



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/10/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waldport Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 24, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Larry Lewis, City of Waldport
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
STAMP

DEPT OF
MAY 04 2011
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Waldport**

Local file number: **NA**

Date of Adoption: **May 14, 2011**

Date Mailed: **May 2, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: Aug. 2, 2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The proposed text amendment provides regulations pertaining to tower facilities. The amendments provide a new definition of "tower"; restricts towers from being located in some zoning districts; allows tower facilities as conditional uses; and establishes standards for placement of tower facilities.

Does the Adoption differ from proposal? Please select one

Yes. Proposal prohibited tower facilities in residential zones. Adoption allows tower facilities in residential zones as a conditional use.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD File No. 001-10 (18448) [16632]

Local Contact: **Larry Lewis, City Planner**

Phone: (541) 264-7417 Extension: 103

Address: **PO Box 1120**

Fax Number: 541-264-7418

City: **Waldport, OR**

Zip: **97394**

E-mail Address: larry.lewis@waldport.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper if available**.
3. **Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:**
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see [ORS 197.615](#)).
8. **Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption** (see [ORS 197.830 to 197.845](#)).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see [ORS 197.615](#)).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 733

AN ORDINANCE AMENDING THE WALDPOR MUNICIPAL CODE TITLE 16,
REGARDING TOWER FACILITIES

WHEREAS, the City of Waldport has determined that definitions and permitted uses with regard to tower facilities needed to be clarified within the language of the Development Code (Title 16 of the Waldport Municipal Code) in order to preserve and maintain orderly development within the City's boundaries; and

WHEREAS, the Waldport Planning Commission, under direction from the City Council, took up the issue and held several meetings to discuss these revisions, culminating in a duly noticed Public Hearing held on October 26, 2010 and concluding on December 7, 2010, during which public testimony was taken and considered; and

WHEREAS, the Planning Commission then made a recommendation to the City Council, who reviewed the recommended language at a duly noticed Public Hearing on March 10, 2010, during which public testimony was taken and considered; and

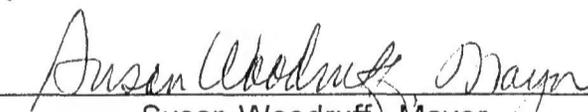
WHEREAS, the City Council proposed further changes to the draft language, which has now been revised and attached to this Ordinance as Exhibit "A";

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Waldport that the amendments to the Waldport Municipal Code Title 16 attached hereto as Exhibit "A" and by this reference incorporated herein are adopted by the City of Waldport and made a part of the City of Waldport Municipal Code, replacing the previously adopted language in the appropriately numbered sections of said Code.

ADOPTED by the Common Council of the City of Waldport this 14th day of May, 2011 by the following vote:

AYES 5 NAYS 2 ABSENT 0 ABSTAIN 0

SIGNED by the Mayor this 14th day of May, 2011.


Susan Woodruff, Mayor

ATTEST:


Reda A. Quinlan, City Recorder

The effective date of this ordinance will be May 14, 2011.

TOWER FACILITIES
Final Amendments to Waldport Municipal Code (WMC) Title 16 Development Code

I. Amendments to Section 16.04.030 Definitions

New “Tower” definition: “Tower” is a structure constructed for the primary purpose of supporting antennas and other wireless telecommunications facility components. Amateur radio antennae are not considered towers and therefore are not subject to tower facility standards identified in Section 16.84.070.M.

Amended “Public Utility” definition: “Public Utility” means any corporation, company, individual, association of individuals or its lessees, trustees or receivers, that owns, operates, manages or controls all or a part of any plant or equipment for the conveyance of telegraph, telephone messages with or without wires, for the transportation as common carriers, or for the production, transmission, delivery or furnishing of heat, light, water or power, directly or indirectly to the public. A public utility that includes a “tower” as defined in this Section 16.04.030 is subject to provisions of this Title 16 Development Code.

II. Tower facilities are permitted as a conditional use in the following zoning districts:

- 16.12 Residential Zone R-1
- 16.16 Residential Zone R-2
- 16.20 Residential Zone R-3
- 16.24 Residential Zone R-4
- 16.28 Retail Commercial Zone C-1
- 16.32 General Commercial Zone C-2
- 16.36 Planned Industrial Zone I-P
- 16.52 Public Facilities Zone P-F

Chapter 16.12 Residential Zone R-1

16.12.020 Conditional uses permitted.

M. Towers

Chapter 16.52 Public Facilities Zone P-F

16.52.020 Conditional uses permitted.

H. Towers.

Chapter 16.30 Downtown District DD

16.30.020 Conditional uses permitted.

A. Governmental structure or use of land for necessary public utility facilities excluding “towers” as defined in 16.04.030.

III. Revision to 16.80.040 General exceptions to building height limitations.

April 14, 2011

Projections such as chimneys, spires, domes, elevator shaft housings, aerials, flagpoles and other similar objects not used for human occupancy which exceed the maximum building height allowable in the zone by no more than five (5) feet are not subject to the building height limitations of this title. Such projections that exceed that height may be approved by the planning commission upon a finding that the structure will not result in an adverse impact to the neighboring properties.

IV. Revision to 16.84.070 Standards and procedures governing conditional uses:

- C. Public utilities facilities such as an electric substation or transformer, public or community domestic water supply reservoir or pumping station, or public or community sewage disposal plant or pumping station shall meet the following standards:
1. In a residential zone, all equipment storage shall be within an enclosed building;
 2. Public utility workshop facilities shall not be permitted in a residential zone;
 3. Public utility facilities shall be screened and/or provided with landscaping; and
 4. Minimum lot size requirements may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

Public utility tower facilities are permitted as conditional uses in the R-1, R-2, R-3, R-4, C-1, C-2, I-P, and P-F zoning districts and are subject to WMC 16.84 Conditional Uses.

V. New subsection to 16.84.070 Standards and procedures governing conditional uses:

M. Tower Facilities

Tower facilities are subject to the standards identified below. Requests for exceptions to the standards are subject to WMC 16.92 Variances. Amateur radio antennae are not considered towers and therefore are not subject to tower facility standards identified in Section 16.84.070.M.

1. **Verification/Determination of Actual Need for the Facility.** No application for the construction of a new tower shall be approved unless the applicant documents to the satisfaction of the Planning Commission that there is a need for the tower facility and that the construction and operation of the tower facility is in the best interests of the surrounding area or the city as a whole.
2. **Collocation Requirements.** No application for the construction of a new tower shall be approved unless the applicant documents to the satisfaction of the Planning Commission that antennae or other transmission and reception devices cannot reasonably be accommodated on an existing tower or structure.

New towers and accessory equipment structures shall be constructed so as to allow two or more users to collocate on the facility. Other providers shall not be prohibited from attaching to existing towers.

April 14, 2011

3. **Siting.** If it is determined that collocation is not an option, new tower facilities shall be sited in accordance with the following prioritized order:
 - a. Use of mini cell or similar alternate technology whereby transmission and reception devices are placed on new structures which are consistent in height with and sited similarly to types normally found in the surrounding area, such as telephone, electrical, or light poles.
 - b. Siting of a new tower in a visually subordinate manner, i.e. the relative visibility of a tower facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings as viewed from residences, highways or other public vantage points.
 - c. Siting of a new tower in a visually dominant location, but employing concealment technology. As used in this subparagraph, "concealment technology" means technology through which a tower facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.
4. **Height.** The maximum tower height shall not exceed 200 feet from the finished grade at the base of the tower.
5. **Setbacks.** Setbacks shall be in accordance with WMC. The Planning Commission may require greater setbacks as a condition of approval.
6. **Design and Construction.** New towers shall be designed in such a manner that they blend in with the background around them, using stealth characteristics, i.e. the use of camouflage techniques to disguise or minimize the visual impact of a tower, antennas, or other devices.
7. **Lighting.** No lighting shall be permitted on a tower except as required by the Federal Aviation Administration (FAA).
8. **Signs/Advertising.** No advertising or signs of any type are to be placed on a tower at any time except those required or necessary for safety and warnings.
9. **Fencing/Security.** For security purposes, towers and accessory facilities shall be enclosed by a minimum six-foot sight-obscuring fence.
10. **Landscaping.** All sites shall have sight-obscuring landscaping around the security fence. The Planning Commission shall review and approve the landscaping plan and may require additional landscaping as a condition of approval.
11. **Underground Utilities.** All utilities leading to or from a tower facility shall be underground.
12. **Abandoned Towers.** All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed by the operator or land owner within 90-days of the cessation of operations.

April 14, 2011

Upon written application, prior to the expiration of the 90-day period, the City Planner may grant one 90-day time extension for reuse or transfer of the facility. The Planning Commission may approve longer requests.

13. **Interference.** The tower shall not interfere with existing communication or electronic devices.
14. **FAA Determination.** Prior to the issuance of a building permit, the applicant shall provide a copy of the Federal Aviation Administration (FAA) determination to the City or provide documentation that FAA determination is not required.

City of Waldport
P.O. Box 1120
Waldport, OR 97394

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ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL ST. NE, SUITE 150
SALEM, OR 97301-2540

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