

HB 2560 -1 STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

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Meeting Dates: 2/21, 4/9

WHAT THE MEASURE DOES:

Directs the Department of Land Conservation and Development (DLCD) to study methods to mitigate impacts of technology towers on aesthetics. Requires that the study include: an identification of areas where technology towers impact the aesthetics of waterways, farm or forest lands, or tourism areas; an evaluation of how impacts in identified areas affect quality of life and tourism; the development of standards to mitigate impacts on the aesthetics of identified areas for adoption by planning commissions and local governments; and the establishment of a schedule for planning commissions and local governments to implement and enforce the standards by January 1, 2027. Requires DLCD submit a report on the progress of the study by September 15, 2019. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure. Limits the development, replacement, alteration, modification, or reconstruction of a telecommunications tower to processes of administrative review of a filed application, or approval of a filed permit. Requires that a telecommunications tower application: identify all communications providers that will collocate on the tower; identify all existing telecommunications towers and all properties that have obtained approval for a telecommunications tower within two miles of the proposed tower location; include certification by a professional engineer that the construction will comply with structural standards for a telecommunications tower; demonstrate that the applicant has legal access to any private road necessary to access the tower and that the applicant is obligated to improve and maintain the private road; and include a site-specific study identifying the tower site and demonstrating how materials, surfacing, and coloration used on the tower and associated fixtures will appropriately blend into the background, match the surrounding environment, and minimize glare, including by stealth construction or concealed towers. Allows approval through administrative review of a new or replacement telecommunications tower application only if the application includes evidence that the tower will not: (1) have fewer than two communications providers collocate on the tower, or fewer than three communications providers collocate on the tower if the tower is more than 100 feet in height; (2) be sited within two miles of any other telecommunications tower upon which the mile radius of the tower will be unavailable or would not meet service coverage needs; (3) be more than 180 feet in height; (4) be more than 40 feet in height if located within an urban growth boundary; (5) be a monopole construction; (6) require electronic lighting or reflective material except as required by Federal Aviation Administration regulations or other federal or state law; (7) include a whip antenna that will exceed the height of the tower by more than 20 feet; or (8) include a directional or parabolic antenna that will exceed seven feet in diameter or width or 14 feet in height if attached to a tower. Allows telecommunication tower approval by permit under planning and zoning hearings and review statutes if it is not permitted by administrative review of the application. Requires that the application for a telecommunications tower permit demonstrate: why the tower cannot be approved through an administrative review application; coverage limitations; the type of system, including broadcast or cellular signal; technical and engineering feasibility of the tower; public safety features of the tower; and compliance with other requirements of local, state, and federal agencies. Requires that the owner of a telecommunications tower constructed prior to January 1, 2020 must have the tower approved as a modification under this Act by January 1, 2030, or must

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decommission and remove the tower. Requires that the owner of a telecommunications tower that has not operated for more than 18 months decommission and remove the tower. Allows a county to impose a fine of up to \$7,500 against the owner of a telecommunications tower that is not in compliance with this Act. Allows counties that have enacted similarly prescriptive development standards or procedures relating to telecommunications towers to continue to apply those standards and procedures to all applications to develop, replace, alter, modify, or reconstruct a tower that are filed before January 1, 2030.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

Communication towers are used for many types of electronic communication including radio, cellular, emergency medical services, and global positioning satellite technology. The dramatic increase in demand for cellular phones, wireless e-mail, and Internet access over the past few decades has resulted in a sharp increase in total technology towers built in Oregon and across the United States.

House Bill 2560 would direct DLCD to study methods to mitigate impacts of technology towers on aesthetics.