

CHAPTER 15.11
WIRELESS COMMUNICATIONS FACILITIES – STANDARDS AND PROCESS

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15.11.010 Purpose. This chapter is intended to provide a uniform and comprehensive set of standards for the development, siting and installation of wireless telecommunications facilities. These regulations are intended to protect and promote the public health, safety and welfare of the residents of Mosier, to preserve community character and protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996 and to encourage siting in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into the views of the Columbia River Gorge as seen from the Historic Columbia River Highway and residential areas within the city.

15.11.020 Definitions. The following words and phrases used in this chapter shall have the following meanings:

A. Antenna means any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna.

B. Antenna height means the vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

- C. Antenna support means any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.
- D. Applicant means a person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.
- E. Camouflaged means any telecommunications facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles. Camouflaged facilities may be considered low or high visibility depending on the type of facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).
- F. Co-location means locating wireless telecommunications equipment from more than one provider on a single site.
- G. Community character means those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures that define a community's identity.
- H. Equipment building, shelter or cabinet means a cabinet or building used to house equipment used by telecommunication providers at a facility.
- I. Façade mounted antenna means an antenna architecturally integrated into the façade of a building or structure.
- J. Facility means a wireless telecommunications facility.
- K. Faux tree means a telecommunications tower camouflaged to resemble a tree.
- L. Grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.
- M. Guyed tower means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.
- N. High visibility means the following types of telecommunications facilities:
- 1) Monopoles, lattice towers and guyed towers
 - 2) Non-camouflaged facilities

- 3) Faux Trees
- 4) Any wireless facilities that do not meet the definition of invisible or low visibility.

O. Invisible means facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street or any adjacent property and do not result in any apparent architectural changes or additions. The addition of landscaping, walls, fences or grading as screening techniques does not make an otherwise visible facility invisible.

P. Lattice tower means a guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Q. Low visibility means the following facilities if they do not exceed 25 feet in height:

1. Whip antennas not exceeding 6 feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, if the addition, including any vertical mounting, does not result in an increase in height of the structure of more than 5 feet, and with equipment cabinets that are screened from view by means other than new walls or fences and have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet. Cabinets in underground vaults are not included in the size calculation.
2. Panel-shaped antennas that are flush-mounted to an existing building façade or other existing structure on at least one edge, or extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure by more than 5 feet and are designed to blend with the color, texture and design of the existing building or structure, with no visible equipment cabinet.
3. Facilities, including equipment cabinets, that are camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, windmills or other structures and are consistent with existing development, design and community character.
4. Additions to existing permitted low-visibility facilities if the additions themselves meet the definition of low visibility and are designed to minimize visibility of both the facility and equipment cabinets that have total dimensions no greater than 50 cubic feet and no dimension greater than 6 feet and are screened from view by means other than new walls and fences. The equipment cabinet may be larger if contained inside a structure consistent with the architecture and character of the site.

5. Changes to an existing building that are consistent with the building's architectural style and the equipment cabinet is not visible.

R. Microcells provide additional coverage and capacity where there are high numbers of users within urban and suburban macrocells. The antennas for microcells are mounted at street level, typically on the external walls of existing structures, lamp-posts and other street furniture. Microcell antennas are usually smaller than macrocell antennas and when mounted on existing structures can often blend into building features. Microcells provide radio coverage over distances, typically between 100m and 1000m and operate at power levels substantially below those of macrocells

S. Monopole means a wireless communication facility consisting of a single pole constructed for purposes of supporting one or more antennas without guy wires or ground anchors.

T. Panel or directional antenna means an antenna or array of antennas designed to concentrate a radio signal in a particular area.

U. Roof mounted antenna means any antenna with its support structure placed directly on the roof of any building or structure.

V. Service area means the area served by a single telecommunications facility.

W. Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

X. Tower or telecommunications tower means any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.

Y. Whip antenna means an antenna that transmits or receives signals in 360 degrees. Whip antennas are typically cylindrical in shape, less than 3 inches in diameter and no more than 6 feet long, including the mounting.

Z. Wireless telecommunications facility means any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish antennas, microwave antennas and other types of equipment for the transmission or receipt of such signals, including telecommunications towers and similar supporting structures, equipment cabinets or buildings, parking area and other accessory development. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules nor to TV and radio transmission facilities. Radio and television broadcast and transmission facilities are prohibited everywhere in the city unless specifically and explicitly allowed by a provision of MCC Title 15.

15.11.030 Application Requirements. All applications for a telecommunications facility shall provide three copies of the following reports, documents or documentation:

A. **Geographic Service Area.** The applicant shall identify the geographic service area for the proposed facility, including a map showing all the applicant's existing sites in the local service network associated with the gap the facility is meant to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. The applicant shall include a signal strength propagation plot for the proposed facility at the preferred location.

B. **Visual Impact, Technological Design Options, and Alternative Site Analysis.** The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites and technological design options for the facility within and outside of the city that are capable of closing approximately the same gap in the service provider's service area as the preferred site with an equivalent or lesser visual impact. If a new tower is proposed the applicant must demonstrate the need for a new tower and why alternative locations and design alternatives such as the use of microcell cannot be used to close the gap in service provision.

C. **Narrative.** The application shall include a written narrative that describes in detail all of the equipment and components to be included in the facility, *e.g.*, antenna(s) and arrays, equipment cabinet, back-up generator, air conditioning unit, fencing, etc. The following information shall also be provided:

1. **Height.** Show the height of the facility. Facilities proposed in the residential or commercial zone where visible from the Historic Columbia River Highway must comply with the 35 foot height limit and special height limits established for land north of the Highway. Carriers must provide evidence that establishes that the proposed facilities are designed to the minimum height required from a technological standpoint for the proposed site to meet the carrier's coverage objectives. If the tower will exceed 60 feet, as measured from grade or exceed the base height restrictions in the residential zone or be visible from the Historic Columbia River Highway, this narrative shall include a discussion of the physical constraints (topographical features, etc.) making the additional height necessary. The narrative shall include consideration of the possibility for design alternatives including the use of multiple sites or microcell technology that would avoid the need for the new facility or the requested height.
2. **Construction.** Describe the anticipated construction techniques and timeframe for construction or installation of the facilities. This narrative shall include all temporary staging and the type of vehicles and equipment to be used.

3. Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment and landscaping.
4. Noise/Acoustical Information. Provide manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
5. Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.
6. Fire Service. Provide a service letter from the local fire district.
7. Hazardous Materials. Listing of all hazardous materials to be used onsite.
8. Parking. An indication on the plot plan showing the location of parking for maintenance personnel.
9. Co-location. A letter stating the applicant's willingness to allow other carriers to co-locate on the proposed facilities wherever technically and economically feasible and aesthetically desirable.
10. Lease. The plot plan shall show the lease area of the proposed facility.
11. FCC Application Submission. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4, Schedule A, Page 1, Schedule D, Page 1 and Schedule H, Pages 1 through 3. The application shall be reviewed by the Wasco County Sheriff's office and any other emergency service radio broadcaster to determine potential interference with the local or regional communication system. Interference with any local systems may be grounds for denial.

15.11.040 – General Regulations. All applications for wireless communications facilities are subject to the following requirements and regulations:

- A. **High visibility facilities** are prohibited in any location visible from a Residential zoned property or from the Historic Columbia River Highway.
- B. **Speculation**, No application shall be accepted or approved for a speculation tower, *i.e.*, from an applicant that simply constructs towers and leases tower space to service providers, but is not a service provider.

- C. **Accessory building heights**, All buildings and structures built to contain equipment accessory to a facility may not exceed 10 feet in height measured from the base of the foundation unless a greater height is necessary and required by condition of approval to maximize architectural integration and shall be screened by landscaping.
- D. **Maximum facilities per site or parcel**, No more than one tower, with a maximum of three facilities, is allowed on any one site or parcel in Commercial, Public Lands and Facilities, or Industrial zones. No more than one facility is allowed on any parcel or site in a Residential or Open Space zone. This requirement may be waived by the city if a finding is made that co-location of more facilities is consistent with community character.
- E. **Towers adjacent to residential use**, Telecommunications towers located adjacent to a residential use shall be set back from the nearest residential lot line by a distance at least equal to its total height or 50 feet, whichever is greater. The setback shall be measured from that part of the tower that is closest to the neighboring property, *i.e.*, the setback for a faux tree would be measured from the end of the branch closest to the neighboring property.
- F. **Equipment location**, No tower or equipment shall be located in a front, rear or side yard setback in any zone, and no portion of any antenna array shall extend beyond the property lines.
- G. **Noise** from any equipment supporting the facility shall meet the requirements of the City's Noise Ordinance on an average hourly basis.
- H. **Removal when necessary**, All facilities located on a utility pole shall be promptly removed at the operator's expense at any time a utility is scheduled to be placed underground or otherwise moved.
- I. **Traffic obstruction**, Maintenance vehicles servicing facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
- J. **Security**, Equipment cabinets and antenna structures shall be secured to prevent unauthorized access.
- K. **Compliance with photo simulations**, As a condition of approval and prior to use of the facility, the applicant shall submit evidence, such as photos, to the satisfaction of the city sufficient to prove that the facility is in conformance with photo simulations provided with the application.
- L. **All camouflaged facilities**, shall be designed to visually and operationally blend into the surrounding area in a manner consistent with community character and existing development. The facility shall also be appropriate for the specific site. In other words,

it should not "stand out" from its surrounding environment, such as a faux tree standing alone in a field or standing at a greater height (5 feet or more) than other trees on the site.

M. **Historical buildings and structures**, No facility shall be allowed on any building or structure, or in any district, that is listed or eligible for listing on any Federal, State or local historical register unless it is determined by the city council that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture nor High Visibility facility is permitted on any such building, any such site or in any such district.

N. **Facade-mounted antennas**, shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Facade-mounted antennas shall not extend more than 24 inches out from the building face

O. **Visual impact**, All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feasible, and camouflage, and to be compatible with existing architectural elements, building materials and other site characteristics. The applicant shall use the least visible antennas possible to accomplish the coverage objectives.

P. **Colors and materials** for facilities shall be non-reflective and chosen to minimize visibility. Facilities, including support equipment and buildings, shall be painted or textured using colors to match or blend with the primary background. All cabinets visible to the public shall be treated with a graffiti-resistant coating,

Q. **Beacon lights** shall not be included in the design of facilities unless required by the Federal Aviation Administration and shall be included when calculating the height of the facility.

R. **No High Visibility facility**, including ancillary support equipment, may be located between the face of a building and a public street, bikeway, trail or park.

S. **No signs, striping, graphics**, or other attention-getting devices are permitted on any telecommunication facility except for warning and safety signage with a surface area of no more than 3 square feet. Signs shall be affixed to a fence or ancillary facility and limited to no more than two signs unless more is required by law.

T. **All high visibility facilities** shall be sited in such a manner as to cause the least detriment to the view shed of adjoining properties.

U. **Roof mounted antennas** shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.

V. **No net loss in required parking** spaces shall occur as a result of the installation of any wireless telecommunications facility.

W. **Sidewalks and pathways**, Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian and bicycle pathways on public or private land and shall be screened from the sidewalk or pathway by landscaping, undergrounding or other means, but not by means of new walls or fences.

X. **City Parks**, In cases where the facility site is visible from a city park or is proposed to be located in a city park, the facility shall be designed and located in such a manner as to avoid adverse visual impacts. All such locations shall use design methods such as, but not limited to, type of facility, camouflaging, screening and landscaping. No monopoles, lattice towers or guyed towers are permitted.

Y. **The use of chain link fences** for security of equipment is permitted if the fence is fully screened by landscaping. No razor wire or barbed wire is permitted, and slats do not satisfy the screening requirement.

Z. **Site lighting** shall be kept to a minimum in every instance, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used except when nighttime maintenance is necessary.

15.11.050 Review Process and Approval Standards.

A. The following facilities are allowed with the approval of a site plan to be reviewed by the City Planner pursuant to a Type II process under Chapter 15.07 *Administration and Procedures*:

1. Invisible and low visibility facilities
2. Facilities proposed within the public right-of-way on an existing utility or light pole, so long as they meet all of the following:
 - a. The antennas do not project more than 24 inches above the existing utility pole support structure;
 - b. No more than a total of 2 antennas or antenna arrays are located on a single pole;
 - c. The equipment cabinet is no larger than 6 cubic feet and is concealed from public view by undergrounding or screening by means other than walls or fences.
3. Façade mounted antennas or low powered networked telecommunications facilities, such as those employing microcell antennas, integrated into the architecture of an existing building in such a manner that no change to the architecture is apparent and no part of the facility is visible to public view.
4. The antennas or arrays are hidden from public view through the use of architectural treatments, *e.g.*, within a cupola, tower or other structure, which is consistent with the applicable building height limitation and existing building and community character.

5. Facilities proposed within any city-designated preferred telecommunications facility location or area.

B. The City Planner shall approve the use and site plan for any of the facilities listed in the preceding Section upon a determination that the following criteria are met:

1. The location is the least visible of all possible locations and technological design options that achieve approximately the same signal coverage objectives
2. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - a. Harmony in scale, bulk, coverage and density;
 - b. The availability of public facilities, services and utilities;
 - c. The harmful effect, if any, upon desirable neighborhood character;
 - d. The generation of traffic and the capacity and physical character of surrounding streets;
 - e. The suitability of the site for the type and intensity of the proposed facility; and
 - f. Any other relevant impact of the proposed use in the setting where it is proposed.

C. Applications for facilities in all other locations and situations shall require a conditional use permit to be reviewed by the City Council through a Type III process under Chapter 15.07 *Administration and Procedures*, subject to the approval standards in MZO 15.05.030. In addition to the approval standards set forth in MZO 15.05.030, the applicant shall demonstrate that the approval standards in subsection 15.11.050-B are met.

D. The City has the authority to impose any reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application shall be denied.

15.11.060 – Exemptions. The following shall be considered exempt structures or activities under this Chapter:

A. Whip or other similar antennas no taller than 6 feet with a maximum diameter of 2 inches.

B. Antennas designed to receive local television broadcast signals regardless of zone category.

C. Low-powered networked telecommunications facilities such as microcell radio transceivers located on existing utility poles and light standards within public right-of-way. Low-powered networked telecommunications facilities shall comply with this Chapter of the MZO.

- D. Industrial, scientific, and medical equipment using frequencies regulated by the FCC.
- E. Military, federal, state and local government communication towers used for navigational purposes, emergency preparedness, and public safety purposes.
- F. Cell on Wheels (COW), which are permitted as temporary testing uses in nonresidential zones for a period not to exceed 14 days, or in residential zones for a period not to exceed one day, or during a period of emergency as declared by the City, County, or State.
- G. A tower existing prior to the effective date of this Ordinance that was in compliance with the City's zoning regulations immediately prior to its effective date may continue as a non conforming structure.

15.11.070 – Maintenance. The following maintenance requirements apply to all facilities:

- A. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.
- B. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
- C. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.
- D. All wireless telecommunications sites shall be kept clean and free of litter.
- E. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed contractor.
- F. All towers shall maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code and all state and local regulations.
- G. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

15.11.080 – Certifications and Inspections.

- A. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the Building Code and all other construction standards set forth by the City and federal and state law including FCC and National

Electric Safety Code regulations. Certification of continued compliance may be required by the City at reasonable intervals.

B. The City or its agents shall have authority to enter onto the property upon which a tower is located, to inspect the tower for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and federal and state law.

C. The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards, set forth by the City has occurred, remedy of the violation may include cost recovery for all costs incurred in confirming and processing the violation.

15.11.090 – Abandonment or Discontinuation of Use. The following requirements apply to the abandonment and/or discontinuation of use for all facilities:

A. All operators who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the City of such intentions no less than 60 days prior to the final day of use.

B. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use or operation.

C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.

D. The City reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner.

E. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

F. To secure the obligation to remove abandoned facilities not co-located on a building, pole, or other service provider's tower, and return the site to its previous condition the applicant and/or owner shall post a performance bond. Performance bond shall be provided for the purpose of ensuring adequate removal of the tower upon termination of its use. The performance bond shall be equal to or greater than 150 % of the estimated cost of removal of the tower, but not less than \$5,000. Proof of performance bonds shall be submitted prior to final permit approval.

15.11.100 Violation, Enforcement and Revocation. Failure to comply with any condition of approval or standard in this chapter shall be subject to enforcement and grounds for possible revocation of the permit, termination of the use and removal of the facility at the operator/owner's expense.