

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2560**

1 In line 2 of the printed bill, delete “; and declaring an emergency”.

2 Delete lines 4 through 26 and insert:

3 **“SECTION 1. Sections 2 to 4 of this 2019 Act are added to and made**  
4 **a part of ORS chapter 215.**

5 **“SECTION 2. (1) As used in sections 2 to 4 of this 2019 Act:**

6 **“(a) ‘Telecommunications tower’ includes a personal wireless ser-**  
7 **vice facility, broadcast communications facility and other technolog-**  
8 **ical communications facilities.**

9 **“(b) ‘Telecommunications tower’ does not include a roof-mounted,**  
10 **building-integrated or building-mounted communications structure**  
11 **that extends no more than an additional five feet above the highest**  
12 **ridge of the building’s roof or 15 feet above the highest eave, which-**  
13 **ever is higher, and does not exceed the height limitation of the zone.**

14 **“(2) The development, replacement, alteration, modification or re-**  
15 **construction of a telecommunications tower is not allowed except**  
16 **through administrative review of an application filed under subsection**  
17 **(4) of this section or approval of a permit filed under subsection (5)**  
18 **of this section.**

19 **“(3) A telecommunications tower application must:**

20 **“(a) Identify all communications providers that will collocate on the**  
21 **tower;**

1       **“(b) Identify all existing telecommunications towers and all prop-**  
2 **erties that have obtained approval for a telecommunications tower**  
3 **within two miles of the proposed tower location;**

4       **“(c) Include certification by a professional engineer that the con-**  
5 **struction will comply with structural standards for a telecommuni-**  
6 **cations tower;**

7       **“(d) Demonstrate that the applicant has legal access to any private**  
8 **road necessary to access the tower and that the applicant is obligated**  
9 **to improve and maintain the private road; and**

10       **“(e) Include a site-specific study identifying the tower site and**  
11 **demonstrating how the materials, surfacing and coloration used on the**  
12 **tower and associated fixtures will appropriately blend into the back-**  
13 **ground, match the surrounding environment and minimize glare, in-**  
14 **cluding by stealth construction or concealed towers.**

15       **“(4) A new or replacement telecommunications tower application**  
16 **may be approved through administrative review only if the application**  
17 **includes evidence that the tower will not:**

18       **“(a) Have fewer than two communications providers colocate on the**  
19 **tower, or fewer than three communications providers colocate on the**  
20 **tower if the tower is more than 100 feet in height;**

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

24       **“(c) Be more than 180 feet in height;**

25       **“(d) If located within an urban growth boundary, be more than 40**  
26 **feet in height;**

27       **“(e) Be a monopole construction;**

28       **“(f) Require electronic lighting or reflective material except as re-**  
29 **quired by Federal Aviation Administration regulations or other federal**  
30 **or state law;**

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

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

6       “(5) Approval of a telecommunicatoins tower that is not permitted  
7 under subsection (4) of this section may be approved only by permit  
8 under ORS 215.402 to 215.438. An application for a telecommunications  
9 tower permit under this subsection must demonstrate:

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

12       “(b) Coverage limitations;

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

14       “(d) Technical and engineering feasibility of the tower;

15       “(e) Public safety features of the tower; and

16       “(f) Compliance with other requirements of local, state and federal  
17 agencies.

18       “SECTION 3. (1) Notwithstanding any county permit or any other  
19 order or decision issued before the effective date of this 2019 Act, no  
20 later than January 1, 2030, the owner of a telecommunications tower  
21 constructed prior to the effective date of this 2019 Act must have the  
22 tower approved as a modification under section 2 (2) of this 2019 Act  
23 or must decommission and remove the tower.

24       “(2) The owner of a telecommunications tower that has not oper-  
25 ated for more than 18 months shall decommission and remove the  
26 tower.

27       “SECTION 4. A county may impose a fine of up to \$7,500 against the  
28 owner of any telecommunications tower that does not comply with  
29 section 2 or 3 of this 2019 Act.

30       “SECTION 5. Notwithstanding sections 2 to 4 of this 2019 Act,

1 **counties that have enacted similarly prescriptive development stan-**  
2 **dards or procedures relating to the approval of, aesthetics for and**  
3 **permissible locations of telecommunications towers may continue to**  
4 **apply those standards and procedures to all applications to develop,**  
5 **replace, alter, modify or reconstruct a telecommunications tower that**  
6 **are filed before January 1, 2030.”.**

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