the following:
 - a. Lighting required by the FAA; and
 - b. Streetlights mounted on provider-installed small cell monopoles in a public right-of-way when approved by the city engineer.
6. Fencing and security. Towers and ancillary facilities must be enclosed by a minimum 6-foot fence. Small cell facilities in a public right-of-way are exempt from this standard.
7. Landscaping and screening. Towers and ancillary equipment not within a right-of-way must meet the following:
 - a. Landscaping must be placed outside the required fence and must consist of evergreen shrubs that will reach 6 feet in height and 95 percent opacity within 3 years of planting;
 - b. When adjacent to or within residentially-zoned property, freestanding towers and accessory equipment facilities must be screened by the planting of a minimum of 4 evergreen trees at least 15 feet in height at the time of planting. These trees must effectively screen the wireless facilities from residential uses. Existing evergreen trees at least 15 feet in height may be used to meet the screening requirement of this section if the applicant demonstrates that they provide screening for abutting residential uses.
8. Noise. Noise-generating equipment must be sound-buffered by means of baffling, barriers, or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40

dBA (night) when adjacent to a noise-sensitive land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.450.050 Uses Allowed Subject to Conditional Use Review

A. Uses allowed. The following uses are subject to approval through a conditional use review, as provided in Chapter 18.740, Conditional Uses, using the standards in Subsection 18.450.050.B as approval criteria:

1. Towers in residential zones. A tower, including antennas, other support equipment or accessory equipment shelters, in any residential zone, with the exception of small cell facilities in the right-of-way;
2. Towers within areas with historic overlay designation. A tower, including antennas, other support equipment or accessory equipment shelters, in areas with historic overlay designation;
3. Towers in excess of 100 feet for a single user and 125 feet for multiple users except those located in the I-L and I-H zones, which are allowed as provided in Subsection 18.450.030.D.

B. Standards. Any use subject to conditional use review is reviewed using the following:

1. Protection of points of visual interest.
 - a. Views from residential structures located within 250 feet of the proposed wireless communication facility to the following points of visual interest must be protected to the greatest practical extent:
 - i. Mountains;
 - ii. Significant public open spaces;
 - iii. Historic structures.
 - b. The following standards are used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed wireless communication facility to a point of visual interest specifically identified above is significantly affected:
 - i. Investigate other locations within the same lot where such visual impacts can be minimized overall;
 - ii. Investigate alternative tower designs that can be used to minimize the interruption of views from the residence to the point of visual interest;
 - iii. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that collocation or the use of other structures within the applicant's service area is not feasible at this time;
 - iv. Minimize visual impacts by varying the setbacks or landscaping standards that would otherwise be applicable, provided the overall impact of the proposed development is as good or better than that would otherwise be required without said variations.

2. **Color.** Towers must have a non-reflective surface and a neutral color that is the same or similar color as the supporting structure to make the antennas and related equipment as visually unobtrusive as possible, or, if required by the FAA, be painted pursuant to the FAA's requirements;
 3. **Setbacks.** Towers must be set back from the property line by a distance equal to the height of the tower.
 4. **Tower spacing.** No new tower in a residential zone is allowed within 2,000 feet of an existing tower. No new tower in nonresidential zones is allowed within 500 feet of an existing tower.
 5. **Lighting.** No lighting is allowed on a tower except as required by the FAA;
 6. **Fencing and security.** For security purposes, towers and ancillary facilities must be enclosed by a 6-foot fence;
 7. **Landscaping and screening.**
 - a. Landscaping must be placed outside the fence and must consist of evergreen shrubs that will reach 6 feet in height and 95 percent opacity within 3 years of planting.
 - b. When adjacent to or within residentially-zoned property, freestanding towers and accessory equipment facilities must be screened by the planting of a minimum of 4 evergreen trees at least 15 feet in height at the time of planting. These trees must effectively screen the wireless facilities from residential uses. Existing evergreen trees at least 15 feet in height may be used to meet the screening requirement of this section if the applicant demonstrates that they provide screening for abutting residential uses.
 8. **Noise.** Noise-generating equipment must be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40 dBA (night) when adjacent to a noise-sensitive land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses.
- C. **Other requirements.** At the time a provider requests a building permit, it shall demonstrate compliance to all applicable state and federal regulations, including, but not limited to, the state building codes and FAA. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.450.060 Collocation Protocol

- A. **Purpose.** The purpose of this requirement is to create a process that will allow providers to equitable share publicly-available, non-proprietary information among themselves, with interested persons and agencies, and with the city, at the time the provider schedules a pre-application conference with the approval authority. This collocation protocol is designed to increase the likelihood that all reasonable opportunities for collocation have been investigated and the appropriate information has been shared among providers.

The city recognizes that collocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that collocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible collocation opportunities, and will also assure the city that all

reasonable accommodations for collocation have been investigated. The code creates strong incentives for collocation because proposals for collocation qualify for a less rigorous approval process.

- B. Applicability. Requirements for the collocation protocol apply only to new towers subject to site development review or conditional use.
- C. Pre-application requirement. A pre-application conference is required for all proposed freestanding towers except those in the I-L and I-H zones, which are allowed.
- D. Collocation request letter requirement. At the time a pre-application conference is scheduled, the applicant must demonstrate that the following notice was mailed to all other wireless communication providers licensed to provide service within the city's boundaries:

“Pursuant to the requirements of 18.450.060, [name of wireless provider] is hereby providing you with notice of our intent to meet with representatives of the City of Tigard in a pre-application conference to discuss the location a new freestanding wireless communication facility that would be located at [location]. In general, we plan to construct a [type of tower] of [number] feet in height for the purpose of providing [cellular, PCS] service.

Please inform us whether your company has any existing or pending wireless facilities located within [distance] of the proposed facility, that may be available for possible collocation opportunities.

Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated.

Sincerely [Name of pre-application applicant].”

- E. Applicant's obligation to analyze feasibility of collocation. If a response to a collocation request letter is received by an applicant indicating an opportunity for collocation on an existing tower of another provider, the applicant must make a good faith effort to analyze the feasibility of collocation. This analysis must be submitted with an application for a freestanding tower. A good faith effort to investigate the feasibility of collocation on an existing facility will be deemed to have occurred if the applicant submits all of the following information:
 - 1. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by collocation at the potential collocation site;
 - 2. Evidence that lessor of the potential collocation site either agrees or disagrees to collocation on their property;
 - 3. Evidence that adequate site area exists or does not exist at the potential collocation site to accommodate ancillary equipment for the second provider and still meet all of the development standards required by the applicable chapter in 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards;
 - 4. Evidence that adequate access does or does not exist at the possible collocation site.
- F. Result of collocation feasibility analysis. If the applicant has provided information addressing each of the criteria in Subsection 18.450.060.D, the collocation protocol will be deemed complete. The

applicant's tower will then be allowed subject to the regulations provided in this chapter. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.450.070 Abandoned Facilities

- A. Abandonment defined. A wireless communication facility that has been discontinued for a period of 6 consecutive months or longer is hereby declared abandoned.
- B. Removal of abandoned facilities. Abandoned facilities as defined in Subsection 18.450.070.A must be removed by the property owner within 90 days from date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and subject to penalties as provided in Title 6, Nuisance Violations of the Tigard Municipal Code.
- C. Extension. Upon written application, prior to the expiration of the 6-month period, the director will, in writing, grant a 6-month extension for reuse of the facility. Additional extensions beyond the first 6-month extension may be granted by the director subject to any conditions required to bring the facility into compliance with current regulations and make it compatible with surrounding development. (Ord. 18-23 §2; Ord. 17-22 §2) ■