

## 33.533 Healy Heights Plan District

# 533

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Map 533-1 Healy Heights Plan District

### **33.533.010 Purpose**

The Healy Heights Plan District provides additional regulations for the conditional use review of Radio Frequency Transmission Facilities in a unique situation. Healy Heights has a concentrated and complex array of radiofrequency sources and towers located within a developed single-family neighborhood. The plan district protects the established character of the neighborhood while ensuring that the broadcast and communications industry at this location remains viable. This plan district achieves its purpose through:

- Control of aesthetic impacts through limitations on additions to or expansion of broadcast towers;
- Improving the opportunity for communication between the users of broadcast facilities and surrounding residents;
- Requiring mitigation of the effects of radiofrequency interference to the extent practicable; and
- Reaffirming the importance of Healy Heights to the Radio Frequency Transmission industry and to the people served by that industry.

### **33.533.020 Where the Regulations Apply**

The regulations of this chapter apply only to Radio Frequency Transmission Facilities within the Healy Heights Plan District. All Radio Frequency Transmission Facilities and accessory uses are described in and regulated by Chapter 33.274. The boundaries of the plan district are shown on Map 533-1 at the end of this chapter, and on the Official Zoning Maps.

### **33.533.030 Existing Towers**

Existing towers may continue to operate. Up to 7 Radio Frequency Transmission towers are allowed in the plan district. Additional towers are prohibited. When a tower is removed from the plan district, the maximum number of towers allowed is reduced accordingly. The maximum number of towers cannot exceed the number of towers present in the plan district.

### **33.533.040 Relocation of Existing Towers**

Existing towers may be relocated within the plan district if the review body finds the following approval criteria are met:

- A.** Relocation of an existing tower does not result in a taller tower, an increase in the extent to which ice may fall from the tower to a nearby property in residential use, an increase in wind noise, or in power density on properties in residential use.
- B.** Relocation of an existing tower must result in reduced aesthetic impact for nearby residential uses and may not result in a significant increase in the aesthetic impacts to the City as whole. Aesthetic impacts include, but are not limited to:
  - Tower design;
  - Tower height;
  - Tower mass;
  - Tower coloring/visibility;
  - Landscaping;
  - Accessory structure design; and
  - Setbacks.

### **33.533.050 New Towers and Expanded Facilities**

New towers and reconstruction that will expand tower capacity may be approved if the review body finds the approval criteria of A and B, below, are met. Temporary towers may be approved if the review body finds that criterion C, below, is met. All other new towers or reconstruction that will expand tower capacity are prohibited.

- A. Tower sharing.** The new or expanded tower facility is designed as a shared use facility and will provide for consolidation of existing Radio Frequency Transmission Facilities from within the plan district.
- B. Tower consolidation.** An existing tower, or towers, within the plan district is to be removed as part of the proposal, resulting in a net reduction of the number of towers present in the plan district.
- C. Temporary towers.** Temporary auxiliary towers may be used when necessary for the reconstruction of an existing tower, to protect workers from excessive levels of radiofrequency energy, or to replace a damaged tower. The temporary auxiliary tower may remain until such time as the existing tower is returned to regular use, and then it must be dismantled and removed from the plan district within 90 days. A temporary tower may not be in place for more than 2 years or exceed the radio frequency emissions levels or exposure limits established by the Federal Communications Commission (FCC). Applicants must certify compliance with FCC emissions standards with the permit application.

### **33.533.060 Damage, Destruction, and Discontinuance**

- A. Reconstruction and maintenance.** Existing towers may be repaired or undergo major maintenance for structural safety, as confirmed by a licensed engineer. Repair or maintenance may not result in a tower with increased dimensions. Improved structural

integrity may not, by itself, result in an increase in the number of antennas or transmitters, or in power density.

- B. Discontinuance.** In the event that a tower is demolished or not used and maintained as a broadcast or relay facility for a period of 2 years, it must be dismantled and removed from the plan district.

### **33.533.070 Development Standards**

- A. Minimum site size.** The minimum site size requirements of 33.274.040, do not apply to sites in this plan district, as they appear at the time of adoption of this plan district, and as long as such sites have a tower used and maintained as a broadcast or relay facility.
- B. Setbacks.** Where the subject site abuts a site which includes a Radio Frequency Transmission Facility, the minimum tower setback requirements of 33.274.040, do not apply to new or replacement towers in this plan district. Where the subject site abuts a site in exclusive residential use, the minimum tower setback requirements of 33.274.040 apply to all new or replacement towers in this plan district.
- C. Other development aspects.** All aspects of development not regulated by this chapter are regulated by 33.274.

### **33.533.080 Monitoring and Power Density Measurements**

- A. Monitoring.** Monitoring of RF fields will occur as determined by the Healy Heights RF Advisory Board, to confirm that conditions as described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase II, December 16, 1991, have remained the same or changed in the manner predicted by subsequent approved applications for change or addition.
  1. Monitoring must be performed by a qualified technician or engineer.
  2. Monitoring will consist of measurement of radiofrequency fields in a manner comparative to and compatible with, the methodology used in and described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990.
  3. Monitoring must include at least the points used for narrow band measurements in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, plus a minimum of 10 other points identified in that document, falling outside of and generally dispersed around the plan district.
  4. Monitoring will occur when there is reasonable cause to believe that one or more of the facilities at Healy Heights is causing radiofrequency radiation in excess of the levels allowed. Monitoring may occur at random.
- B. Required power density assessment.**
  1. Calculation of power density. All applications for new or expanded facilities not exempted by 33.274.030, will be accompanied by a calculation of the effects of the proposed facility on the existing radiofrequency environment. The calculation of power density must be made for the points used for narrow band measurements in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I

and II, plus a minimum of 10 other points identified in this document, falling outside of and generally dispersed around the plan district.

2. Measurement of power density. When calculations show that the majority of the measurement points will have an increase of 25 percent of the difference between the latest base line study of power density levels and the maximum power density allowed, a new base line power density level must be established. A new base line will be established by measuring the power density at, or as near as reasonably possible, all measurement points identified in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, after regular operation of the facility has commenced. Final approval of the facility will be contingent upon documenting compliance with the radio frequency emissions levels and exposure limits established by the Federal Communications Commission (FCC).
- C. Method of power density measurements.** All measurements, whether for monitoring or required of an applicant, must be made in the manner described by the section entitled Technical Approach, beginning on page 9 of An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990. For the purpose of monitoring radiofrequency fields, measurements need not necessarily occur at all points measured in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, but should occur as near to those points as reasonably possible and in sufficient number to ascertain to what extent the radiofrequency environment has changed.

### **33.533.090 Radiofrequency Interference**

All Radio Frequency Transmission Facilities owners and operators are responsible for assuring that interference to consumer electronic devices, from their equipment, is kept to the minimum level possible.

- A. Interference survey.** Surveying the extent of radiofrequency interference (RFI) will occur in the manner and frequency as determined by the Healy Heights RF Advisory Board. Survey of RFI may be included as a condition of approval to a land use approval or as a joint responsibility of the operators and owners of the Healy Heights RF facilities. To the extent possible, such surveys will determine the types of interference encountered, the area of interference, and the source of interference.
- B. Mitigation of interference.** When the source of RFI can be determined, the owner and operator of that source will be responsible for any and all steps necessary for mitigation of the effects of the RFI, as determined appropriate by the Healy Heights RF Advisory Board.

### **33.533.100 Procedures**

Construction of a temporary tower will be reviewed through the Type II procedure. All other Radio Frequency Transmission Facility proposals are subject to the review procedures of Chapter 33.274, Radio Frequency Transmission Facilities.

The staff may require an application for a new tower to be reviewed by the Design Commission for advice to the Hearings Officer or City Council.

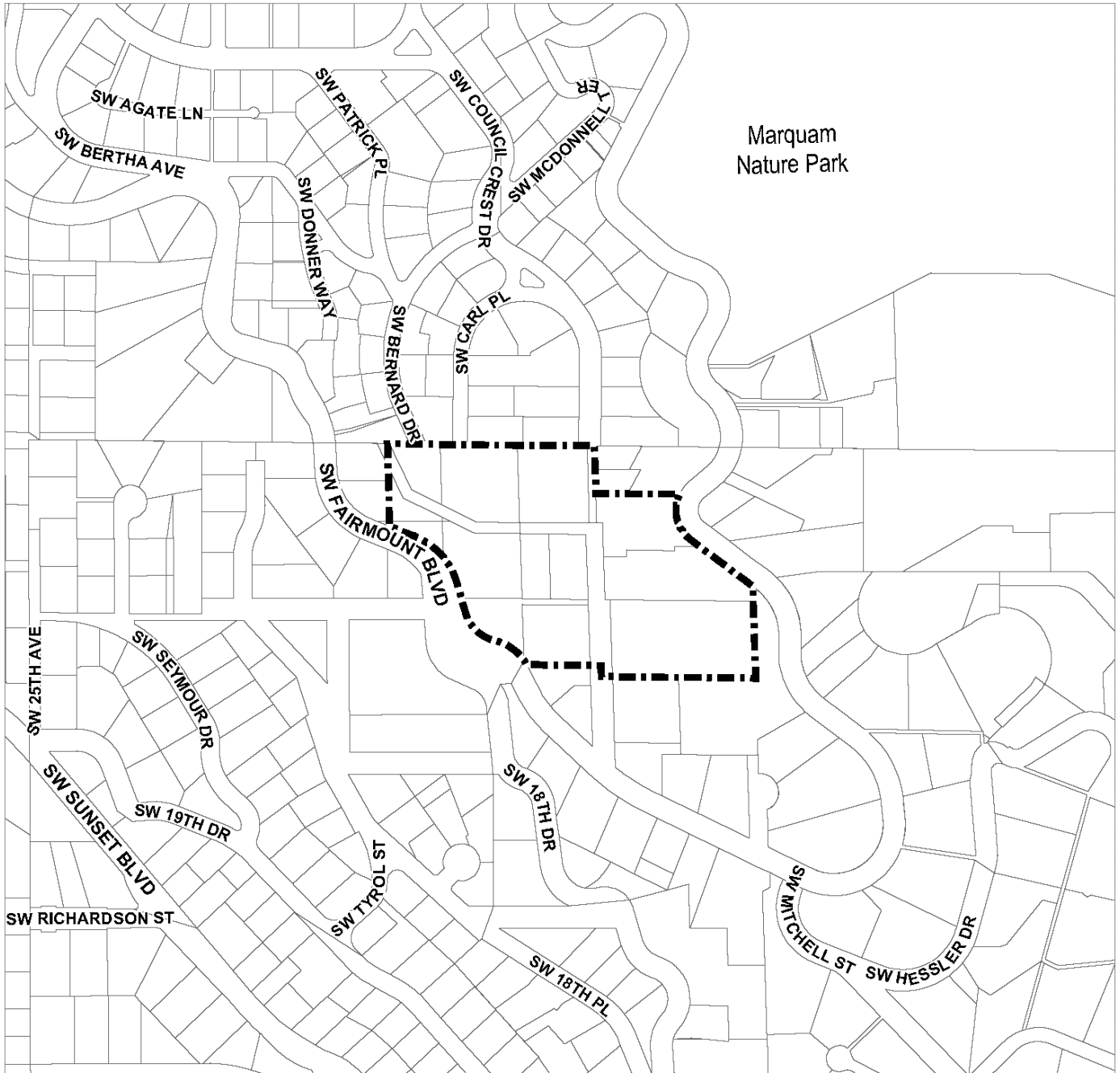
*(Added by: Ord. No. 166921, effective 10/1/93; Ord. No. 167650, effective June 10, 1994; Ord. No. 171718, effective 11/29/97; Ord. No. 186639, effective 7/11/14.)*



# Healy Heights Plan District

# Map 533-1

Map Revised July 8, 2016



Plan District Boundary



0 300 600



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

