

ARTICLE 15

WIRELESS COMMUNICATION SERVICE FACILITIES

15.010. PURPOSE.

To accommodate the increasing communication needs of Astoria residents, businesses, and visitors, while protecting the public health, safety and general welfare, and visual and aesthetic environment of the City, these regulations are established to:

1. Provide a process and uniform comprehensive standards for the development and regulation of Wireless Communication Service Facilities.
2. Enhance the ability to provide communications services to City residents, businesses and visitors.
3. Protect the City's scenic, natural, cultural and historical resources, and visual environment from the potential adverse physical and visual effects of Wireless Communication Service Facilities, through careful design and siting standards.

15.015. CONSISTENCY STATEMENT.

These standards and regulations shall be construed to be consistent with any Federal or State standards regulating Wireless Communication Service Facilities which pre-empt or take precedence over the standards and regulations herein. In the event that either the Federal or State government adopt mandatory standards or regulations more stringent than those described herein, the more stringent standards or regulations shall govern.

15.020. APPLICABILITY.

- A. All Wireless Communication Service Facilities located within the City of Astoria, whether upon private, public, or City-owned lands, shall comply with the requirements of Article 15.
- B. The provisions of this Article do not apply to the following:
 1. Antennas owned and operated by Federally-licensed amateur (ham) radio station operators;
 2. Any antenna support structure or antenna lawfully in existence within the City on the effective date of this Article; or
 3. Emergency Communications Facilities and Temporary Communications Facilities for emergency communications operated by public officials.

15.025. DEFINITIONS.

The following definitions shall apply:

ALTERNATIVE ANTENNA SUPPORT STRUCTURES: Roofs of buildings, church steeples, utility poles, flagpoles, street light standards, traffic light and traffic sign structures, billboards and commercial signs, and other similar human-made structures and devices that extend vertically from the adjacent grade to a sufficient height, to be at least 30 feet from adjacent grade, to accommodate the attachment of antennas for wireless communications signal transmission and reception.

ANALOG: In radiotelephony, a process where voice messages are electronically replicated and amplified as they are carried from the transmitting antenna to the receiving antenna.

ANTENNA: A specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency (RF) signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. Antennas regulated by this Article include, but are not limited to: Omni-directional (or "whip") antennas, directional (or "panel") antennas, parabolic (or "dish") antennas, and any other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communications technologies.

ANTENNA ARRAY: Two or more antenna as defined within this Section, above.

ANTENNA SUPPORT STRUCTURE: "Support Structure": A structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting, or otherwise affixing antennas at a height, altitude, or elevation which is above the base of such structure. Antenna support structures include, but are not limited to, the following:

LATTICE TOWER: A vertical support structure consisting of a network of crossed metal braces, forming a tower which may be three, four, or more sided.

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

MONOPOLE: A vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube, or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

AVOIDANCE AREA: Locations in the City of Astoria where Wireless Communication Service facilities should not be located, as a substantial adverse impact may result, and where there are reasonably feasible alternative locations for the facilities. An avoidance area is NOT a "prohibited area" since there are conditions under which Wireless Communication Service facilities may be located in an avoidance area.

CAMOUFLAGE: A way of painting and mounting an antenna and antenna support structure, resulting in the antenna and antenna support structure being reasonably difficult for the naked eye to detect or observe.

CARRIER: A company which holds a current Federal Communications Commission (FCC) license to provide Wireless Communications Services under the FCC/1996 Telecommunications Act. Also referred to as a “Wireless Communications Service Provider”.

CELLULAR: A mobile telephone service operating in the 800 MHz spectrum.

COLLOCATION (CO-LOCATION): The use of a Wireless Communication Service Facility or site by two or more Wireless Communication Service providers or by one Wireless Communication Service providers for more than one type of communications technology and/or placement of two or more Wireless Communication Service Facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct, by more than one Wireless Communication Service provider.

CONCEALMENT TECHNOLOGY: The use of technology through which a Wireless Communication Service Facility is enclosed within a natural or man-made feature, or to design a Wireless Communication Service Facility resulting in the antenna being either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it.

DESIGN: The appearance of Wireless Communication Service Facilities including but not limited to: materials, colors, and shape.

DIGITAL: Digital technology converts voice messages into digits (zeros and ones) that represent sound intensities. Because natural pauses in the conversation are eliminated, more call capacity is realized than with analog, and background noise is minimized. Digital is not the same as Personal Communications Services (PCS), as Cellular can be digital also.

DISGUISE: A Wireless Communication Service Facility designed to appear to be something other than a Personal Wireless Service facility.

ENHANCED SPECIALIZED MOBILE RADIOS (ESMR): Private land mobile radio with telephone services.

EQUIPMENT ENCLOSURE: A structure, shelter, cabinet, box, or vault designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communications signals and data, including any provisions for air conditioning, ventilation, or auxiliary electricity generators.

ESMR: Enhanced Specialized Mobile Radios.

FCC: Federal Communications Commission.

FCC GUIDELINES: Includes the Radio Frequency (RF) Performance Standards set forth by the FCC” OET (Office of Engineering and Technology) Bulletin 65, *“Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”*, as referenced in *“A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance”* Guidebook, dated June 2, 2000, or a subsequent FCC publication delineating required radio frequency performance standards.

MAINTENANCE: Emergency or routine repairs or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual appearance, visual impact or an increase in radio frequency emissions.

MAST: A type of mount that is thinner and shorter than a monopole.

MICROCELL: A low power facility used to provide increased capacity to telecommunications demand areas or provide infill coverage in areas of weak reception, including a separate transmitting and receiving station serving the facility.

MITIGATION: Reduction or elimination of visual impacts by the use of one or more methods such as concealment, camouflage, or disguise.

MODIFICATION: The changing of any portion of a Wireless Communication Service Facility from its description in a previously approved permit.

MOUNT: The structure or surface upon which antennas are placed including but not limited to:

ROOF MOUNTED: Mounted on the roof of a structure.

SIDE-MOUNTED: Mounted on the side of a structure including a tower.

GROUND MOUNTED: Mounted on the ground.

NIER: Non-Ionizing Electromagnetic Radiation.

NON-RESIDENTIALLY UTILIZED PROPERTY: Property within a residential, neighborhood commercial, or attached-housing zone that is not used for residential purposes. Such property includes, but is not limited to, schools, churches, public parks, public safety facilities, and streets and highways. A public or privately owned vacant lot in a residential

zone shall be not be considered non-residentially utilized property as the capacity for residential use exists.

RADIO FREQUENCY (RF) ENGINEER: A professional engineer, licensed in the State of Oregon, with a degree in electrical engineering, and demonstrated accreditation and experience to perform and certify radio frequency radiation measurements.

RF: Radio Frequency.

PCS: Personal Communications Services.

SITE: A portion of a subject property.

SITING: The method and form of placement of a use or development on a specific area of a subject property.

SMR: Specialized Mobile Radio.

SPECIALIZED MOBILE RADIO (SMR): A form of data transmission, dispatch or two-way communications used by companies that rent space or time from the high mount of a SMR carrier. Used primarily for sending information, for services such as delivery vans, truckers, or taxis within a small, definable geographic areas, the signal is not “handed off” to another cell as in Cellular, PCS, or ESMR.

SPECULATION (“SPEC”) TOWER: An antenna support structure designed for the purpose of providing location mounts for Wireless Communication Service Facilities without a binding commitment or option to lease a location upon the tower by a licensed service provider at the time of initial application.

STEALTH: A term meaning “hidden” or “undetectable.” The state of being furtive or unobtrusive.

SUBSTANTIAL ADVERSE IMPACT: (Also see “Avoidance Area”) An impact caused by a proposed project which would produce an end result which:

- a. Is out of character with the scenic, natural, historic, or cultural resources affected, including existing buildings, structures, and features within the vicinity; and/or
- b. Would diminish the scenic, natural, historic, or cultural value of the vicinity.

WCSE: Wireless Communication Service Facility.

WIRELESS COMMUNICATION SERVICE: Includes, but not limited to Federal Communications Commission (FCC) licensed “commercial mobile services”, (mobile services that are for-profit, are available to the public or a substantial portion of the public, and provide subscribers with the ability to access or receive calls from the public switched telephone network, including Cellular, Personal Communications Services (PCS), Specialized Mobile Radio (SMR), and Enhanced Specialized Mobile Radio (ESMR), *as well as*, “unlicensed wireless services” (services that are not licensed by the FCC, but are deployed through equipment that is authorized by the FCC), and “common carrier wireless exchange access services” (offerings designed as competitive alternatives to traditional wireline local exchange providers).

WIRELESS COMMUNICATION SERVICE FACILITY (WCSF): All equipment and property associated with the construction of antenna support structures, antenna arrays, and antennas, including but not limited to cables, wires, conduits, ducts, pedestals, antennas of all descriptions, electronic and mechanical equipment and devices, buildings and similar structures and installations, used for the provision of Wireless Communication Services. A facility for the provision of Wireless Communication Services, as defined by Section 704 of the Telecommunications Act.

WIRELESS COMMUNICATIONS SERVICE PROVIDER: A company which holds a current FCC license to provide Wireless Communication Services under the FCC/1996 Telecommunications Act. Also commonly referred to as a “Carrier.”

15.035. PERMITTED LOCATIONS OF WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Zones.

Wireless Communication Service Facilities, including antenna, antenna arrays, and antenna support structures are permitted with administrative or conditional use review in the zones as provided below:

1. Permitted Zones.

Wireless Communication Service Facilities are permitted in the following zones through the Administrative or Conditional Use process in accordance with Astoria Development Code Article 9:

- a. A-1 (Aquatic One Development)
- b. A-2 (Aquatic Two Development)
- c. C-3 (General Commercial)
- d. C-4 (Central Commercial)
- e. GI (General Industrial)
- f. IN (Institutional)

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- g. LR (Land Reserve)
- h. S-1 (Marine Industrial Shoreland)
- i. S-2 (General Development Shoreland)
- j. Non-Residentially Utilized Properties within the following zones:
 - 1) AH-HC (Attached Housing - Health Care)
 - 2) AH-MP (Attached Housing - Mill Pond)
 - 3) C-1 (Neighborhood Commercial)
 - 4) R-1 (Low Density Residential)
 - 5) R-2 (Medium Density Residential)
 - 6) R-3 (High Density Residential)

2. Avoidance Areas.

The following zones, and areas within zones, are “AVOIDANCE AREAS”.
Wireless Communication Service Facilities are permitted in the following areas through the Conditional Use process in accordance with Astoria Development Code Article 9:

- a. A-2A (Aquatic Two A Development)
- b. A-3 (Aquatic Conservation)
- c. A-4 (Aquatic Natural)
- d. C-2 (Tourist Commercial)
- e. CA (Campus)
- f. FA (Family Activity)
- g. HC (Health Care)
- h. HR (Hospitality Recreation)
- i. LS (Local Service)
- j. MH (Maritime Heritage)
- k. PD (Planned Development)
- l. S-2A (Tourist Oriented Shoreland)
- m. S-5 (Natural Shoreland)
- n. Within 150 feet (150') of the Columbia River, Youngs River, and Youngs Bay.

B. Preferred Location, Siting, and Designs in Priority Order.

1. Administrative Review.

a. Existing Structures

- 1) Location on Existing Support Structure or Existing Alternative Support Structure; *and*
- 2) Camouflaged/Concealed Design

2. Conditional Use Review.

- a. Location on New Antenna Support Structure
- b. Location within AVOIDANCE AREAS

15.045. COLLOCATION AND USE OF ALTERNATIVE ANTENNA SUPPORT STRUCTURES FOR WIRELESS COMMUNICATION SERVICE FACILITIES.

A. Collocation Design Required.

All antenna support structures shall be designed and constructed so as to not preclude collocation.

B. Collocation Required.

Collocation or use of alternative antenna support structure shall be required unless demonstrated to be infeasible to the satisfaction of the Community Development Director or the Astoria Planning Commission.

If an applicant proposes to construct a new antenna support structure, evidence shall be submitted by the applicant to demonstrate the following:

1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the service provider's engineering requirements to provide service; OR
2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the service provider's engineering requirements to provide service; OR

3. That existing support structures and alternative antenna support structures do not have sufficient structural strength to support the service provider's engineering requirements to provide service; OR
4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference, or NIER field interference with nearby antennas or antenna arrays, or vice-versa; OR
5. That there are other limiting factors, such as inadequate space for an equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.

C. Standards Required of Collocation Applicant.

As deemed necessary by the Community Development Director, compliance with location, siting, and design standards described in this Article may be required of a co-locating applicant during review of the application.

D. Technical Expert Review.

In the event collocation is represented to be infeasible, the City may retain a technical expert in the field of telecommunications engineering to verify if collocation at the site is not feasible, or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant.

E. Good Faith Effort to Collocate.

A Wireless Communications Service provider shall exercise good faith in collocating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide Wireless Communications Service.

15.060. APPLICATION SUBMITTAL REQUIREMENTS.

A. All applications for permits for the placement and construction of Wireless Communication Service Facilities shall be accompanied by the following:

1. A complete description of the proposed WCSF including use of concealment technology, height, location, siting, and design, and description of services the applicant intends to provide from the facility.
2. Proof of ownership of the land upon which the WCSF is proposed; or evidence of an appropriate easement, lease, rental agreement, or land use application signed by the applicant and signed by the underlying property owner.

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3. Copy of the carrier's current FCC license for the proposed coverage area.
4. Evidence demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the FCC particularly with respect to any habitable areas within the structure on which the antennas are co-locating or in structures adjacent to or across a public right-of-way from the antennas.
5. An accurate and scaled site plan, scaled elevation views, and other supporting drawings, illustrating the location and dimensions of the proposed WCSF, including but not limited to: antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures, and any and all other devices and attachments.
6. Readily discernible map of the proposed area of coverage.
7. Location map of all sites currently operated by the carrier in a five (5) mile radius of the proposed site. Such locations shall be of sufficient detail to be added to the City's GIS data system. For each such site, the targeted area and capabilities of the sites shall be adequately described.
8. Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three (3) directional perspectives.
9. Evidence demonstrating that the applicant has filed a request with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.
10. Evidence demonstrating that the applicant has filed a request with the State Historic Preservation Office to review the application under Section 106 of the National Historic Preservation Act, or evidence demonstrating that the applicant has complied with all State Historic Preservation Office requirements as a result of the Section 106 consultation.
11. A collocation feasibility study conducted for the proposed service area of the facility being proposed. The study will describe the applicant's policy on collocation and demonstrate that collocation efforts were made and provide findings on why collocation can or cannot occur as indicated in Section 15.045.B.

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12. Where less preferred locations or design are proposed, a description of other alternatives considered (alternate sites, alternative heights, number of facilities, and equipment utilized) and the reasons why higher priority locations or designs were not selected.
13. Payment of fees.
14. All such additional information as the Community Development Director may identify as being relevant to the permitting process.
15. The Community Development Director may release an applicant from the requirement to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

15.065. STANDARDS AND REVIEW CRITERIA.

All applications for Wireless Communication Service Facilities shall demonstrate compliance and conformity with the following requirements. The burden of proof is on the applicant to demonstrate such compliance and conformity. The Community Development Director may release an applicant from a requirement when it is determined that the requirement is not applicable to the request.

A. General and Operating Requirements.

1. Owner and Applicant Responsibilities.

The owner and applicant of the Wireless Communication Service Facility and his or her successors and assigns at all times shall have the following responsibilities:

- a. The owner shall respond in a reasonable and timely manner to a request for information from a potential collocation applicant. In responding to such a request, the owner and potential collocation applicant shall furnish to each other all non-proprietary information necessary to enable the potential collocation applicant and the owner to determine the feasibility of collocation.
- b. The owner and potential collocation applicant shall negotiate in good faith for shared use of the owner's Wireless Communication Service Facility.

2. Environmental and Historic Resource Protection.

All Wireless Communication Service Facilities shall be sited so as to minimize the effect on environmental and historic resources. To that end, the following measures shall be implemented for all Wireless Communication Service Facilities:

- a. The facility shall comply with all applicable local, State, and Federal regulations, including but not limited to: Columbia River Estuary Shoreland Overlay, Sensitive Bird Habitat Overlay, Astoria Historic Properties regulations, National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act;
- b. Alteration or disturbance of natural vegetation and topography shall be minimized;

3. Noise.

No testing of back-up power generators shall occur between the hours of 6:00 PM and 7:00 AM. Emergency operation of back-up power generators is permitted at any time.

4. Permits Required.

- a. A Building Permit issued by the City is required for each Wireless Communication Service Facility. A building permit will not be issued until all land use approvals have been obtained; until any associated conditions have been met; and until all other applicable local, State, and Federal approvals have been secured and complied with, including but not limited to Astoria Development Code, Article 6 Historic Properties, and Section 106 requirements as set forth by the State Historic Preservation Office.
- b. No Wireless Communication Service Facility shall be constructed or operated within the City limits until all necessary City, State, and Federal approvals have been secured. Evidence of approvals shall be provided to the City.

5. Prohibited Structures.

- a. Lattice and guyed wire towers and support structures and speculation ("spec") support structures are prohibited in all zones except as noted in Section 5.b.
(Section 15.065.A.5.a amended by Ordinance 14-12, 12-15-2014)

- b. Lattice towers and support structures that are required for Emergency Communications Facilities and Temporary Communications Facilities operated by public officials may be located in the LR Zone (Land Reserve). Co-location by private communication providers on a lattice tower with emergency communication facilities is allowed.

(Section 15.065.A.5.b added by Ordinance 14-12, 12-15-2014)

6. Radio Frequency Standards.

- a. The applicant shall provide evidence that the Wireless Communication Service Facility is in compliance with FCC standards and that the Wireless Communication Service Facility will not cause interference with the reception of area television, radio, or emergency communication broadcasts. If at any time, the City finds that the Wireless Communication Service Facilities interfere with such reception, the applicant shall mitigate the interference. If the applicant does not mitigate the interference to the City's satisfaction, the City may revoke or modify the permit.

7. Security.

The applicant shall insure that sufficient anti-climbing measures have been incorporated into the WCSF, as needed, to reduce potential for trespass and injury.

8. Technical Expert Support.

The Community Development Director may employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section, and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.

B. Location, Siting and Design Requirements.

1. Preferred Location, Siting, and Designs in Priority Order.

See Section 15.035.B of this Code.

2. Adverse Impact.

WCSF shall not create a substantial adverse impact on the view from any public park, natural scenic vista, historic property (locally designated or on National Register), major scenic and view corridor, or residential area. In determining the potential substantial adverse impact of the proposed facility upon scenic, natural, historic, and cultural resources or vicinity, the following points shall be considered:

- a. The extent to which the proposed WCSF is visible from the viewpoint(s) of the impacted resource or vicinity.
- b. The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
- c. The amount of vegetative screening.
- d. The distance of the proposed facility from the impacted resource or vicinity.
- e. The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

3. Use of Concealment Technology.

All Wireless Communication Service Facilities shall utilize concealment technology so as to blend in with the surrounding natural and human-made environment in such a manner so as to be either reasonably difficult for the naked eye to detect or observe, or made part of the feature enclosing it. To this end, Wireless Communication Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors, vegetative, structural or topographic screening.

4. Access Driveways and Parking.

All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the Astoria Development Code and Astoria City Code.

- a. Existing driveways shall be used for access whenever possible.

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- b. New parking areas shall, whenever feasible, be shared with subsequent Wireless Communication Service Facilities and/or other permitted uses.

5. Color and Materials.

- a. All buildings, poles, antenna support structures, antennas, antenna arrays, and other associated components of each Wireless Communication Facility site shall be initially coated and thereafter recoated as necessary with a non-reflective neutral color in muted tones.
- b. The color selected shall be one that will minimize visibility of the WCSF to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees, or grasslands shall be coated with colors matching those landscapes, while elements which rise above the horizon shall be coated a color that matches the typical overcast sky (i.e. white, light gray, etc.) or background color at that location.
- c. The color and coating shall be reviewed and approved by the Community Development Director or Astoria Planning Commission.
- d. Upon a clear showing by the applicant that compliance with the requirements of this section would void a manufacturer's warranty on any specific equipment, or that natural aging of the material would provide greater concealment, the Community Development Director or Astoria Planning Commission may waive the requirements of this section for such specifically identified equipment.

6. Height.

In addition to the maximum structure height requirements of each Zone, Wireless Communication Service Facilities shall comply with the following height requirements:

- a. WCSF shall comply with the height limit of the underlying zone, unless a variance to the height limit of the underlying zone is approved.
- b. If there is not a height limit in the underlying zone, the maximum height of a ground-mounted facility, including a monopole, shall be 45'.
- c. In reviewing Variance requests to the above described height limits, the following shall be considered:

- 1) The proposed structure and facility uses concealment technology; *and*
 - 2) It is demonstrated that a greater height is required to provide the necessary service.
- d. Building or other structure-mounted Wireless Communication Service Facilities shall not project more than ten (10) additional feet above the highest point on the existing building or structure and shall not project higher than the height requirements of the underlying zone, unless a variance to the height limit of the underlying zone is approved.
 - e. WCSF shall not penetrate imaginary surfaces around the Astoria Airport as defined by the Oregon Department of Aviation, unless a waiver is granted pursuant to Oregon Revised Statutes.
7. Landscape and Screening.

All Wireless Communication Service Facility sites shall be improved with existing native vegetation, suitable landscaping and/or fencing installed to screen the facility, where necessary. To this end, all of the following requirements shall be implemented for all Wireless Communication Service Facilities which are installed on antenna support structures:

- a. A landscape plan, meeting the requirements of Development Code Sections 3.105 to 3.120, shall be submitted as part of the application.
- b. Any proposed or required fenced area is to be surrounded, where feasible, by a landscaped strip of sufficient width and height to create a visual screen.
- c. Planted vegetation shall be of the evergreen variety.
- d. The landscape plan shall be subject to review and approval of the Community Development Director or Astoria Planning Commission.
- e. The fence shall be a maximum of six (6) feet in height.
- f. The fenced area is to be surrounded by evergreen shrubs (or similar type of evergreen landscaping). Required landscaping shall be located outside of the fenced area.

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- g. The fence shall, where feasible, be installed and maintained around the entire perimeter of the site and surround the WCSF and the equipment shelter.
 - h. If the Community Development Director determines that a fence surrounding antenna support structures located in a public right-of-way or adjacent to existing structures is not feasible, such structures may be exempted from the fencing requirements of this Section.
 - i. Chain link fences shall be painted or coated with a non-reflective color.
 - j. Electric, barbed wire, and concertina wire fences are prohibited.
8. Lighting.
- a. A Wireless Communication Service Facility shall only be illuminated as necessary to comply with FAA or other applicable State and Federal requirements. Documentation from such State and Federal agencies describing required compliance measures is required.
 - b. Exterior lighting shall not glare onto adjacent properties.
 - c. Strobe lights are prohibited.
9. Setback.
- a. Antenna support structures, excluding those utility poles and similar structures which are located within the right-of-way, and excluding equipment enclosures, shall be located no closer to a structure on the subject property, or from the property line of the subject property, than a distance equal to the total height of the structure measured from finished grade, or the distance of "worst-case scenarios", as recommended in the FCC "*A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*" Guidebook, dated June 2, 2000, whichever is greater. However, utility poles and similar structures which are located within the right-of-way, and equipment enclosures are subject to recommendations in the FCC "*A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*" Guidebook, dated June 2, 2000.
 - b. All WCSF equipment enclosures shall be set back from property lines according to the requirements of the Zone.

- c. A setback requirement to a property line may be reduced, through Variance approval. A Variance to the setback requirement shall be in accordance with the requirements of Article 12, and the following additional criteria:
 - 1) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts.

10. Signs.

The use of any portion of a Wireless Communication Service Facility for signs other than warning or equipment information signs is prohibited. For emergency purposes, equipment information limited to the WCSF provider(s) name and contact phone number shall appear at the facility in a discreet yet visible location, either on the equipment cabinet or supporting structure.

11. Storage.

- a. WCSF storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only) and shall be placed underground where feasible or be sited (i.e., depressed, or located behind earth berms) to minimize their profile.
- b. WCSF storage facilities shall be no taller than one story (15 feet) in height and shall be designed to look like a building or facility typically found in the surrounding area.
- c. On-premises storage of material or equipment shall not be allowed other than that which is necessary to the use, operation, and maintenance of the WCSF.

15.070. MONITORING AND MAINTENANCE.

A. Testing For Compliance.

All Wireless Communication Service Facilities shall comply with all Federal, State and local regulations. The City at any time may require evidence of testing of a WCSF to determine if the facility is in compliance with all applicable Federal, State, and local regulations. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet the standards of FCC Regulations.

All testing shall be at the cost of the Wireless Communication Service providers. Failure to cooperate with the City in performing such testing shall be adequate basis for revocation of the permit.

B. Maintenance.

The applicant and co-applicant shall maintain the Wireless Communication Service Facility. Such maintenance shall include, but shall not be limited to painting/coating, maintaining structural integrity, and landscaping. In the event the applicant or co-applicant fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, the City of Astoria may undertake the maintenance at the expense of the applicant or underlying property owner.

C. Tree Trimming.

On publicly owned property, trees may be trimmed, but shall be trimmed only upon the issuance by the City of a Tree-Trimming Permit. All tree trimming on private property shall comply at all times with the conditions of the Conditional Use permit, or with the approval of the Community Development Director if the level of review under Section 15.035.B was Administrative. Tree-trimming which is disallowed under the conditions of a permit approval shall be adequate grounds for permit revocation.

D. Revocation of Permit.

Any Wireless Communication Service Facility not in compliance with all applicable Federal, State, and local regulations shall be removed, upon failure to bring the facility into compliance after thirty (30) days advance written notice.

15.075. ABANDONMENT.

A. Notice of Abandonment.

At such time that a licensed carrier other than a co-location tenant plans to abandon or discontinue, or is required to discontinue the operation of a Wireless Communication Service Facility, such carrier will notify the City of Astoria Community Development Department by Certified U.S. Postal Service mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

B. Failure to Provide Notice of Abandonment.

In the event that such licensed carrier fails to give such notice, the Wireless Communication Service Facility shall be considered abandoned if the antenna or

support structure is not operated for a continuous period of six (6) months. The City may request evidence of continuous operation of the Wireless Communication Service Facility. The date of abandonment shall be determined to be the date of written request of such evidence given by the City to the owner of the subject property. Such request of evidence shall be in writing and sent by Certified U.S. Postal Service mail.

C. Removal of Abandoned Facility.

Upon abandonment or discontinuation of use, the carrier shall physically remove the Wireless Communication Service Facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennae, mounts, equipment cabinets, security barriers, and foundations including entirety of depth of the foundation located below ground surface.
2. Restoring the location of the Wireless Communication Service Facility to a condition acceptable to the Community Development Director, except any remaining landscaping and grading.

During such 90 days, the owner may apply, and for good reason, be granted an extension of time on such terms as the Community Development Director or Building Official shall determine.

D. Failure to Remove Abandoned Facility.

If such structure and equipment enclosure are not so removed, as indicated in Section 15.075, the City may seek and obtain a court order directing such removal and impose a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal.

E. Abandonment of Highest Location on Antenna Support Structure.

When abandonment of the highest usable location on an antenna support structure occurs, the owner of the support structure shall have twelve (12) months from the date of abandonment to collocate another service on the support structure. If another service provider is not added to the support structure within that time period, the owner shall dismantle and remove that portion of the support structure which exceeds the point at which the highest antenna is mounted, but only if such dismantling does not affect the structural integrity of the support structure.

F. Penalties.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored support structures, failure to remove an abandoned facility as required by this Sub-Section shall constitute a violation and be subject to the penalties prescribed in Astoria City Code "Penalty" Sections 1.008 to 1.015.

15.080. APPEALS.

A decision of the Approval Authority made pursuant to this Article may be appealed in accordance with Astoria Development Code Article 9.

15.085. FEES.

Applicant shall pay the filing fee at the time of submission of an application. Actual costs incurred in processing the application shall be billed from the filing fee. Upon final decision on an application, and after all expenses have been determined, any remaining filing fee shall be returned to the applicant.

15.090. PROCEDURES.

A. Administrative Permit.

Prior to submittal of the application, a preapplication conference with the Community Development Director or the Associate Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

1. Application for Administrative Permit.

Applicant shall submit three (3) copies of a complete application and plans; the fee; and other required information in accordance with Article 15.

2. Notice.

a. Mailed Notice.

Public notice shall be mailed to property owners of record within 500 feet of the subject property in accordance with Article 9, at least twenty (20) days prior to the issuance of a permit for the WCSF. Notice shall also be sent to those parties noted in Section 15.090.C "Notice to Other Agencies".

b. Published Notice.

In addition to the required public notice per Article 9, the City shall publish a display ad of no less than four (4) square inches in a newspaper of general circulation in the City of Astoria at the expense of the applicant. The notice shall set forth the required information pertinent to the application.

3. Decision.

A decision shall be made by the Community Development Director after the notice period and after findings of fact are made that the requirements of Article 15 have been met.

A decision of the Community Development Director may be appealed to the Planning Commission in accordance with Article 9.

B. Conditional Use.

Prior to submittal of the application, a preapplication conference with the Community Development Director or the Associate Planner is required. The Community Development Director shall determine the classification and appropriate process for any application.

1. Application for Conditional Use.

Applicant shall submit three (3) copies of a complete Conditional Use application and plans, in accordance with Article 11; the fee; and other required information, in accordance with Article 15.

2. Notice.

a. Mailed Notice.

Public Notice shall be mailed to property owners within 500 feet of the proposed location described within the application. Notice shall also be sent to those parties noted in Section 15.090.C "Notice to Other Agencies".

b. Published Notice.

In addition to the required public notice per Article 9, the City shall publish a display ad of no less than four (4) square inches in a newspaper of general circulation in the City of Astoria at the expense of the applicant. The notice shall set forth the standards required and other information pertinent to the application.

3. Decision.

A decision shall be made in Accordance with Article 11, Conditional Use, and after findings of fact are made that the requirements of Article 15 have been met.

A decision of the Planning Commission may be appealed to the City Council in accordance with Article 9.

C. Notice to Other Agencies.

Public Notice to other agencies shall be given to the City of Astoria Public Works Director, Clatsop County Planning Department, Clatsop County Assessment and Taxation Department, U.S. Coast Guard, Port of Astoria, Oregon Department of Aviation, FAA, Regional 911 Coordinator, US Fish and Wildlife, and any special districts and local, State, or Federal agency that may have an interest in the proposed application. Written comments will be incorporated into the record of the public hearing.

D. Notice of Decision.

In addition to the requirements of Article 9, written notice of the decision shall be provided to the Regional 911 Coordinator, U.S. Coast Guard, Port of Astoria, Oregon Department of Aviation, and Clatsop County Assessment and Taxation Department.