

ORDINANCE NO. 845

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA Wireless Telecommunication Facilities

Deleting Chapter 17.50 Poles, Chimneys, Towers and Utility Lines; Adding Chapter 17.50 Wireless Telecommunication Facilities, to establish the regulations for wireless telecommunication facilities; adding Section 17.04.355, Wireless Telecommunication Facilities, to define these facilities; and amending Section 17.60.030, Uses permitted in any zone with a Conditional Use Permit, to allow wireless telecommunication facilities within any zoning district subject to regulations under Chapter 17.50; and amending Section 17.60.030, Uses permitted in any zone with a Conditional Use Permit, to allow a building or structure to exceed thirty-five feet subject to specific findings; and amending Section 17.60.040, Uses permitted in specific zones, to address minor cleanup to language.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Amend Section 17.50 Poles, Chimneys, Towers and Utility Lines as follows:

WIRELESS TELECOMMUNICATION FACILITIES

Sections:

17.50.010 Purpose.

17.50.020 Exempt facilities.

17.50.030 Planning applications and approvals required.

17.50.040 Building permit required.

17.50.050 Site development and performance standards.

17.50.060 Abandonment.

17.50.070 Revocation of permit.

17.50.010 Purpose. The purpose of this Chapter is to establish standards for the development, siting and installation of wireless telecommunication facilities; to protect and promote public health, safety, and welfare; and to preserve view corridors and the City's historic character; and avoid adverse visual and environmental impacts. [Ord. 845, 2017][Ord. 376 Resl. 10-4-8(A), 1967]

17.50.020 Exempt facilities.

The following wireless telecommunication facilities are exempt from the requirements of this Chapter:

- A. Government owned communication facilities used primarily to protect public health, welfare and safety.
- B. Facilities operated by providers of emergency medical services, including hospital,

ambulance, and medical air transportation services, for use in the provision of those services.

- C. Satellite dish antennas for residential and commercial use, solely for the use of the occupants of the site.

[Ord. 845, 2017][Ord. 376 Resl. 10-4-8(A), 1967]

17.50.030 Planning applications and approvals required.

Installation of a new wireless telecommunication facility or significant modification, as determined by the Community Development Director, of an existing facility, shall require a use permit and design review approval in the same manner as other permits under Chapters 17.32 and 17.62.

- A. The co-location, defined as two or more wireless telecommunication service providers sharing one support structure or building for the location of their antennas and equipment, of a permitted wireless telecommunication facility or minor modification of a permitted existing facility, shall only require design review.
- B. In addition to any other requirements, all applications shall, at a minimum, include the following:
 - 1. A report explaining why the wireless telecommunication facility is needed at the requested location. All wireless telecommunication facilities shall be encouraged to make available unused space for co-location of other wireless telecommunication facilities, including space for those entities providing similar, competing services. Any applicant seeking to construct a new transmission tower shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative.
 - 2. Plans that include a fully dimensioned diagram of the proposed facility, including height, shape, size and type of construction. Plans for a transmission tower must include information demonstrating that the structure will be able to accommodate at least one other similar telecommunication provider. A diagram showing the separation between the proposed facility and any existing facility or facilities on the same support structure or site is required if co-location is planned.
 - 3. A fully-dimensioned site/landscaping plan that includes specific placement of the proposed tower, equipment shelters, and any other facility on the site, elevation drawings, setbacks from the property lines, location of any existing structures, trees, and any other significant site features. A notation of those features proposed to be removed and the type and locations of any plant materials proposed to screen the facility. The proposed materials and colors for the facility.
 - 4. Photo-simulations showing views of the proposed facility from surrounding properties and public right-of-way and surrounding viewsheds.
- D. The applicant shall submit application materials and fees as required by the Community Development Department.

[Ord. 845, 2017]

17.50.040 Building permit required.

Wireless communication facilities shall not be constructed, installed or modified, prior to obtaining a City building permit. [Ord. 845, 2017]

17.50.050 Site development and performance standards.

- A. Setbacks. All facility towers and accessory structures shall comply with the setback requirements of the applicable zoning district.
- B. Height. The height of any antenna or support equipment shall be determined as part of the use permit process on a case-by-case basis. All facilities shall be designed to the minimum necessary functional height.
- C. Site access. Telecommunication facilities should use existing roads and parking whenever possible. Any new access roads and parking improvements shall be reviewed under the use permit process.
- D. Aesthetics and visibility. Facilities shall be creatively designed to minimize the visual impact to the greatest extent possible by means of placement, screening and camouflage. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives. Each installation, antenna(s) and equipment, shall be designed to mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.
 - 1. Building-mounted facilities shall appear as an integral part of the structure. Equipment and antennas shall be compatible and in scale with existing architectural elements, building materials and site characteristics. Wall-mounted antennas shall be integrated architecturally with the style and character of the structure. If possible, antennas and equipment shall be located entirely within an existing or newly created architectural feature so as to be effectively unnoticeable.
 - 2. Ground-mounted support equipment shall be undergrounded or otherwise screened from view so as to be effectively unnoticeable.
 - 3. All connections and conduits between the base of the antenna(s) and support equipment shall be undergrounded. Connections and conduit above ground shall be fully enclosed. Electrical and telephone service to the support equipment shall be undergrounded.
 - 4. Ground-mounted antennas, poles, structures, equipment, or other parts of a telecommunication facility which would extend above a ridgeline so as to silhouette against the sky shall be discouraged. Where allowed, they shall be designed to be indistinguishable from the natural surroundings.
- E. Lighting. All telecommunication facilities, not otherwise required to have lighting pursuant to Federal Aviation Administration rules, shall be unlit, except when authorized personnel are actually present at night, and except for exempt facilities.
- F. Historic buildings. Any wireless facility located on a historic building or site shall be designed to ensure consistency with the Secretary of Interior Standards for Remodeling and Rehabilitation.
- G. Equipment upgrades. It shall be the responsibility of the owner/operator of a telecommunication facility to provide the City with a notice of intent to modify site

- equipment in any way. At the time of modification, co-location, or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and modified to reduce aesthetic impacts by reducing the size of the facility or introducing camouflaging techniques to the satisfaction of the Community Development Director. Unused or obsolete equipment or towers shall be removed from the site within ninety days after their use has ceased.
- H. Number of facilities per site. The City shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impacts associated with multiple facilities.
- I. Noise. Each facility shall be operated in a manner that minimizes any possible disruption caused by noise to people working and living in the vicinity. At no time shall equipment noise from any source exceed an exterior noise level of fifty-five dB at the property line or within twenty feet of such equipment, whichever is less. This requirement may be modified at the discretion of the Community Development Director where typical ambient noise levels exceed fifty-five dB. Outdoor noise-producing construction activities shall take place as allowed under Chapter 8.20.
- J. Backup generators. Any facility utilizing temporary backup generators shall be required to meet or exceed air pollution control district standards. All generators shall be fitted with approved air pollution control devices. Projects that propose to include backup generators shall require review and approval from the air pollution control district. Project plans shall indicate location, size, horsepower, and type of fuel used for any proposed generator. Generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place as allowed for construction under Chapter 8.20.
- K. Biological impacts. Wireless telecommunication facilities shall minimize potential impacts to biological resources to the greatest extent possible.
- L. Radio interference. Interference with municipal radio communication is prohibited. Any telecommunication facility that the City has reason to believe is interfering with municipal radio communication shall cease operation immediately upon notice from the City and shall be subject to use permit review and possible revocation. Testing shall be done prior to any permanent installation and frequencies shall be monitored at regular intervals after installation as established by the use permit, at the expense of the facility owner/operator.
- M. Airport operations. Wireless communication facilities shall not be sited in locations where they will interfere with the operation of the Columbia Airport.
- N. Radio frequency and electromagnetic exposure shall comply with all FCC regulations.
- O. Signs. Explanatory warning signs shall be posted at all access points to cellular telecommunication facilities in compliance with the American National Standards Institute (ANSI) C95.2 color, symbol, and content conventions.
- P. Nuisance. Facility generators, mechanical equipment, construction, testing and maintenance shall be operated or performed in such a manner that no nuisance results. At the discretion of the Community Development Director, upon receipt of written complaints, the use permit allowing a telecommunication facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted, or

- G. Institutions of a philanthropic nature;
 - H. Libraries and museums;
 - I. Natural resources development together with the necessary buildings, apparatus or appurtenances incident thereto;
 - J. Public parks, playgrounds, golf courses, community buildings, and country clubs;
 - K. Public utility or public service buildings, structures, and uses except overhead power or telephone wires;
 - L. Radio, microwave and television transmitters and broadcasting stations, including amateur and professional;
 - M. Real estate tract offices and accessory signs, limited to a total area of not more than fifty square feet;
 - N. Nonprofit membership clubs, civic clubs, veterans' organizations;
 - O. Parking lots which conform in all respects to the requirements of Sections 17.42.040 and 17.42.050 of this code.
 - P. Reduced setbacks for Minor Accessory Buildings or Structures. Reduced setbacks pursuant to this section may be in addition to reductions allowed pursuant to Chapter 17.40.
 - Q. Wireless telecommunication facilities subject to the specific use regulations under Chapter 17.50.
 - R. A building or structure may exceed thirty-five feet in height if the Planning Commission has granted a use permit following a finding of necessity and desirability, after having considered the impact on surrounding buildings and on the public safety;
- [Ord. 845, 2017][Ord. 811, §2, 2012; Ord. 586, 1983; Ord. 376 § 10-6-3, 1967.]

17.60.040 Uses permitted in specific zones.

The following uses may be permitted in the zones indicated in this section upon granting of a use permit:

- A. Professional offices such as accountants, architects, dentists, lawyers, physicians and engineers, in the R-3 zone;
- B. Mobile home park in the CO, C zones;
- C. Sanitarium, mortuary and cemeteries, in R-1, R-2, R-3, CO, C and CG zones;
- D. Gasoline service station, new and used automobile sales and service, bulk petroleum sale and underground storage, in the C and CO zones;
- E. Bus or taxi station, in the C zone;
- F. Place of entertainment, and new and used retail sale, when in the open or partially open, in the C zone;
- G. Animal hospital and/or shelter, in the C zone;
- H. Excavation of earth or building materials, mining or drilling for minerals and petroleum, garbage and rubbish fill and disposal, junk and wrecking yards, in the CG zone, provided such uses are more than five hundred feet from any residential zones;
- I. Bed and breakfast establishment in R-2 and R-3 zones, subject to land and structure requirements of the particular zone;
- J. Assembly of premanufactured parts when fully enclosed in a building, in the C zone, except within the compatibility of use area as defined in Section 17.32.030;
- K. Light manufacturing of goods and materials capable of being lifted without

- mechanized equipment, in the CG zone;
 - L. Medical and health related facilities, in the R-3 zone;
 - M. Emergency shelter and transitional housing, in the C zone.
 - N. Transient Residential Use of a multi-family residential structure(s) or multiple single-family residential structures per parcel, in the R-2 zone. Transient Residential Use of three or more units of a multi-family residential structure(s) or multiple single-family residential structures per parcel, in an R-3 zone.
 - O. Rest home, convalescent home, tri-level senior communities, senior housing facilities in R-1 and R-2.
- [Ord. 845, 2017][Ord 832, 11-16-15] [Ord. 824, 02-02-2015 (part)] (Ord. 812 §2, 2012; Ord. 632 § 1, 1987; Ord. 605 § 1, 1985; Ord. 600 § 10, 1985; Ord. 587 § 3, 1983; Ord. 524 § 4, 1979; Or. 478 § 1, 1975; Ord. 413 § 1, 1971; Ord. 376 § 10-6-4, 1967.)

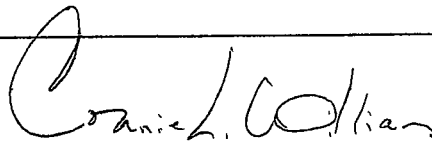
This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on December 4, 2017, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on December 18, 2017, by the following vote:

AYES: Connie Williams, Jim Garaventa, Matt Hawkins, Mark Plummer, George Segarini

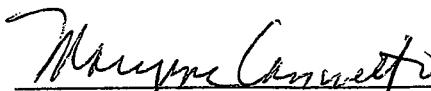
NOES: None

ABSENT OR ABSTAIN: None



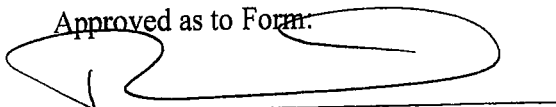
Connie L. Williams, Mayor

ATTEST:



Marijane Cassinetta, City Clerk

Approved as to Form:



Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
Dec 27, 2017