

2.203 Specific Conditional Uses

The purpose of this Section is to establish additional development standards for specific uses which are allowed conditionally. These standards are intended to mitigate the impacts of the particular use when allowed through the Conditional Use process.

- 2.203.01 General Provisions
- 2.203.02 Historically and Architecturally Significant Buildings
- 2.203.03 Telecommunications Facilities

2.203.01 General Provisions

- A. Specific conditional uses require conditional use approval that is subject to:
 - 1. The supplementary conditional use approval criteria specified in this section;
 - 2. Additional conditions of development found to be appropriate to mitigate impacts of a particular use;
 - 3. Development standards of the underlying zone, unless the specific conditions of approval set higher standards.
- B. The specific development standards for each type of conditional use listed in this section are mandatory. Any deviation from these standards shall comply with criteria for a variance.
- C. The provisions of this section shall not apply to those uses allowed outright in a particular zone.

2.203.02 Historically and Architecturally Significant Buildings

Certain non-residential uses are permitted as specific conditional uses in the RS and RM zones, in order to preserve historic and architectural resources by allowing an increase in the intensity of use. The conditional use process is intended to strike a balance between providing the economic incentive to restore and maintain the resource, and mitigating any negative impacts of the proposed use on surrounding uses.

A. Criteria for Building Designation

To qualify for designation as a historically or architecturally significant building, the building shall meet one or more of the following criteria:

- 1. Be designated on the “National Register of Historic Places” published by the U.S. Department of Interior, or any other inventory of historic structures acknowledged by the State Historic Preservation Office;
- 2. Be designated an architecturally significant building or awarded recognition for meritorious design by a recognized professional design organization;
- 3. Be designated in the cultural resource inventory of the Comprehensive Plan as a

historically or architecturally significant building.

B. Supplemental Conditional Use Approval Criteria

1. The building is designated historically or architecturally significant, pursuant to this section;
2. The more intensive use of the building is necessary to maintain and preserve its continued existence;
3. In addition to the uses permitted in the underlying zoning district, adaptive reuse of the property may be allowed to a more intensive use. Such adaptive reuse of the property shall be limited to the uses specified in this section.
4. The scope and intensity of negative impacts associated with the proposed use can be suitably conditioned to mitigate adverse affects on adjoining uses.

B. Adaptive Reuses Permitted:

1. Additional dwelling units, limited to three dwelling units in an RS zone
2. Retail trade
 - a. Art gallery
 - b. Clothing and accessory stores
 - c. Picture frame shop
3. Professional services
 - a. Legal services
 - b. Accounting
 - c. Architects and engineers
 - d. Specialized design services
 - e. Computer system design
 - f. Management consulting
 - g. Advertising
4. Management and support services
 - a. Telephone answering service
5. Health care and social assistance
 - a. Physician, dentist, and other health practitioner offices
 - b. Child day care services
 - c. Other individual and family services
6. Accommodations, limited to two guest rooms
 - a. Bed-and-breakfast inn

C. Development Standards

1. All proposed exterior alterations of the building, additions to the building and addition of structures on the same site, shall maintain the visible architectural and/or historical features and design character that identify the building as a designated resource.
2. Adaptive re-use limits on-site employees to a maximum of three.

2.203.03 Telecommunications Facilities

All telecommunication facilities shall be regulated by the provisions of this section of the Woodburn Development Ordinance (WDO). In the event of any conflict between this and other sections of the WDO, the most restrictive provisions shall control.

A. Definitions

Aerial: A privately owned and operated antenna for non-commercial uses, subject to height limitations as specified in the WDO. Aerial includes “amateur radio antennae”, but is not a “telecommunications facility”.

Ancillary Facilities, Telecommunications: The structure and equipment required for operation of the telecommunication equipment, including, but not limited to, antenna(e), repeaters, equipment housing structures, and ventilation and other mechanical equipment.

Antenna(e), Telecommunications: An electrical conductor or group of electrical conductors that transmit or receive radio waves for commercial uses.

Attachment, Telecommunications: An antenna or other piece of related equipment affixed to a transmission tower.

Collocated Telecommunications Facilities: The attachment of new or additional transmission facilities to an existing transmission tower designed for such multiple use.

Exchange Carrier: A provider of telecommunications services.

Guyed Tower, Telecommunications: A transmission tower on which cables (guy wires) are permanent.

Lattice Tower, Telecommunications: A transmission tower constructed of lateral cross members.

Monopole, Telecommunications: A transmission tower consisting of a single upright pole support that does not require guy wires or lateral cross.

Pre-existing Towers and Pre-existing Antenna(e), Telecommunications: Any tower or antenna for which a building permit has been properly issued, prior to passage of the WDO.

Repeater, Telecommunications: Equipment containing both a receiver and a transmitter; used to relay radio signals over large distances or to provide signals in an area which would otherwise be in a shadow.

Shadow, Telecommunications: A geographic area that has less than adequate telecommunication service coverage.

Telecommunications Facilities: Facilities designed and used for the purpose of transmitting

and receiving voice and data signals from various wireless communications devices.

Telecommunications Facilities, New: The installation of new transmission towers. New attachments are not new facilities.

Tower Footprint, Telecommunications: The area described at the base of a transmission tower as the perimeter of the transmission tower, including the transmission tower foundation and any attached or overhanging equipment, attachments, or structural members, but excluding ancillary facilities and guy wires and anchors.

Tower Pad, Telecommunications: The area that encompasses the tower footprint, ancillary facilities fencing and screening.

Tower Height, Telecommunications: The vertical distance from the highest point on the transmission tower to the original grade of the ground directly below.

Transmission Tower, Telecommunications: The structure on which receiving antennae are located.

B. Standards of Approval

1. All new telecommunications facilities shall be located on a property of sufficient size to comply with the following:
 - a. A setback from all property lines to the tower, which is at least two-thirds the tower height. This standard shall not apply to collocated telecommunications facilities.
 - b. A tower pad large enough to allow for additional collocated and ancillary facilities. The tower or towers shall be located centrally on this pad. This standard shall not apply to antenna(e) attached to existing structures or towers located on rooftops.
 - c. Protection to adjoining property from the potential impact of tower failure and ice falling from the tower. A registered structural engineer’s analysis shall be submitted that demonstrates that the site and facility adequately accommodate measures to mitigate these hazards.
 - d. Separation from pre-existing towers. Tower separation shall be measured by following a straight line from the base of the proposed tower to the base of any pre-existing tower. Minimum separation distances shall be as indicated in Table 2.204A.

Minimum Separation Among Telecommunication Facilities				
Table 2.203A				
	Lattice Tower	Guyed Tower	Monopole 80 or more feet in height	Monopole less than 80 feet in height
Lattice Tower	500 feet	500 feet	150 feet	75 feet
Guyed Tower	500 feet	500 feet	150 feet	75 feet
Monopole 80 or more feet in height	150 feet	150 feet	150 feet	75 feet
Monopole less than 80 feet in height	75 feet	75 feet	75 feet	

2. Collocation

- a. Before a proposal for a new transmission tower is considered, an applicant shall

exhaust all collocation options, including placement of antennae on existing tall structures and multiple antennae or attachments on a single tower. In cases where an existing tower is modified or rebuilt to a taller height to allow collocation, such change may only occur one time per communication tower site and may only occur when the modification or rebuild request has been initiated by a separate exchange carrier.

- b. New telecommunication facilities shall be constructed so as to accommodate future collocation, based upon expected demand for transmission towers in the service area. Towers shall be designed so as to accommodate a minimum expansion of three two-way antennae for every 40 vertical feet of tower.
 - c. Replacement of existing pole type structures may be permitted for the purpose of collocation, provided that there is no change to the type of tower. Setback and other location criteria of the underlying zone shall still apply.
3. Multiple Attachments on Utility Poles: In conformance with the Telecommunications Act of 1996, Section 703, a utility shall provide any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it, unless there is insufficient capacity, or access cannot be granted for reasons of safety, reliability, and generally applicable engineering purposes.
4. Height: New telecommunication facilities shall not exceed the height limits established by the underlying zone.
5. Visual Impact: The applicant shall demonstrate that the tower will have the smallest practicable visual impact on the environment, considering technical, engineering, economic and other pertinent factors.
 - a. The height and mass of the transmission tower shall not exceed that which is essential for its intended use and public safety, as demonstrated in a report prepared by a registered structural engineer.
 - b. Towers 100 feet or less in height shall be painted, in order to best camouflage the tower with regard to compatibility with surrounding objects and colors. Unless towers are otherwise disguised or collocated, towers shall be camouflaged as trees whenever structurally possible.
 - c. Towers more than 100 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration standards, unless an appropriate waiver is obtained. Where a waiver has been granted, towers shall be painted and/or camouflaged in accordance with Section 2.204.03.A.5.b.
6. Accessory Uses: Accessory uses shall include only buildings and facilities that are necessary for transmission functions and associated satellite ground stations, and shall not include broadcast studios (except emergency broadcast), offices, vehicular storage areas, or other similar uses not necessary for the transmission or relay functions. No unenclosed storage of materials is allowed.
7. Lighting: No lighting shall be permitted on transmission towers, except that required by the Oregon State Aeronautics Division or Federal Aviation Administration. This standard shall not prevent shared use or replacement of an existing light pole. For

collocation on existing or replaced light poles the transmission tower shall have no net increase to the spread, intensity or direction of the existing light source.

8. Noise: Noise generated by equipment shall be sound-buffered by means of baffling, barriers, or other suitable means, to reduce the sound level measured at the property line to 30 dBA when adjacent to residential uses and 45 dBA in other areas.
9. Fences and Landscaping:
 - a. The tower(s) and ancillary facilities shall be enclosed by a six foot fence meeting the requirement of the WDO. Chain link fences, when allowed, shall have a green vinyl coating. Where a six foot fence in sound condition already exists on a side or sides of the tower pad area, fencing requirements may be waived for that side.
 - b. Landscaping shall be placed outside of fences and shall consist of fast-growing vegetation, with a minimum planted height of six feet, placed densely so as to form a solid hedge.
 - c. Landscaping and fencing shall be compatible with other nearby landscaping and fencing.
 - d. Where antenna(e) or towers and ancillary facilities are to be located on existing buildings or structures and are secure from public access, landscaping and fencing may be waived.
10. Signs: One unilluminated sign, not to exceed two square feet in area, which states the contact name and phone number for emergency purposes shall be provided at the main entrance to the facility. Signs shall not be placed on towers and antennae.

C. Abandoned Facilities:

1. When the use of a transmission facility is discontinued for a period of six or more consecutive months, the facility is deemed abandoned. Abandoned facilities shall be removed by the property owner no later than 90 days from the date of abandonment.
2. Failure to remove an abandoned facility is declared a public nuisance and is subject to abatement, pursuant to the Woodburn Nuisance Ordinance and all other applicable legal remedies.
3. Upon written application prior to the expiration of the six month period, the Director shall grant a six month extension for reuse of the facility. Additional extensions beyond the first six month extension may be granted by the Director, subject to any conditions required to bring the project into compliance with current laws and to make it compatible with surrounding development.