



# CITY OF PORTLAND, OREGON BUREAU OF DEVELOPMENT SERVICES

1900 SW Fourth Avenue, Portland, Oregon 97201, [www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)



## Conditional Use Approval Criteria Radio Frequency Transmission Facilities, Ch. 33.815.225

### What is a Conditional Use?

A conditional use is one that is not allowed outright because it may change the desired character of an area. After review, the use may be permitted if there are minimal impacts, or if impacts are mitigated.

### How will Planning review my proposal?

Your conditional use proposal will be reviewed in either a Type Ix, Type II or Type III procedure. The review procedures are explained in Part B of this packet. If you want to know which procedure your application will go through, call or visit Planning and Zoning in the Development Services Center, 823-7526. For more information about the Conditional Use Review Procedures, see Chapter 33.815 Conditional Uses.

### What other requirements must be met?

The development standards of the Base Zone must be addressed as well as the development standards for Radio Frequency Transmission Facilities, Chapter 33.274 (see attached). If a facility is proposed on a site with existing development the Nonconforming Development requirements of Chapter 33.258 may also apply (see attached Nonconforming Threshold information).

### What is a complete application?

A checklist of everything that you will need to submit with your application is included at the front of this packet. Use the checklist as a guide as you work through the application packet.

**Written Statement:** The written statement mentioned in the checklist is your opportunity to describe how your proposal meets the necessary approval criteria. In addition to the written statement, you must include a site plan, drawings, specifications and other documents which demonstrate how your proposal meets the approval criteria.

**Site Plan:** The site plan is a drawing which shows that your proposal meets the site development standards for your proposal.

**Elevations or Other Drawings:** Elevations, engineering and architectural drawings and/or pictures need to be provided to identify the visual impacts of the proposal.

### About Radio Frequency Transmission Facilities Approval Criteria:

These approval criteria allow for radio broadcast facilities in locations where there are few impacts on nearby properties.

You need to show how your request meets the approval criteria that are listed below. You may answer in the space that we have provided or you may submit a separate written statement in which you address each item. If you submit a separate written statement, use the approval criteria as an outline, so that anyone who reads your application can find where you have addressed each item.

Before you address the approval criterion C, be sure to read through the *Radio Frequency Transmission Facilities, Chapter 33.274 in the Zoning Code*. Check to see if your proposal is exempt from regulation, or is allowed outright. If your proposal is not exempt, or allowed, read through the rest of the chapter and note which sections apply to your proposal. You will need to refer back to the chapter as you address the approval criteria and as you draw up your site plan/building plans.

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Requests for conditional use will be approved if the review body finds that **all** of the approval criteria have been met. Be sure to address each item.

### **Approval Criteria (33.815.225):**

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
  - 1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
  - 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
  - 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
  - 1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
  - 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
  - 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
    - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
    - b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
    - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
    - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
    - e. Other methods that adequately minimize visual impact;
  - 4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
  - 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
  - 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for personal wireless service facilities, proposing to locate on a tower in a C, CI2, or EX zone more than 50 feet from an R zone:
  - 1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
  - 2. The tower, including mounting technique, must be sleek, clean and uncluttered;

3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
4. The visual impact of the tower on the surrounding area must be minimized;
5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

**D. Approval criteria for all other Radio Frequency Transmission Facilities:**

1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
2. The facility will be located so that impacts on mature trees and tree groves are minimized;
3. Public benefits of the use outweigh any impacts which cannot be mitigated; and
4. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

**Applicant's Response:**

Please explain your proposal and how it meets the applicable Approval Criteria A **through** D for a Conditional Use for Radio Frequency Transmission Facilities. Respond below or in a separate written statement.

**A. My proposal meets requirement A because:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. My proposal meets requirement B because:** \_\_\_\_\_  
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\_\_\_\_\_

**C. My proposal meets requirement C because:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. My proposal meets requirement D because:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For more information visit or call the Planning and Zoning staff at the  
Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526  
For current Portland Zoning Code visit [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode)  
Information is subject to change