

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON

In the Matter of an Ordinance amending Ordinance No. 89-0-446)
(Land Development Code), to add Section 168, Wireless)
Telecommunications Facilities, providing criteria to regulate)
the siting and operation of wireless telecommunication facilities)
within the City of Brookings, that meet the provision of Federal)
Law; to also amend Section 40, Public Open Space (P/OS))
District, to allow Wireless Telecommunications Facilities as a) **ORDINANCE NO. 99-0-446.GG**
permitted use on towers operated by a public entity; Section 64,)
Industrial Park (I-P) District; and Section 68, General Industrial)
(M-2) District, to allow wireless telecommunication facilities)
including towers up to 100 feet in height as a conditional use)
or in conjunction with other facilities.)

Sections:

- Section 1. Add Section 168.
- Section 2. Amendment to Section 40.
- Section 3. Amendment to Section 64.
- Section 4. Amendment to Section 68.

The city of Brookings ordains as follows:

Section 1. Addition of Section 168, Section 168 is hereby added to Ordinance No. 89-0-446 to read as follows:

Name: **SECTION 168, WIRELESS TELECOMMUNICATIONS FACILITIES**

168 Sections

- 168.010 Purpose.
- 168.020 Definitions.
- 168.030 Application.
- 168.040 Siting Criteria.
- 168.050 Abandoned Towers.
- 168.060 Severability.

168.010 Purpose.

The purpose of this section is to provide criteria to regulate the siting and operation of wireless telecommunication facilities within the City of Brookings, that meet the provisions of federal law and do not unreasonably discriminate among wireless telecommunications providers.

Section 168.020 Definitions.

Antenna. A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. An antenna is typically mounted on a supporting tower, pole, mast or building.

Collocation. The placement of two or more antenna systems or platforms by separate FCC license holders ("providers") on a structure such as a tower, building, water tank or utility pole.

Stealth Characteristics. The use of camouflage techniques to disguise or minimize the visual impact of a tower or antennas (i.e., located in conjunction with a church, steeple, stadium lighting, made to look like a tree or flag-pole, etc.)

Wireless Telecommunication. The transmission, via radio frequency electromagnetic waves, 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.

Wireless Telecommunication Facility. An unmanned facility for the transmission and reception of radio frequency (RF) signals; usually consisting of an equipment shelter, cabinet or other enclosed structure containing electronic equipment, a support structure (tower), antennas or other, transmission and reception devices.

Wireless Telecommunication Provider. A person or company in the business of offering telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Wireless Telecommunications Tower. Means a structure more than ten feet tall, built primarily to support one or more telecommunications antennas.

Section 168.030 Application.

An application for a Wireless Telecommunications Tower shall be made and processed pursuant to Section 140, Conditional Use Permit, of this code, except when in the Public Open Space Zone as allowed in Section 40, Public Open Space (P/OS) District, of this code.

Section 168.040 Siting Requirements.

- A. Height. The maximum tower height shall not exceed 100 feet from the finished grade at the base of the tower.
- B. Front, side and rear yard setbacks. Front and yard setbacks shall be determined by the underlying zone in which the tower is to be placed.
- C. Construction: All new wireless telecommunication towers shall be of a lattice or monopole structure. Where possible new towers will be located in such a manner that they blend in with the background around them, using stealth characteristics.

If the new wireless telecommunications facility is to be collocated on an existing tower, the design of any antenna(s), accessory structures or equipment shall, to the extent possible, use materials colors and textures that will match the existing tower structure to which the equipment of the collocating provider is being attached.

- D. Collocation. New towers shall be constructed so as to allow at least two or more users to collocate on the facility. If collocation is not possible, all applications shall include findings which demonstrate why it is not possible.
- E. Fencing and security. For security purposes, towers and accessory facilities shall be enclosed by a minimum eight-foot (8') sight obscuring fence.
- F. Lighting. No lighting shall be permitted on a tower except as required by the F.A.A.
- G. Advertising/Signs. No advertising or signs of any type are to be placed on the tower at any time except those required or necessary for safety and warnings.
- H. Landscaping. All sites shall be landscaped pursuant to the requirements of the underlying zone. Towers located in the P/OS (Public Open Space) and I-P (Industrial-Park) zones will also include site obscuring landscaping around the security fence. The Planning Commission may require additional landscaping as a condition of approval.

Section 168.050 Abandoned Towers

- A. Wireless telecommunication towers that do not have functioning antennas for a period of six (6) months shall be considered to be abandoned and shall be removed by the operator within 60 days thereafter.
- B. Upon written application, prior to the expiration of the six month period, the Planning Commission may, in writing, grant a six-month time extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the Planning Commission subject to any conditions required to bring the project or facility into compliance with current regulation(s) and make it compatible with surrounding development.

Section 168.060 Severability.

That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause or phrase of this ordinance should be declared to be invalid. The same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this ordinance.

Section 2. Amendment to Section 40, Section 40, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 40.020, Permitted uses. The following uses are permitted:

- H. Wireless communication facilities, pursuant to Section 168 of this code, in

conjunction with an existing tower operated by a public entity.

Section 3. Amendment to Section 64, Section 64, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 64.040, Conditional uses. The following conditional uses may be permitted subject to a conditional use permit:

D. Wireless communication facilities, pursuant to Section 168 of this code.

Section 4. Amendment to Section 68, Section 68, Ordinance No. 89-O-446, is hereby amended to read as follows:

Section 68.040, Conditional uses. The following conditional uses may be permitted subject to a conditional use permit:

F. Wireless communication facilities, pursuant to Section 168 of this code.

First Reading: September 27, 1999
Second Reading: September 27, 1999
Passage: September 27, 1999
Effective Date: October 27, 1999

Signed by me in authentication of its passage this 28th day of September, 1999.

Bob Hagbom
Bob Hagbom
MAYOR

ATTEST:

Gail L. Hedding
Gail L. Hedding
City Finance Director/Recorder