

# House Bill 3253

Sponsored by Representative EVANS

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes how counties review the siting of a telecom tower. (Flesch Readability Score: 60.7).

Establishes review criteria for telecommunications towers to be applied by counties. Requires existing telecommunications towers to comply with criteria by January 1, 2032.

## 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 to 4 of this 2025 Act are added to and made a part of ORS chapter**  
5 **215.**

6 **SECTION 2. (1) As used in this section:**

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 unless the structure:**

11 (A) **Exceeds the height limitation of the zone; or**

12 (B) **Extends more than an additional five feet above the highest ridge of the building’s**  
13 **roof or 15 feet above the highest eave, whichever is higher.**

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

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

19 (a) **Identify all communications providers that will colocate on the tower;**

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

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

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

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

**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 (4) An application may be approved by administrative review only if the application in-  
2 cludes evidence that the telecommunications tower will not:

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

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

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

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

10 (e) Be a monopole construction;

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

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

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

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

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

22 (b) Coverage limitations;

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

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

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

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

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

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

31 **SECTION 3.** Notwithstanding section 2 of this 2025 Act, counties that have enacted de-  
32 velopment standards or procedures that are similarly prescriptive to section 2 of this 2025  
33 Act relating to the approval of, aesthetics for and permissible locations of telecommuni-  
34 cations towers may continue to apply those standards and procedures to all applications to  
35 develop, replace, alter, modify or reconstruct a telecommunications tower that are filed be-  
36 fore January 1, 2030.

37 **SECTION 4.** No later than January 1, 2032, notwithstanding any county permit or any  
38 other order or decision issued before the effective date of this 2025 Act, the owner of a  
39 telecommunications tower constructed prior to the effective date of this 2025 Act must have  
40 the tower approved as a modification under section 2 (2) or 3 of this 2025 Act or must de-  
41 commission and remove the tower.

42 **SECTION 5.** Section 3 of this 2025 Act is repealed on January 2, 2032.