

House Bill 2828

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes review criteria for telecommunications towers to be applied by counties. Requires existing telecommunications towers to comply with criteria by January 1, 2030.

A BILL FOR AN ACT

1
2 Relating to technology support structures.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS**
5 **chapter 215.**

6 **SECTION 2. (1) As used in this section and section 3 of this 2023 Act:**

7 (a) **"Telecommunications tower" includes a personal wireless service facility, a broadcast**
8 **communications facility and other technological communications facilities.**

9 (b) **"Telecommunications tower" does not include a roof-mounted, building-integrated or**
10 **building-mounted communications structure that extends no more than an additional five**
11 **feet above the highest ridge of the building's roof or 15 feet above the highest eave, which-**
12 **ever is higher, and does not exceed the height limitation of the zone.**

13 (2) **The development, replacement, alteration, modification or reconstruction of a tele-**
14 **communications tower is not allowed except through a county's administrative review of an**
15 **application filed under subsection (4) of this section or approval of a permit filed under sub-**
16 **section (5) of this section.**

17 (3) **A telecommunications tower application must:**

18 (a) **Identify all communications providers that will collocate on the tower;**

19 (b) **Identify all existing telecommunications towers and all properties that have obtained**
20 **approval for a telecommunications tower within two miles of the proposed tower location;**

21 (c) **Include certification by a professional engineer that the construction will comply with**
22 **structural standards for a telecommunications tower;**

23 (d) **Demonstrate that the applicant has legal access to any private road necessary to ac-**
24 **cess the tower and that the applicant is obligated to improve and maintain the private road;**
25 **and**

26 (e) **Include a site-specific study identifying the tower site and demonstrating how the**
27 **materials, surfacing and coloration used on the tower and associated fixtures will appropri-**
28 **ately blend into the background, match the surrounding environment and minimize glare,**
29 **including by stealth construction or concealed towers.**

30 (4) **An application may be approved through administrative review only if the application**
31 **includes evidence that the telecommunications tower will not:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Have fewer than two communications providers colocate on the tower, or fewer than
2 three communications providers colocate on the tower if the tower is more than 100 feet in
3 height;

4 (b) Be sited within two miles of any other telecommunications tower upon which the mile
5 radius of the tower will be unavailable or would not meet service coverage needs;

6 (c) Be more than 180 feet in height;

7 (d) If located within an urban growth boundary, be more than 40 feet in height;

8 (e) Be a monopole construction;

9 (f) Require electronic lighting or reflective material except as required by Federal Avi-
10 ation Administration regulations or other federal or state law;

11 (g) Include a whip antenna that will exceed the height of the tower by more than 20 feet;
12 or

13 (h) Include a directional or parabolic antenna that will exceed seven feet in diameter or
14 width or 14 feet in height if attached to a tower.

15 (5) Approval of a telecommunications tower that is not permitted under subsection (4)
16 of this section may be approved only by permit under ORS 215.402 to 215.438. An application
17 for a telecommunications tower permit under this subsection must demonstrate:

18 (a) Why the tower cannot be approved through an application filed under subsection (4)
19 of this section;

20 (b) Coverage limitations;

21 (c) The type of system, including broadcast or cellular signal;

22 (d) Technical and engineering feasibility of the tower;

23 (e) Public safety features of the tower; and

24 (f) Compliance with other requirements of local, state and federal agencies.

25 (6) The owner of a telecommunications tower that has not operated for more than 18
26 months shall decommission and remove the tower.

27 (7) A county may impose a fine of up to \$7,500 against the owner of any telecommuni-
28 cations tower that does not comply with this section.

29 **SECTION 3.** (1) Notwithstanding any county permit or any other order or decision issued
30 before the effective date of this 2023 Act, no later than January 1, 2030, the owner of a
31 telecommunications tower constructed prior to the effective date of this 2023 Act must have
32 the tower approved as a modification under section 2 (2) of this 2023 Act or must decom-
33 mission and remove the tower.

34 (2) Notwithstanding section 2 of this 2023 Act, counties that have enacted development
35 standards or procedures that are similarly prescriptive to section 2 of this 2023 Act relating
36 to the approval of, aesthetics for and permissible locations of telecommunications towers
37 may continue to apply those standards and procedures to all applications to develop, replace,
38 alter, modify or reconstruct a telecommunications tower that are filed before January 1,
39 2030.