

ORDINANCE NO. 968

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE
(SMC) TITLE 17, REGARDING THE STANDARDS AND
PROCEDURES FOR WIRELESS COMMUNICATION FACILITIES**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.160 specifies the procedures for approval of and regulates the location and standards for the development of wireless communication facilities;

WHEREAS, a review of Section 17.20.160 has revealed that amendments are appropriate;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regards to the procedures and standards for wireless communication facilities, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amends proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 20 amended. Stayton Municipal Code, Title 17, Chapter 20, Section 17.20.160 is hereby amended as follows:

Part 1: Amend **Section 17.20.160.3.** to allow collocation of antennas in the Downtown Commercial Mixed Use Zone and to clarify when site plan review is required.

5. COLLOCATION OF WCF ANTENNAS ON EXISTING BUILDINGS, UTILITY OR LIGHT POLES, AND WATER TOWERS.

- a. Permitted Use. Such collocation shall be considered an outright permitted use provided that the antennas and ancillary facilities comply with the standards of this section, and the antennas extend no more than 10 feet above and no more than 2 feet horizontally away from the existing structure, and the collocation site is zoned CR, CG, CCMU, DCMU, DRMU, ID, IC, IL, IA or P.
- b. Site Plan Review. Such collocation shall be a permitted use subject to a site plan review approval provided that the antennas and ancillary facilities comply with the standards of this section, the antennas extend no more than 20 feet above and no more than 4 feet horizontally away from the existing structure, and the collocation site is zoned HD, CR, CG, CCMU, DCMU, DRMU, ID, IC, IL, IA or P. As part of collocation on a utility or light pole, the existing pole may be replaced if needed for structural soundness provided the total height of the pole and antenna is not increased

by more than 20 feet above the existing height of the pole and the diameter of the pole is not increased by more than 20%.

Part 2: Amend Section 17.20.160.5. to clarify when site plan review is required for the expansion of an existing structure and to remove the requirement that new towers in Public/Semi-Public zone be only on property owned by the City.

5. NEW WCF WITH SUPPORT TOWER.

a. Site Plan Review. Construction of new WCF with support tower shall be a permitted use and require site plan review approval in the IL, IC, IA, and P zoning districts. Location of antennas on an existing structure on which the antennas extend 20 feet or further above or more than 4 feet horizontally away from the existing structure shall be considered a new WCF. ~~The placement of a WCF tower in the Public/Semi-Public zone district is specifically restricted to the City of Stayton municipal property.~~

Part 3: Amend Section 17.20.160.6.a.3) to remove superfluous wording.

3) Plans showing the connection to utilities/ right-of-way cuts, and ownership of utilities and easements ~~are required.~~

Part 4: Amend Section 17.20.160.7.d.1) to repeal the setback requirement from a public gathering place.

1) WCF towers in the IL, IC, IA, and P zoning districts shall setback from all dwellings ~~and all public gathering places~~ by a distance equal to one foot greater than the total height of the tower and antennae, and by a distance of 300 feet from any residential zone boundary.

Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 7th day of April, 2014.

CITY OF STAYTON


Signed: 4-7, 2014

BY: 
A. Scott Vigil, Mayor

Signed: 4-7-14, 2014

ATTEST: 
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney