

City of Eugene Ordinance 20078

ORDINANCE NO. 20078

AN ORDINANCE CONCERNING TELECOMMUNICATION FACILITIES; ADDING SECTION 9.900 TO THE EUGENE CODE, 1971; AND DECLARING AN EMERGENCY.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The following caption and Section 9.900 are hereby added to the Eugene Code, 1971, to provide:

Telecommunications Facilities

9.900 Telecommunication Facilities - Siting Requirements and Procedures.

(1) Purpose. The provisions of this section are intended to ensure that telecommunication facilities are located, installed, maintained and removed in a manner that:

- (a) Minimizes the number of transmission towers throughout the community;
- (b) Encourages the collocation of telecommunication facilities;
- (c) Encourages the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers;
- (d) Recognizes the need of telecommunication providers to build out their systems over time; and
- (e) Ensures that all telecommunication facilities, including towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission of television and radio signals; however, these uses are not exempted from applicable provisions in other sections of the code, including the requirement to obtain a conditional use permit to construct transmission facilities.

(2) Definitions. As used in this section 9.900, the following words and phrases mean:

Ancillary facilities. The buildings, cabinets, vaults, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennas. An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.

Attachment. An antenna or other piece of related equipment affixed to a transmission tower, building, light or utility pole, or water tower.

Collocation. Placement of an antenna on an existing transmission tower, building, light or utility pole or water tower where the antenna and all supports are located on the existing structure.

Provider. A person in the business of designing and using telecommunication facilities including cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, and commercial paging services.

Stealth design. A telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as telecommunications equipment.

Telecommunication facility. A facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "telecommunication facilities."

Transmission tower. The monopole or lattice framework designed to support transmitting and receiving antennas. For purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers." Transmission towers include:

Guyed tower. A tower which is supported by the use of cables (guy wires) which are permanently anchored.

Lattice tower. A tower characterized by an open framework of lateral cross members which stabilize the tower.

Monopole. A single upright pole, engineered to be self supporting and does not require lateral cross supports or guys.

(3) Siting Restricted. No telecommunication facility, as defined in subsection (2) of this section, may be constructed, modified to increase its height, installed or otherwise located within the city except as provided in this section. Depending on the type and location of the telecommunication facility, the telecommunication facility shall be either

an outright permitted use, subject to site review procedures, or require a conditional use permit.

(a) Outright permitted uses. No land use permit is required for a telecommunication facility which, pursuant to subsections (4) through (6) of this section, is an outright permitted use. Such a telecommunication facility shall require only a building permit or permits.

(b) Site review. A telecommunication facility which, pursuant to subsections (4) through (6) of this section, is subject to site review shall be processed in accordance with the site review procedures of sections 9.690 to 9.694 of this code. The criteria contained in this section, as well as the criteria contained in section 9.688(b), shall govern approval or denial of the site review application. In the event of a conflict in criteria, the criteria contained in this section shall govern. No building permit shall be issued prior to completion of the site review process, including any local appeal.

(c) Conditional use permit. A telecommunication facility which, pursuant to subsections (5) or (6) of this section, requires a conditional use permit shall be processed in accordance with the conditional use permit procedures of sections 9.696 to 9.722 of this code, except that the variance provisions of section 9.708 shall not apply. The criteria contained in section 9.702 of this code and subsections (8) and (9) of this section shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria contained in subsections (8) and (9) of this section shall govern. No building permit shall be issued prior to completion of the conditional use permit process, including any local appeal.

(4) Collocation of Additional Antennas on Existing Transmission Tower

(a) Permitted use. Collocation of an additional antenna on an existing transmission tower shall be considered an outright permitted use if property is zoned GO, PL, MU, SD, C-2, C-3, C-4, I-1, I-2, or I-3 or if the transmission tower is in any other zoning district and the City specifically approved, as part of a prior land use process authorizing the transmission tower, collocation of additional antennas.

(b) Site review. Collocation of an additional antenna on an existing transmission tower shall be subject to site review approval if property is zoned AG, RA, R-1, or C-1 and approval for collocation was not granted through a prior land use process.

(5) Collocation of Antennas on Existing Buildings, Light or Utility Poles, and Water Towers. In addition to collocation on a transmission tower, an antenna may be collocated on existing buildings, light or utility poles, and water towers.

(a) Permitted use. Such collocation on a building, light or utility pole, or water tower, shall be considered an outright permitted use provided that the antennas and ancillary facilities comply with the standards contained in section 9.900, the color of the antennas blends in with the existing structure and surroundings, and one of the following is met:

1. The property is zoned PL, C-2, C-3, C-4, R-4, I-1, I-2, or I-3 and the antennas do not exceed the height limitation of the zoning district; or

2. The property is zoned AG, RA, R-1, R-2, R-3, C-1, GO, MU, SD, or H, and the antennas extend no more than eighteen feet above, and project no more than two feet horizontally away from the existing structure.

(b) Site review. Such collocation on a building, light or utility pole, or water tower shall be subject to site review approval provided that the antennas and ancillary facilities comply with the standards contained in section 9.900, the color of the antennas blend in with the existing structure and surroundings, and:

1. The property is zoned AG, RA, R-1, R-2, R-3, C-1, GO, MU, SD, or H, and the antennas extend more than eighteen feet above, or project more than two feet horizontally away from the existing structure.

(c) Conditional use permit. In all cases other than those listed in subparagraphs (a) and (b), such collocation shall require a conditional use permit. No exceptions to the standards contained in section 9.900 shall be permitted except as authorized by subsection (10) of this section. In no event shall a conditional use permit authorize a tower or antennas to exceed the height limitation for a zoning district as established by Chapter 9 except as provided for in this section.

(6) Construction of Transmission Tower. Construction of a transmission tower, or a modification of an existing transmission tower to increase its height, shall be allowed as follows:

(a) Permitted use.

1. Such construction or modification shall be considered an outright permitted use in the C-4, I-1, I-2 and I-3 zoning districts.

2. Modification to increase the height of an existing transmission tower shall be considered an outright permitted use in all other districts if the City approved an increase in tower height, as part of a prior land use process authorizing the transmission tower. The increase in height allowed under this paragraph (a) shall be limited to the specific height authorized in the prior land use process. (b) Site review. Such construction shall require site review approval in the PL, C-2, and C-3 zoning districts.

(c) Conditional use permit. Such construction shall require a conditional use permit in the RA, R-1, C-1, MU, SD and GO zoning districts

(d) Prohibited zoning districts and locations. No new transmission tower shall be permitted in any zoning district not included in subparagraphs (a) to (c) above, including the AG, R-2, R-3, R-4, H and NR zoning districts; or in the Willamette Greenway, on

Gillespie Butte above the elevation of 450 feet, on the ridgeline as defined in the South Hills Study or on Judkins Point.

(7) Application Requirements.

(a) Collocation of antennas. In addition to standard required application material, an applicant for collocation of antennas shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process:

1. A description of the proposed antennas location, design and height.
2. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antennas are co-locating on or in structures directly across from or adjacent to the antennas.
3. A statement documenting that placement of the antennas is designed to allow future collocation of additional antennas if technologically possible.
4. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (8) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
5. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
6. Documents demonstrating that necessary easements have been obtained.
7. Plans showing how vehicle access will be provided;
8. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes;
9. If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
10. Documents demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any

changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No building permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Aeronautics Division review.

(b) Construction of Transmission Tower. In addition to standard required application material, an applicant for a transmission tower shall submit the following information; additional application material is required, as specified in paragraph (c) below, for applications requiring a site review or conditional use process:

1. A description of the proposed tower location, design and height.
2. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
3. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).
4. A signed agreement, as supplied by the city, stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
5. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in subsection (8) of this section, or designs showing how the sound is to be effectively muffled and reduced pursuant to those standards.
6. A landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, size and irrigation methods.
7. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
8. Documents demonstrating that necessary easements have been obtained;
9. Plans showing how vehicle access will be provided;
10. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and landuse processes;
11. Documents demonstrating that the FAA has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, when a site review or conditional use process is required, submit a statement documenting that

notice of the proposal has been submitted to the FAA and Oregon Aeronautics Division. The site review or conditional use process may proceed and approval may be granted for the proposal as submitted, subject to FAA approval. If FAA approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed and approved through an additional site review or conditional use process. No building permit application shall be submitted without documents demonstrating FAA review and approval and Oregon Aeronautics Division review.

(c) Site review and conditional use permit applications. In addition to the application requirements specified in paragraph (b) above, applications for site review or conditional use permits also shall include the following information:

1. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a three mile radius. Such points shall be chosen by the provider with review and approval by the planning director to ensure that various potential views are represented.
2. Documentation that alternative sites within a radius of at least 2000 feet have been considered and have been determined to be technologically unfeasible or unavailable. For site reviews, alternative sites zoned C-4, I-1, I-2, and I-3 must be considered. For conditional use permits alternative sites zoned PL, C-2 and C-3, C-4, I-1, I-2, and I-3 must be considered.
3. Evidence demonstrating collocation is impractical on existing tall buildings, light or utility poles, water towers, existing transmission towers, and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.
4. A current overall system plan for the City, showing facilities presently constructed or approved and future expansion plans.
5. A statement providing the reasons for the location, design and height of the proposed tower or antennas.

(8) Standards for Transmission Towers and Antennas. Installation, construction or modification of all transmission towers and antennas shall comply with the following standards, unless a variance is obtained pursuant to the provisions of subsection (10) of this section:

(a) Separation between transmission towers. No transmission tower may be constructed within 2000 feet of any pre-existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower which is closest to the base of any pre-existing tower. For purposes of this paragraph, a tower shall include any transmission tower for which the city has issued a building

permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to February 26, 1997 may be modified to accommodate additional providers consistent with provisions for collocation in this section.

(b) Height limitation: Transmission tower heights shall be governed by this section 9.900 except as provided for below. No transmission tower shall exceed the maximum heights provided below. In no case shall a variance be granted from the limitations of subparagraphs 1. - 4. below.

1. In any zoning district, no transmission tower shall exceed the height limitations established for buildings and structures in the specified areas surrounding Skinner's Butte and Judkins Point contained in sections 9.536(c) and (d) of this code to protect views to and from Skinner's Butte and Judkins Point.

2. In any zoning district within the area east of Willagillespie Road, south of Cal Young Road, west of Oakway Road, and north of Southwood Lane and Country Club Road, no transmission tower shall exceed 75 feet in height to protect views to and from Gillespie Butte.

3. If located within a PL, C-2, C-3, C-4, R-4, I-1, I-2 or I-3 zoning district, the height limitation, for that zoning district shall apply.

4. If located within an C-1, MU, SD or GO zoning district, the maximum height of a transmission tower, including antennas, is 100 feet.

5. If located within an RA or R-1 zoning district, the maximum height of a transmission tower, including antennas, is 75 feet, unless a variance is granted pursuant to the provisions of subsection (10) of this section. In no event shall a variance be granted to construct such a tower in excess of 100 feet.

(c) Collocation. New transmission towers shall be designed to accommodate collocation of additional providers:

1. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification to the tower.

2. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification to the tower.

(d) Setback. The following setbacks from adjacent property lines and adjacent streets shall be required unless a variance is granted pursuant to the provisions of subsection (10) of this section:

1. If located within a PL, SD, MU, C-2, C-3, C-4, I-1, I-2, or I-3 zoning district, no setback from adjacent property lines shall be required beyond that required by section 9.542 of this code or the provisions applicable to the SD or MU districts.

2. If located within an RA, R-1, C-1, or GO zoning district, the transmission tower shall be set back from adjacent property lines a minimum number of feet that is equal to the height of the transmission tower.

3. In the RA, R-1, PL, C-1 and GO zoning districts, transmission towers shall be set back from adjacent public street(s) a minimum number of feet that is equal to the height of the tower. In all other zoning districts, the setback from adjacent public streets shall be a minimum of 25 feet.

(e) Buffering. In all zoning districts, existing vegetation shall be preserved to the maximum extent possible. In the C-4, I-1, I-2 and I-3 zoning districts, no buffering is required beyond that required by section 9.542 of this code. In all other zoning districts, landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.

(f) Noise reduction. In RA, R-1, R-2, R-3, R-4, C-1, and GO and in all other zoning districts when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45dBa when measured in a manner consistent with section 9.644. In all other locations, noise shall be regulated consistent with section 9.644.

(g) Status of location. No permit may be issued for the location of a new telecommunications facility within an RA, R-1 or C-1 zoning district unless the lot on which it is to be placed is vacant or developed with a non-residential use at the time the permit application is submitted. This restriction does not apply within other zoning districts.

(h) Lighting. No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. No high intensity white lights may be located on transmission towers in an RA, R-1 or C-1 zoning district.

(i) Color. The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the city.

(j) Viewshed. The transmission tower shall be located down slope from the top of a ridgeline so that when viewed from any point along the northern right-of-way line of 18th

Avenue, the tower does not interrupt the profile of the ridgeline or Spencer's Butte. In addition, a transmission tower shall not interrupt the profile of Spencer's Butte when viewed from any location in Amazon Park. Visual impacts to prominent views of Skinner's Butte, Judkins Point, and Gillespie Butte shall be minimized to the greatest extent possible. Approval for location of a transmission tower in a prominent view of these Buttes shall be given only if location of the transmission tower on an alternative site is not possible as documented by application materials submitted by the applicant, and the transmission tower is limited in height to the minimum height necessary to provide the approximate coverage the tower is intended to provide.

(k) Display. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two.

(9) Standards for Ancillary Facilities. All ancillary facilities shall comply with the standards of subsections (8)(e) and (8)(f) of this section. In addition, all ancillary facilities within an RA, R-1, PL, C-1 and GO zoning district must be located underground to the maximum extent technology allows, unless a variance is obtained pursuant to the provisions of subsection (10) of this section. This restriction does not apply within other zoning districts.

(10) Variance.

(a) Any variance to the requirements of section 9.900 shall be granted only pursuant to the following provisions. The criteria for granting a variance shall be limited to section 9.900, and shall not include the criteria in 9.740.

(b) The city may grant a variance from the provisions of subsection (8)(a) of this section providing the applicant demonstrates that:

1. It is technologically impossible to locate the proposed tower on available sites more than 2,000 feet from a pre-existing transmission tower and still provide the approximate coverage the tower is intended to provide;

2. The pre-existing transmission tower that is within 2,000 feet of the proposed tower cannot be modified to accommodate another provider; and

3. There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the tower is intended to provide.

(c) The city may grant a variance to the setback and undergrounding requirements of subsections (8)(d) or (9) upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.

(d) The city may grant a variance to the 75 foot height limitation in the R-1 and RA zoning districts to a maximum of 100 feet providing the applicant demonstrates that a transmission tower taller than 75 feet will directly eliminate the need for one or more additional transmission towers in an RA or R-1 zoning district.

(e) If the proposed transmission tower or ancillary facility requires site review or a conditional use permit, the request for variance shall be considered as part of the site review or conditional use permit process. If the proposed transmission tower or ancillary facility is an outright permitted use, the request for a variance shall be processed pursuant to section 9.732 et. seq. except that the building official's decision shall be based on the criteria in this section 9.900(10).

(11) Removal of facilities.

(a) All transmission towers and antennas shall be removed by the person who constructed the facility, by the person who operates the facility, or by the property owner, within six months of the time that the facilities have ceased being used to transmit, receive or relay voice and data signals to or from wireless communication devices. The city manager may grant a six-month extension where a written request has been filed, within the initial six-month period, to reuse the tower or antennas.

(b) If a transmission tower is located within an RA, R-1, PL, C-1 or GO zoning district, the provisions of subparagraph (a) also shall apply to the tower substructure and all above ground ancillary facilities.

(c) The city may require the posting of an open ended bond before building permit issuance to insure removal of the transmission tower, substructure or antennas after the facility no longer is being used.

(12) Fees. Notwithstanding any other provision of this code, the city manager may require, as part of application fees for building or land use permits for telecommunication facilities, an amount sufficient to recover all of the city's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunications expertise.

Section 3. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference errors contained herein or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 4. The findings set forth in Exhibit A attached hereto and incorporated herein by reference are hereby adopted in support of the foregoing amendments to the Eugene Code, 1971.

Section 5. That the matters contained herein concern the public health, welfare and safety and therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor, retention by the Mayor for more than ten days, or readoption over a mayoral veto by two-thirds of all members of the City Council.

Passed by the City Council this Approved by the Mayor this

26th day of February, 1997 26th day of February, 1997

City Recorder Mayor

Exhibit A

Findings in Support of the Ordinance Amending the Eugene Code, Chapter 9 to Address Telecommunication Facilities.

The City Council finds that the code amendment as described in the attached ordinance is consistent with adopted plans and Oregon's Statewide Planning Goals and Guidelines as follows.

Goal 1 - Citizen Involvement

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

The public notification process for the amendments to Chapter 9 of the Eugene Code to address telecommunication facilities exceeded the established requirements in the Eugene Code for public notification. An interested parties list consisting of approximately 180 people was compiled. This list included interested parties from the moratorium on telecommunication towers, the conditional use applications that were exempted from the moratorium, and others who contacted staff or testified at the various public hearings conducted on telecommunications related issues over the past six months. The interested parties list received numerous mailings including preliminary concepts for the code amendments, the ordinance in draft form, a Planning Commission public hearing notice, notice of Planning Commission decision and a copy of the draft ordinance as recommended by the Commission, and notice of the City Council public hearing.

Goal 2 - Land Use Planning

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

This code amendment was processed consistent with the adopted amendment procedures in the Eugene Code Sections 9.1130 - 9.1136. Consistent with the amendment procedures, this amendment was processed through the Eugene Planning Commission. The Planning Commission conducted a study session on the proposed amendment and a public hearing before forwarding a unanimous recommendation to the Eugene City Council to approve the ordinance to amending the code to address telecommunication facilities. The Eugene City Council conducted a study session and a public hearing on the ordinance before taking action to approve the ordinance.

Goal 3 - Agricultural Lands

To preserve and maintain agricultural lands.

To preserve and maintain agricultural lands within the urban growth boundary until they are needed for urban development, this amendment prohibits the location of telecommunications facilities on agriculturally zoned land. All agriculturally zoned lands within the urban growth boundary are designated for a future urban use. Prohibiting the siting of telecommunication facilities will prevent the premature development of these lands in a manner that is not consistent with the Metro Plan.

Goal 4 - Forest Lands

To conserve forest lands for forest uses.

There are no forest lands or areas designated or zoned for forest use that are affected by this amendment.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

The telecommunications ordinance prohibits new telecommunications towers in the historic and natural resource zoning districts. In addition, towers on prominent natural features including the ridgeline, Gillespie Butte, and Judkins Point are prohibited.

Goal 6 - Air, Water and Land Resource Quality

To maintain and improve the quality of the air, water, and land resources of the state.

The telecommunications ordinance does not directly impact the quality of the air, water, or land resources of the state. Telecommunication facilities do not require staff to be on-site, therefore no wastewater discharge will be produced by these sites. The ordinance requires that the telecommunications providers submit documentation to the City verifying that emissions produced by the telecommunication facility do not exceed the limits established by the Federal Communications Commission.

Goal 7 - Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

The telecommunications ordinance does not directly deal with the protection of life and property from natural disasters and hazards. As part of the normal building permit review, information on structural stability, the ability of a tower to withstand wind, and information on soils will be required as necessary to ensure public safety.

Goal 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate to provide for the siting of necessary recreational facilities, including destination resorts.

The telecommunications ordinance provides for a site review process before telecommunication facilities can be located on land zoned Public Land. The proposed location of a telecommunication facility on Public Land would require a finding that the facility is compatible with surroundings which could include athletic fields, playgrounds, or passive recreation areas.

Goal 9 - Economic Development

To diversify and improve the economy of the state.

The telecommunications ordinance recognizes the need for telecommunication systems, operated by a variety of providers, to be constructed in Eugene. The ordinance encourages the location of telecommunication facilities in preferred areas by creating a streamlined process for siting transmission towers in industrial and commercial/industrial areas. In areas of the community where location of such facilities will have a greater impact, such as low density residential areas, additional opportunities for city review and public input are provided. The ordinance establishes reasonable restrictions on the siting of telecommunication facilities and establishes standards for the design of those facilities. The ordinance ensures that all telecommunication providers are treated equally.

Goal 10 - Housing

To provide for the housing needs of citizens of the state.

The telecommunications ordinance encourages the location of telecommunication facilities in zoning districts other than residential districts through a tiered review process. In the event that a telecommunications provider believes that location of a transmission tower in a low density residential zoning district is necessary, the ordinance ensures opportunities for public input through the requirement for a conditional use process. The conditional use process provides for public notice to surrounding property owners and affected neighborhood groups and requires a public hearing.

The telecommunication ordinance establishes more restrictive standards for height, setbacks, and noise for transmission towers located in low density residential districts than for towers located in some other zoning districts. To prevent visual clutter throughout residential neighborhoods, the ordinance requires ancillary facilities, associated with transmission towers or located as a stand alone feature, to be placed underground to the maximum extent that is technologically possible. The standards established by the ordinance are intended to reduce the operational, visual, and potential nuisance impact of telecommunication facilities on the surrounding residential neighborhood. The ordinance provides an opportunity for a variance from some of the requirements noted above.

The telecommunications ordinance prohibits the construction of new transmission towers in medium and high density residential districts. The supply of lands designated for medium and high density residential use is limited. This ordinance preserves this land for its designated use consistent with the Metro Plan. The ordinance permits collocation of antennas on buildings, light or utility poles, or water towers in these districts under certain conditions recognizing that medium and high density residential development utilizes taller buildings providing collocation opportunities.

Goal 11 - Public Facilities and Services

To plan and develop timely, orderly, and efficient arrangement of public facilities and service to serve as a framework for urban and rural development.

The telecommunications ordinance does not directly impact public facilities and services. Telecommunications facilities do not require sanitary sewer or water service since no employees are based at these facilities. These facilities are not significant traffic generators again because no one will be employed at the site. The telecommunications facilities themselves are not public facilities. These facilities are privately owned and operated by a variety of companies vying for a market share in the highly competitive telecommunications business.

Goal 12 - Transportation

To provide and encourage a safe, convenient, and economic transportation system.

The telecommunications ordinance does not relate directly to transportation. The telecommunications facilities do not require on-site staff to operate the facility. Telecommunications staff anticipate visiting the site one to two times per month for maintenance and security checks.

Goal 13 - Energy Conservation

To conserve energy.

The telecommunications ordinance provides opportunities for the location of telecommunication facilities throughout the City of Eugene. By providing for the buildout of a telecommunications system throughout the community, this ordinance promotes energy conservation through the potential for reduced automobile trips resulting from increasing opportunities for "doing business," whether that business is work-related, home-related or school-related, from the home.

Goal 14 - Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

The telecommunications ordinance provides for an orderly and efficient transition from rural to urban land use by prohibiting telecommunication facilities on agriculturally zoned land. This ensures that land is reserved for its designated use consistent with the Metro Plan and any applicable refinement plan.

Goal 15 - Willamette River Greenway

To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of land along the Willamette River Greenway.

The telecommunications ordinance prohibits new telecommunications towers within the Willamette River Greenway to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of this land.

Goals 16 through 19: These goals address coastal lands and features or ocean resources and are not applicable to this code amendment.