

ORDINANCE NO. 499

AN AMENDMENT TO ORDINANCE 479 "AN ORDINANCE ESTABLISHING SITING CRITERIA, METHOD OF REVIEW, APPLICATION GUIDELINES AND DEVELOPMENT STANDARDS FOR TELECOMMUNICATIONS FACILITIES, REPEALING ORDINANCE NO. 478, AMENDING THE WILSONVILLE CITY CODE AND DECLARING AN EMERGENCY" AND DECLARING AN EMERGENCY. THE AMENDMENT EXEMPTS THE CITY'S SEWERAGE TREATMENT PLANT SITE AND ELLIGSEN ROAD WATER RESERVOIR SITE FROM 50 FT HEIGHT LIMITATION.

WHEREAS, the Federal Telecommunications Act of 1996 is intended to reduce regulatory barriers and encourage competition among all types of telecommunications providers; and

WHEREAS, an increased number of service providers in the wireless communications field has resulted in the construction of ever-increasing numbers of antenna towers to accommodate the needs of telecommunications providers and users; and

WHEREAS, Section 704 of the Federal Telecommunications Act of 1996 specifically allows local zoning regulations pertaining to wireless telecommunication services as long as such regulations do not unreasonably discriminate among equivalent services and do not have the effect of prohibiting service; and

WHEREAS, Section 207 of the Federal Telecommunications Act of 1996 specifically allows local zoning regulations pertaining to satellite dish antennae, within certain limits established by the Federal Communications Commission; and

WHEREAS, the city of Wilsonville wishes to reduce the proliferation of individual towers through the encouragement of collocation and siting on existing suitable structures; to reduce the visual impact of towers through careful design, siting and screening; and to avoid damage to adjacent properties from tower failure; and

WHEREAS, the city of Wilsonville wishes to encourage creativity in the placement and construction of wireless communication facilities which will be compatible with surrounding land

uses; and

WHEREAS, the city of Wilsonville wishes to protect residential areas from the adverse visual impacts that would be created by a proliferation of such towers; and

WHEREAS, Ordinance 479 was adopted by the Wilsonville City Council effective on May 19, 1997; and

WHEREAS, the Sewerage Treatment Plant site and Elligsen Road Water Reservoir site were inadvertently limited to 50 ft height for new cell towers which makes such sites unusable for cell towers; and

WHEREAS, an emergency exists because wireless communication messages are being "dropped" by companies providing service in the Wilsonville area due to a lack of appropriately sited facilities.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section I. Amend WC Section 4.803 1. a. i. - Development Standards as follows:
(**Bold indicates new language**)

Section 4.803 1. a. i. - Development Standards.

All new WCFs shall comply with the following standards.

1. Visual Impact

- a. Tower Height. Freestanding WCFs shall be exempted from height limitations, pursuant to WC Section 4.172. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared by a licensed professional engineer. A WCF that is attached to an alternative tower structure may not exceed the height of the alternative tower structure, unless findings are made by the Planning Director or Development Review Board that such an increase will have a deminimis impact on the appearance of the structure. A WCF that is attached to an existing structure other than an alternative tower structure in a PDC, PDI or PF zone may not exceed the height of the existing structure by more than twenty (20) feet. A WCF that is attached to an existing structure other than an alternative tower structure in an R, RA-1 or PDR zone may not exceed the height of the existing structure by more than ten (10) feet.
 - i. The tower height of a freestanding WCF in R, PDR and RA-1 zones may not exceed fifty

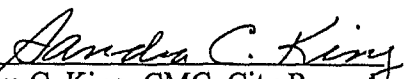
(50) feet except that an RA-1 zoned property occupied by the City Sewerage Treatment Plant and the PDR zoned property occupied by the Elligsen Road Water Reservoir shall be exempted from the height limitations, pursuant to WC Section 4.172 and subsection 4.803 1 a above shall apply.

Section II. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section III. Emergency Declared. In order to avoid having local calls "dropped" by providers of wireless communication services due to a lack of properly sited facilities, an emergency is hereby declared to exist. This Ordinance shall take effect immediately upon adoption by the City Council and signature by the Mayor.


Section IV. Code Provisions Superseded. If any section, subsection, sentence, clause, phrase or portion of this ordinance is found to conflict with any existing provision of Chapter 4 of the Wilsonville Code, the provisions of this amendment to Ordinance No. 479, being Ordinance 499, shall supersede those conflicting provisions of the Code.

SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 15th day of June, 1998 commencing at the hour of 7 o'clock p.m. at the Wilsonville Community Center.

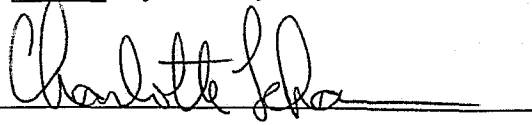

Sandra C. King, CMC, City Recorder

ENACTED by the City Council on the 15th day of June, 1998, by the following votes:

YEAS: -5- NAYS: -0-


Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 16th day of June, 1998.

A handwritten signature in cursive script, appearing to read "Charlotte Lehan", written over a horizontal line.

CHARLOTTE LEHAN, Mayor

SUMMARY of votes:

Mayor Lehan	<u>Yes</u>
Councilor Kirk	<u>Yes</u>
Councilor Helser	<u>Yes</u>
Councilor Barton	<u>Yes</u>
Councilor Luper	<u>Yes</u>