

### 4.3.100 Infrastructure Standards—Utilities

#### Subsections:

- 4.3.105 Sanitary Sewers
- 4.3.110 Stormwater Management
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- 4.3.145 Wireless Telecommunications System (WTS) Facilities

<b>4.3.105 Sanitary Sewer</b>
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- (A) All sanitary sewer design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.
- (B) Sanitary sewers must be installed to serve each new development within the city limits and to connect developments to existing sanitary sewer mains.
- (C) The sanitary sewer must be designed and constructed in conformance with Chapter 2 of the *Engineering Design Standards and Procedures Manual* (EDSPM).
- (D) The City Engineer must approve all sanitary sewer plans and proposed systems prior to development approval for an application proposing or requiring new sanitary sewer construction.
- (E) For proposed developments in unincorporated urbanizable land, the Lane County Sanitarian must approve all septic system designs.
- (F) The sanitary sewer system must be separated from any stormwater sewer system.

#### 4.3.110 Stormwater Management

##### (A) Stormwater Management Improvements – General Standards

- (1) All stormwater management system design including supporting documentation must be prepared and stamped by an Oregon licensed Engineer.
- (2) A stormwater management system must be installed to serve each new development within the city limits.
- (3) The stormwater management system must be designed and constructed in conformance with 4.3.110(C) - Stormwater Study Standards below.

- (4)** The stormwater management system must be separated from any sanitary sewer system.
- (5)** Any development that creates or replaces 5,000 square feet or more of impervious surface area and discharges to the storm system must install storm water controls that minimize the amount and rate of surface water runoff into the city stormwater system. The storm system must be constructed consistent with the *Engineering Design Standards and Procedures Manual* sections 4.03.1, 4.03.2, and 4.03.4.
- (6)** Identification of Water Quality Limited Watercourses. The Director must maintain a Water Quality Limited Watercourses (WQLW) Map on file in the Development Services Department, which designates certain watercourses and their direct tributaries within the City and its urbanizing area. Any revision to the WQLW Map must be approved by the City Council as an amendment to this Code. Those watercourses and their direct tributaries included on the WQLW Map have been found to warrant protective measures in support of the City's response to State and federal regulations regarding surface and subsurface discharging stormwater management systems by satisfying the following standard:

  - (a)** Water Quality Limited Watercourses (WQLW): Waters of the State that meet one or more of the following standards:

    - (i)** Watercourse reaches, lying within the City and its urbanizing area, that are included by the State of Oregon Department of Environmental Quality (ODEQ) on its most recently adopted "303(d)" List of Impaired and Threatened Waterbodies.
    - (ii)** Watercourse reaches, lying within the City and its urbanizing area, with significant water quality impairment identified by water quality monitoring and sampling done in accordance with approved quality assurance/quality control (QA/QC) protocols.
  - (b)** A direct tributary to a WQLW that satisfies the following standards:

    - (i)** Any watercourse that flows directly into a WQLW. However, watercourses that flow into the WQLW as a piped connection, where the pipe system extends more than 200 feet upstream of the connection point are not considered as flowing into a WQLW under this standard.
    - (ii)** Any watercourse that is a diversion from a WQLW and that discharges into either a WQLW or other direct tributary to a WQLW and where the water quality of the diverted flow at the discharge point has been degraded when compared with the water quality at the diversion point.
- (7)** Protection of Riparian Area Functions. A developer is required to employ site design, landscaping, and drainage management practices to protect, preserve, and restore the riparian area functions of the reaches of those watercourses shown on the WQLW Map that are contained within or abut the lot/parcel upon which the proposed development is located. For the purposes of this Code, riparian area functions include, but are not limited to:

- (a) Maintaining temperature;
- (b) Maintaining channel stability;
- (c) Providing flood storage;
- (d) Providing groundwater recharge;
- (e) Removing sediments;
- (f) Reducing contaminants, for example: excess nutrients; oils and grease; metals; and fecal coliform;
- (g) Moderating stormwater flows; and
- (h) Providing fish and wildlife habitat.

**(B) Stormwater Study Standards**

- (1) A complete Stormwater Study, as outlined below, must be submitted for all developments that generate public and/or private stormwater runoff from more than one acre of land or generate peak flows in excess of 0.5 cfs. Applications for development that creates 5,000 square feet of new impervious surface or modifies an existing stormwater management system with a capacity of 0.5 cfs or greater must also include a complete Stormwater Study.

All developments containing or adjacent to a floodplain, stream, wetland, natural resource area, or wellhead protection zone must include in the submitted Stormwater Study a review and report on the impact to those.

- (2) A Stormwater Study must include the following:
- (a) A written narrative describing the proposed stormwater management system in detail, including connections to the public stormwater management system, a description addressing water quality measures (Best Management Practices) proposed, as well as any necessary capacity measures that may be required for development (i.e. – a detention pond) as determined by the Stormwater Study.
  - (b) A hydrological study map, that contains:
    - (i) The development site and adjacent areas that contribute in excess of 0.1 cfs from offsite flows, well defined, and an area beyond the development site of not less than 100 feet;
    - (ii) Streets adjacent to or hydrologically connected to the development area, and street names;

- (iii) Flow arrows in streets and ditches;
- (iv) Contours or spot elevations for verification of direction of overland flow and pipe cover; Contour intervals on the study map must be as follows:

Slope (%)	Contour Interval (Feet)
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0 - 10	2
11 - 25	5
> 25	10

- (v) Drainage areas of all sub-basins (in acres);
  - (vi) Collection points (nodes) at downstream limits of all sub-basins;
  - (vii) A profile of the stormwater management system showing invert elevations, maintenance access hole top and bottom elevations, existing utilities, and existing and finished ground line elevations;
  - (viii) Existing and proposed stormwater pipes and channels with sizes and/or cross-sections included;
  - (ix) Future pipes in the system, complete with proposed sizes, slopes, pipe cover, and flow line elevations at maintenance access holes;
  - (x) North arrow, scale, Engineer's name and contact information, and date;
  - (xi) Environmentally sensitive areas (e.g. gullies, ravines, swales, wetlands, steep slopes, springs, creeks, etc.) and direction of the flow of natural drainage features; and
  - (xii) 100-year flood plain with flood elevations and 100-year flood way, as applicable.
- (c) Hydrologic calculations to establish runoff volumes and peak flows as provided in Section....
  - (d) Hydraulic calculations to establish pipe size, flow velocity, and hydraulic grade line.

### **(C) Stormwater Study Types**

- (1) A Small Site Stormwater Study is required when all the following criteria are met:
  - (a) The proposed development is on a site that is less than five acres in size for a residential development, or is a commercial, industrial, or mixed-use development that is on a site that is one acre or less in size.

- (b) The study area drains into an existing public stormwater management system with available capacity, as determined by testing performed by an Oregon licensed Engineer in conformance with the Eugene Stormwater Manual, for the peak flow based on the storm event frequency required under SDC 4.3.110(D).
  - (c) The study area does not contain or is not abutting to a floodplain, stream, wetland, natural resource area, or well head protection zone. Only locally significant resources that are on an adopted inventory or map, or resources that are adopted as part of the WQWL map are applicable under this standard.
- (2) A Mid-Level Site Stormwater Study is required when the criteria for a Small Site Stormwater Study cannot be met and when ALL of the following criteria are met:
- (a) The development area, including any hydraulically connected area on the same property, is less than 25 acres in size.
  - (b) The development area, including any hydraulically connected area on the same property, drains to an established public system within the city limits.
  - (c) The development area, including any hydraulically connected area on the same property, does not contain or is not adjacent to a floodplain, stream, wetland, natural resource area, or well head protection zone.
- (3) A Full Site Stormwater Study is required when the criteria for a Small Site and Mid-Level Site Stormwater Study cannot be met and where any of the following conditions are met:
- (a) The development area, including any hydraulically connected area on the same property, is greater than 25 acres in size.
  - (b) Developments that require creation of a new outfall and/or the stormwater from the new development will exceed the existing stormwater management system capacity.
  - (c) The development area, including any hydraulically connected area on the same property, contains or is adjacent to a floodplain, stream, wetland, or natural resource area.
  - (d) Any development that generates a peak flow in excess of 0.5 cfs, modifies an existing stormwater management system with a capacity of 0.5 cfs or greater, or is a redevelopment or new development that creates 5,000 square feet or more of new impervious area.
- (D) **Stormwater Study Hydrologic Calculation Standards.** The stormwater study required under SDC 4.3.110(C) must be supported by hydrologic calculations that conform to the following standards:
- (1) A small site stormwater study must be supported by calculations using the rational peak flow method,  $Q=CiA$ , where 'Q' is the peak flow, 'C' is a runoff coefficient, 'i' is the rainfall intensity, and 'A' is the catchment area, as follows:

- (a) When the runoff coefficient 'C' is 0.5 or greater, the peak flow for impervious surfaces must be calculated separately from the pervious surfaces and compared to the peak flow of the combined area. The higher of the two peak flow rates must be used as the peak flow rate for the purpose of the stormwater study.
- (b) For the purposes of determining whether stormwater quality standards are met using the rational method, a rainfall intensity 'i' of 0.25 inch per hour must be used to calculate peak flow.
- (c) For the purposes of determining stormwater capacity using the rational peak flow method, the rainfall intensity 'i' must be calculated using the Intensity Duration Frequency curves from the West Springfield Drainage Master Plan (1983) (available in Chapter 4 of the *Engineering Design Standards and Procedures Manual*). The storm event frequencies in SDC Table 4.3.1 must be used:

<b>Table 4.3.1 Storm Event Frequencies</b>	
Peak Flow Range	Storm Event Frequency
<5 cfs	2-year storm event
5 cfs to <20 cfs	5-year storm event
20 cfs to <40 cfs	10-year storm event (1)
40 cfs and above	50-year storm event

(1) The 25-year storm event may be required when downstream capacity issues are identified during a Type 2 or Type 3 review process.

- (2) A mid-level site stormwater study and full site stormwater study must be supported by calculations using the unit hydrograph method.
  - (a) The Natural Resources Conservation Service (NRCS) SCS Type 1A distribution must be used (provided in the *Engineering Design Standards and Procedures Manual* for reference). The storm event frequencies in Table 4.3.1 must be used.
  - (b) For the purposes of determining whether stormwater quality standards for mid-level and full sites, a rainfall intensity of 0.83 inches per 24-hour period must be used.

A full site stormwater study must include floodplain analysis if the development will affect the floodplain. The 100-year flood event frequency must be used for development within the floodplain.

<b>4.3.115</b>	<b>Water Quality Protection</b>
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These regulations apply water quality protection to only those sites that require Minimum Development Standards Review as specified in SDC 5.15.100, Site Plan Review approval as specified in SDC 5.17.100, and Land Divisions (Partition Tentative Plan and Subdivision Tentative Plan) approval as specified in SDC 5.12.100, or that disturb more than one acre of land through a Type 1 review. The following standards do not apply to single unit dwellings duplexes, or middle housing in the R-1 District that disturb less than one acre of land, unless as specified in SDC 4.3.115(A)(1). Existing buildings that are within the riparian areas specified in SDC 4.3.115(A)(1) and (2) are not considered non-conforming. SDC 4.3-115(A)(2)(a) and (b) provide additional protection from a non-conforming status.

- (A)** When addressing criterion (E) as specified in SDC 5.12.125, for Land Divisions, and SDC 5.17.125 for Site Plan Review to protect riparian areas along watercourses shown on the Water Quality Limited Watercourses (WQLW) Map, the following riparian area boundaries must be utilized:
- (1)** Along all watercourses shown on the WQLW Map with average annual stream flow of 1,000 cubic feet per second (CFS) or greater, the riparian area boundary is 75 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained between the ordinary low water line and the top of bank and 75 feet landward from the top of bank.
- Within the Willamette Greenway, any change or intensification of use to a single unit dwelling or Middle Housing requires Site Plan Review as specified in SDC 3.3.315. through the Site Plan Review process the Director may reduce the size of the required riparian area if there is a finding that the proposed development is in compliance with SDC 3.3.300, the Willamette Greenway Overlay District, SDC 3.2.280 and other applicable provisions of this Code.
- (2)** Along all watercourses shown on the WQLW Map with average annual stream flow less than 1,000 CFS the riparian area boundary is 50 feet landward from the top of the bank. Existing native vegetative ground cover and trees must be preserved, conserved, and maintained both between the ordinary low water line and the top of bank and 50 feet landward from the top of bank.
- (a)** For all watercourses subject to Subsection 4.3.115(A)(2), other than the Mill Race or Cedar Creek, the 50-foot riparian area standard may be reduced to 35 feet, provided an equivalent amount and function of pervious land is established elsewhere on the property that utilizes water quality measures including, but not limited to: wetlands; bioswales; and additional trees, especially in parking areas, exclusive of otherwise required water quality measures and landscape areas. The applicant has the burden of proof to demonstrate, to the satisfaction of the Director, equivalency in relation to both the amount of pervious land (as specified above) and riparian area function (as specified in SDC 4.3.110(G)).
- (b)** An existing building within a riparian area is not considered a non-conforming use if destroyed by earthquake, flood or other natural disaster, or fire. In this case, the replacement building may be constructed within the same footprint as the existing building. If the building is within the Willamette Greenway, the standards in SDC 3.3.300, Willamette Greenway Overlay District apply.

- (3) Where a watercourse divides a lot/parcel and the existing riparian area along that watercourse is degraded in riparian function, the applicant may relocate the watercourse to another portion of the property as approved by the Director and applicable State or Federal agency.
- (B) Permitted Uses in Riparian Areas. The following uses are permitted in riparian areas as long as they do not diminish riparian functions:
- (1) The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow the preservation of views; or to allow maintenance vehicles to approach City maintained stormwater facilities including detention basins, outfalls, culverts and similar stormwater facilities as may be permitted by the *Engineering Design Standards and Procedures Manual*.
  - (2) The felling of hazardous trees for safety reasons as specified in SDC 5.19.100, Tree Felling.
  - (3) Riparian area restoration and enhancement including the removal of invasive plant species, where necessary.
  - (4) Flood control structures, where necessary.
  - (5) Stormwater management systems and outfalls, as specified in the *Engineering Design Standards and Procedures Manual* or as required by other regulating authorities.
  - (6) Multi-use paths for pedestrian and/or bicycle use must be permitted, provided that the multi-use path drains away from the watercourse. Multi-use paths must be located along the outer edge of the required riparian area and away from the watercourse. The multi-use path must be located at the outermost edge of the 75-foot-wide Riparian Setback to the maximum extent practicable. Utilities may be extended within a multi-use path.
  - (7) Water-dependent or water-related uses between the Willamette River and the Greenway Setback Line as may be permitted in the Willamette Greenway Overlay District.
  - (8) Private driveways, public street crossings, bridges, and necessary culverts when there is no other vehicle access to the property. Crossings must be preferably at right angles to the watercourse. Public and private utilities must be permitted within the driveway, public street, or bridge right-of-way.
  - (9) Repair, replacement, or improvement of utility facilities as long as the riparian area is restored to its original condition.
  - (10) Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.



- (11)** Other activities similar to those listed above that do not diminish riparian function. The Director must make the interpretations as specified in SDC 5.11.100.
- (C)** For protection of water quality and protection of riparian area functions as specified in SDC 4.3.110, the following standards apply:
- (1)** Avoid development or redevelopment in the following circumstances:
    - (a)** Unsuitable areas, including, but not limited to, unstable slopes, wetlands and riparian areas;
    - (b)** Stream Crossings. Where crossings have to be provided, the impacts on water quality must be minimized to the maximum extent practical; and
    - (c)** Hardening or armoring of stream banks and shorelines.
  - (2)** Prevent:
    - (a)** Stormwater discharge impacts to water quality and quantity; and
    - (b)** Erosion and sediment run-off during and after construction.
  - (3)** Protect:
    - (a)** Riparian areas, buffers, and functions around all watercourses; and
    - (b)** Wetlands, wetland buffers and wetland functions.
  - (4)** Preserve the hydrologic capacity of any watercourses.
  - (5)** Utilize Native Vegetation in Riparian Areas. The required riparian area landscaping must be installed as part of the building permit process and may be bonded as specified in SDC 5.17.150.
  - (6)** Restore and enhance riparian areas that are degraded in riparian function.
  - (7)** In applying SDC 4.3.115(C)(1) through (6), riparian area protection, preservation, restoration, and enhancement measures must be applied as follows:
    - (a)** For new development and redevelopment, existing riparian area functions must be protected and preserved. Degraded functions must be restored or enhanced through the full riparian area width, as specified in SDC 4.3.115(A)(1) and (2), and extending through the full frontage of the lot/parcel along the watercourse on the Water Quality Limited Watercourse (WQLW) Map.
    - (b)** For additions and expansions on any portion of a lot/parcel, existing riparian area functions must be protected and preserved through the full riparian area width specified in SDC 4.3.115(A)(1) and (2), and extending through the full frontage of the lot/parcel along the watercourse on the WQLW Map.

- (c) For additions and expansions within 100 feet of a watercourse on the WQLW Map on a lot/parcel that has degraded riparian functions, the area for restoration or enhancement must be based upon the ratio of the impervious area of the addition or expansion to the existing building or impervious area on the lot/parcel. The restoration or enhancement must start at the top of bank of the watercourse and work landward.

<b>4.3.117</b>	<b>Natural Resource Protection Areas</b>
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(A) The purpose of this Subsection is to protect identified natural resources in order to:

- (1) Implement the goals and policies of the Metro Plan;
- (2) Satisfy the requirements of Statewide Planning Goal 5;
- (3) Safeguard the City's locally significant wetland and riparian areas, especially the hydrologic and ecologic functions these areas provide for the community;
- (4) Safeguard fish and wildlife habitat;
- (5) Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
- (6) Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and
- (7) Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

(B) This Subsection must apply to natural resource protection areas that include land within the wetland and/or the riparian resource boundary and the development setback area, specifically:

- (1) Locally significant protected wetlands, listed in the Springfield Local Wetland Inventory and shown on the Local Wetland Inventory Map.
  - (a) The City must determine which wetlands are locally significant through application of the Oregon Freshwater Wetland Assessment Methodology to the Local Wetland Inventory.
  - (b) Inventoried wetlands which are not deemed to be locally significant must not be subject to the development setbacks and other protections described in this Subsection, but must continue to be protected under permitting authority of applicable Federal and State agencies.
  - (c) During the application review process, if a property is found to contain a wetland that has not been inventoried, the applicable Federal and State agencies must be notified. Based upon the Federal and State agency review,

both the Springfield Local Wetland Inventory and the Local Wetland Inventory Map may require amendment.

- (2)** Locally significant protected riparian areas, listed in the Springfield Inventory of Natural Resource Sites and shown on the Natural Resources Inventory Map. The City has determined which riparian areas are significant in accordance with rules adopted by the Oregon Department of Land Conservation and Development (DLCD).
- (3)** The protections described in this Subsection do not apply to:
  - (a)** Properties that received development approval or were submitted for processing before December 28, 2005.
  - (b)** Properties with approved wetland or riparian fill and mitigation plans, permits or other approved actions issued by the Oregon Department of State Lands (DSL) and or the US Army Corps of Engineers (COE) or other approving authority with jurisdiction over wetland and riparian resources.
  - (c)** Sites shown on the City's WQLW Map that are already protected with 50-foot or 75-foot development setbacks in accordance with SDC 4.3.115.
- (4)** Inventory map corrections: The Director may correct the location of a wetland or riparian boundary shown on the Local Wetland Inventory Map and/or the Natural Resources Inventory Map when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL must be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application is required for map corrections where approved delineations are provided.

**(C)** Development Setbacks for Locally Significant Wetland and Riparian Areas.

- (1)** Development setbacks are the primary element of the City's protection program for locally significant wetland and riparian areas. Development setbacks are determined as follows:
  - (a)** Locally significant wetlands on the Springfield Local Wetland Inventory which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.
  - (b)** Locally significant riparian areas identified on the Springfield Inventory of Natural Resource Sites which are not shown on the WQLW Map must be protected by a 25-foot wide development setback.
  - (c)** Where a locally significant wetlands or riparian area is only partially shown on the WQLW Map, that portion which is not protected by the City's Stormwater Quality Management Program must be protected by a 25-foot wide development setback.

- (d) Development setbacks from locally significant wetland areas are measured from the delineated edge of the wetland as acknowledged by DSL.
  - (e) Development setbacks from locally significant riparian areas are measured from the “top of bank” as defined in Chapter 6.
  - (f) Where locally significant wetlands and riparian areas overlap, the development setback area is measured from the edge of the delineated wetland.
- (2) The Springfield Local Inventory Map and the Springfield Inventory of Natural Resource Sites Map must be used to provide a visual reference for locating known wetland and riparian areas, but must not be relied upon as the final authority for locating the actual boundaries of these areas. The final authority is a delineation required as specified in SDC 5.12.120(B) and/or 5.17.120(B) in order to locate the boundaries of the resource for the purpose of applying development setbacks or other protections described in this Section.
- (D) Site Plan Review as specified in SDC 5.17.100 is required for development in commercial, industrial, R-2, and R-3 land use districts where the multiple unit housing development is proposed within 150-feet of a locally significant wetland or riparian area.

Site Plan Review is not required for:

- (1) Single unit detached dwellings and middle housing in the R-1 land use district. However, the natural resource protection standards of this Subsection apply to these single-unit detached dwellings and middle housing; and/or
  - (2) Land divisions that comply with water quality protection standards specified in SDC 4.3.115.
- (E) Permitted Uses Within Locally Significant Wetland and Riparian Natural Resource Protection Areas.
- (1) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, with no additional State or Federal permits:
    - (a) Any use, building or structure that lawfully existed as of December 28, 2005 is allowed to continue and required maintenance may occur.
    - (b) The maintenance and alteration of pre-existing ornamental landscaping must be permitted as long as no additional native vegetation is disturbed.
    - (c) These uses permitted in Subsections (a) and (b), above are not affected by any change in ownership of property.
  - (2) The following uses and activities are permitted within a locally significant wetland or riparian natural resource protection area, including the development setback area, provided that any applicable Federal, State, or local permits are secured:

- (a)** Wetland and or riparian restoration and rehabilitation activities.
- (b)** Restoration and enhancement of native vegetation, including the addition of canopy trees.
- (c)** Cutting and removal of trees that pose a hazard to life or property due to threat of falling.
- (d)** Perimeter mowing and other cutting necessary for hazard prevention.
- (e)** Removal of non-native vegetation, if replaced with native plant species at a density that prevents soil erosion and encourages the future dominance of the native vegetation.
- (f)** Normal farm practices such as grazing, plowing, planting, cultivating, and harvesting that meet the following standard and limitations:
  - (i)** The farm practices were in existence or occurring on the property as of December 28, 2005;
  - (ii)** The farm practices are of no greater scope or intensity than the operations that were in existence as of the December 28, 2005; and
  - (iii)** Normal farm practices do not include new or expanded structures, streets, or other facilities involving placement of fill material, excavation, or new drainage measures.
- (g)** Maintenance of existing drainage ways, ditches, or other structures to maintain flows at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation and any spoils are be placed in uplands.
- (h)** Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of street crossings, or water flow improvements.
- (i)** Maintenance and expansion of existing public drinking water facilities and the establishment of new public drinking water facilities. This includes essential and ancillary infrastructure and services needed for the operation of these drinking water facilities.
- (j)** Replacement of a permanent, legal, non-conforming building or structure in existence as of December 28, 2005 with a building or structure on the same building footprint, if it does not disturb additional area, in accordance with the provisions of SDC 5.8.100, Non-Conforming Use. Access to and around the building footprint must be allowed as needed for the delivery of building materials and reconstruction, but this access must not cause unnecessary disturbance to vegetation within the resource protection area. Land within the

resource protection area that is disturbed by reconstruction must be restored to its original condition.

- (k)** Expansion of a permanent, legal, non-conforming building or structure in existence on December 28, 2005, if the expansion area is not within and does not disturb the locally significant wetland or riparian resource boundary, in accordance with the provisions of SDC 5.8.100, Non-Conforming Use.
- (l)** Emergency stream bank stabilization to remedy immediate threats to life or property (Federal, State, or local emergency authorization may be needed for in-stream work).
- (m)** Maintenance and repair of existing streets, including repaving and repair of existing bridges, and culverts, provided that these practices avoid sedimentation and other discharges into the locally significant wetland or riparian resource boundary.
- (n)** Public multi-use paths, access ways, trails, boardwalks, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture;
- (o)** Construction of public and private transportation facilities, sewers, drainage ways, utilities, and other infrastructure which cannot be feasibly located outside of the locally significant wetland or riparian resource boundary, as determined by the Director. These facilities are subject to the development standards specified in Subsections (k) and (l), above.
- (p)** New fencing may be permitted by the Director where the applicant demonstrates that the following standard can be satisfied:
  - (i)** The fencing must not affect the hydrology of the natural resource protection area;
  - (ii)** The fencing must not present an obstruction that would increase flood velocity or intensity;
  - (iii)** Fish habitat must not be adversely affected by the fencing;
  - (iv)** The fencing must be the minimum necessary to achieve the applicant's purpose; and
  - (v)** Applications for new fencing within a locally significant wetland or riparian resource boundary must contain a scale drawing that clearly depicts the resource boundary and the development area setback, where applicable.
- (F)** The following uses and activities must be permitted within the development setback area only, provided all required Federal, State, or local permits are secured:
  - (1)** Docks, boat shelters, piers, boat ramps, and similar water dependent uses;

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- (2) Utilities including but not limited to water, wastewater, stormwater, electrical facilities, natural gas facilities, telecommunications, or other public improvements;
  - (3) Streets or bridges where necessary for access or crossings;
  - (4) Bioswales or similar water quality improvement projects;
  - (5) Public multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture; and
  - (6) Wetland and riparian restoration.
- (G) The following uses and activities must be prohibited within a locally significant wetland or riparian natural resource protection area, including the development setback area, unless permitted elsewhere in this Code:
- (1) Placement of new structures or impervious surfaces;
  - (2) Excavation, drainage, grading, fill, or removal of vegetation except for fire protection purposes or removing hazard trees;
  - (3) Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the protected areas;
  - (4) Disposal or temporary storage of refuse, yard debris, or other material;
  - (5) Discharge or direct runoff of untreated stormwater; and
  - (6) Uses not allowed in the list of permitted uses for the underlying zone.
- (H) Conservation and Maintenance of Locally Significant Wetland and Riparian Areas and Development Area Setbacks. When approving applications for Land Divisions, Site Plans, Master Plans, Discretionary Use Permits, Variances, and Land and Drainage Alteration Permits or for development permits for properties containing all or a portion of a wetland or riparian area, the City must assure long term conservation and maintenance of the wetland or riparian area through one or more of the following methods:
- (1) The area must be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits; or
  - (2) The area must be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits; or

- (3)** The area must be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions specified in Subsections (E) through (G), above and any conditions imposed by State or Federal permits.
- (4)** Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the Director. These mechanisms must be consistent with the purposes and requirements of this Section.
- (I)** Notification and Coordination with State Agencies. The Director must notify DSL in writing of all applications to the City for development activities, including development applications, Building Permits, and other development proposals, that may affect any wetland or riparian areas identified in the Springfield Local Wetlands Inventory or the Springfield Inventory of Natural Resources Map. This applies to both locally significant and non-significant wetlands and riparian areas.
- (J)** Development Setback Area Variances.

  - (1)** Variance applications for development setback areas require compliance with either the Major Variance standards specified in SDC 5.21.130 or the Minor Variance standards specified in SDC 5.21.125; and
  - (2)** In the case of loss of use of the property, the following additional standards apply:

    - (a)** The application of the standards of this Section renders the property unbuildable;
    - (b)** The applicant has exhausted all other options available under mapping errors specified in Subsection (B)(4), above and the development area setback variance specified in Subsection (3), below;
    - (c)** There must be no significant adverse impacts on water quality, erosion, or slope stability, or these impacts have been mitigated to the greatest extent possible; and
    - (d)** The loss of native vegetative cover must be minimized.
  - (3)** In the case of varying the development setback area, such as averaging the setback area width, the applicant must submit a plan demonstrating compliance with the additional standard:

    - (a)** There must be equal or better protection of the wetland or riparian area to be ensured through restoration, enhancement, or similar means;
    - (b)** In the case of setback averaging, the required plan must show the proposed average setback width with measurements made at no greater than 50-foot intervals over the distance the property involved in the setback averaging; and



- (c) In no case can the activities prohibited in Subsections (G)(1) through (G)(3), above occupy the locally significant riparian area or wetland or more than 50 percent of the development setback area.
  
- (K) Transportation Facilities and Structures Development Standards. The following standards apply to transportation facilities and structures within wetland protection areas, including streets and driveways, bridges, bridge crossing support structures, culverts, and pedestrian and bike paths:

  - (1) Wetland and riparian protection areas can be crossed only where there are no practicable alternatives to avoid the resource;
  - (2) Transportation facilities and structures crossing wetland and riparian protection areas must be no wider than necessary to serve their intended purposes; and
  - (3) Within buffer areas, new streets, driveways, and pedestrian and bike paths must be located or constructed so as not to alter the hydrology of the adjacent wetland or riparian corridor.
  
- (L) Utility Development Standards. The following standards apply to permitted crossing, trenching, or boring for the purpose of developing a corridor for communication, energy, or other utility lines within or crossing properties within wetland or riparian protection areas:

  - (1) Utility maintenance access roads in or crossing protected resources must meet applicable standards for transportation facilities and structures in protected resources as specified in Subsection (K), above; and
  - (2) For underground utilities, the following additional standards apply:
    - (a) Boring under the waterway, directional drilling, or aerial crossing is preferable to trenching. If trenching is the only alternative, it must be conducted in a dry or dewatered area with stream flow diverted around the construction area to prevent turbidity;
    - (b) Common trenches, to the extent allowed by the Building Code, must be required in order to minimize disturbance of the protected resource;
    - (c) Materials removed or excavated during trenching, boring, or drilling must be deposited away from the protected resource, and either returned to the trench as back-fill, or if other material is to be used as back-fill in the trench, excess materials must be immediately removed from the protected resource and its associated buffer. Side-casting of removed material into a protected resource must not be permitted;
    - (d) Backfilling of trenches must utilize excavated soils from the site whenever possible. If other materials are used for backfill, they must not be of a pervious nature that would cause the trench to become a conduit for runoff or change the original hydrology of the protected wetland or riparian site;

- (e) The ground elevation of a protected resource must not be altered as a result of utility trench construction or maintenance. The finished elevation must be the same as starting elevation; and
  - (f) Topsoil and sod must be conserved during trench construction or maintenance, and replaced on top of the trench.
- (3) Hydraulic impacts on protected resources and removal of native vegetation must be minimized; and
  - (4) Where feasible, crossings of wetland and riparian protection areas must be perpendicular to the protected area to minimize the impact.
- (M) Vegetation Management Standards.** The following standards apply to vegetation in wetland and riparian protection areas:
- (1) Vegetation removal, pruning, or mowing in a locally significant wetland or riparian boundary must be the minimum necessary and in no case substantially impair any resource functions and values. Vegetation removal, pruning, or mowing in the development area setback must be the minimum necessary. Removal, pruning, or mowing of vegetation is allowed if the applicant demonstrates one of the following:
    - (a) The action is necessary for the placement of a structure or other allowed use for which a Building Permit has been issued;
    - (b) The action is necessary for maintenance of an existing structure or transportation facility;
    - (c) The action is necessary for correction or prevention of a hazardous situation;
    - (d) The action is necessary for completion of a land survey;
    - (e) The action involves the maintenance of a landscaped area that existed prior to December 28, 2005;
    - (f) The action is part of an approved restoration, enhancement, mitigation, or erosion control plan, including, but not limited to, invasive or noxious species removal and replacement with native species, and wetland area restoration, mitigation, or enhancement; or
    - (g) The action is part of a landscape plan approved by the City, and any other appropriate agencies, in conjunction with a Building Permit that minimizes adverse impacts on protected resources.
  - (2) Planting is permitted in accordance with the following standards:
    - (a) The planting is part of an approved restoration, enhancement, mitigation, or erosion control plan;

- (b) The planting is part of a landscape plan using appropriate native plant species, and the plan is approved by the City in conjunction with approval of a Building Permit; or
- (c) The planting is to replace dead or damaged plants that were either part of a maintained landscape or part of the existing native plant community.

<b>4.3.120</b>	<b>Utility Provider Coordination</b>
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- (A) All utility providers are responsible for coordinating utility installations with the City and the developer through the Development Review Committee or by separate written correspondence.
- (B) The developer is responsible for the design, installation and cost of utility lines and facilities to the satisfaction of the utility provider.

<b>4.3.125</b>	<b>Underground Placement of Utilities</b>
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Whenever possible, all utility structures, facilities and equipment must be placed underground. However, overhead, and above ground structures, facilities and equipment are permitted for the following:

- (A) Emergency and temporary installations undertaken by utility providers for a maximum of 30 days.
- (B) Electrical transmission lines and backbone distribution feeders that are consistent with the Metro Plan's Public Facilities and Services Plan. These lines act as a main source of supply to primary laterals and direct connected distribution transformers and primary loads.
- (C) Appurtenances and associated equipment, including, but not limited to: surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes.
- (D) Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed with the approval of the City Engineer.
- (E) Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services are permitted subject to compliance with zoning district regulations and the Metro Plan's Public Facilities and Services Plan. Required landscaping and screening must be approved by the Director under Type 2 procedures for all these facilities prior to any construction being started.
- (F) Public television transmitters and receivers.
- (G) Industrial developments requiring exceptionally large power supplies may request direct overhead power during the Site Plan Review process, without a Variance.

- (H) Existing non-backbone distribution feeders located on existing streets on developed or undeveloped land.

**4.3.127 Electrical Service**

- (A) Electrical utility facilities are available to serve the site at the time of development.
- (B) Electrical utility facilities have capacity to serve the proposed development.

**4.3.130 Water Service and Fire Protection**

- (A) Each development area must be provided with a water system having sufficiently sized mains and lesser lines to furnish an adequate water supply to the development with sufficient access for maintenance.
- (B) Fire hydrants and mains must be installed by the developer as required by the Fire Marshal and the utility provider.

**4.3.135 Major Electrical Power Transmission Lines**

- (A) When necessary to increase the capacity of major electrical power transmission lines, utility providers must provide the increase by use of existing rights-of-way or easements.
  - (1) In the event that a utility provider determines that it cannot provide the increase by use of existing rights-of-way or easements, siting of major electrical power transmission lines is permitted as specified in the Metro Plan's Public Facilities and Services Plan.
  - (2) Notwithstanding Subsections (A) and (A)(1) above, a utility provider may locate major electrical transmission lines along routes identified on Auxiliary Map Number I dated 1982 of the Metropolitan Area General Plan.
- (B) Applications for siting of new major electrical power transmission lines are exempt from the provisions of SDC 5.4.105(B)(2).

**4.3.140 Public Easements**

- (A) Utility Easements. The applicant must make arrangements with the City and each utility provider for the dedication of utility easements necessary to fully service the development or land beyond the development area, as necessary. Public utility easements must be shown on plat or in a form approved by the City Attorney, and must meet the following standards:
  - (1) The minimum width for public utility easements adjacent to collector and arterial streets ten feet.
  - (2) The minimum width for sewer easements is five feet on either side of sewer line for sewers less than 12 inches diameter and less than five feet of cover, and seven feet

- on either side of the sewer line for sewers greater than 12 inches diameter or with greater than five feet of cover.
- (3) The minimum width for all other public utility easements is seven feet.
  - (4) Notwithstanding the above standards, the utility provider or the Director may require a larger easement for major water mains, major electric power transmission lines, stormwater management systems or in any other situation to allow maintenance vehicles to set up and perform the required maintenance or to accommodate multiple utility lines.
  - (5) Where feasible, utility easements must be centered on a lot/parcel line.
- (B) Watercourse or Riparian Area Maintenance Easements. Where the Director has determined that a watercourse or riparian area will be part of the City's Stormwater Management System, a maintenance easement is required in order to maintain the functionality of these areas. For watercourses, the easement must be measured from either the top of the bank, ordinary high water mark or the delineated setback line. The easement must be a minimum of ten feet wide where no equipment is required for access or maintenance. The easement must be extended to a maximum of 25 feet wide to allow City maintenance vehicles to set up and perform the required maintenance.

<b>4.3.145</b>	<b>Wireless Telecommunications System (WTS) Facilities</b>
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- (A) Purpose. This Section is intended to:
- (1) Implement the requirements of the Federal Telecommunications Act of 1996;
  - (2) Provide a uniform and comprehensive set of standards and review procedures for the placement, operation, alteration and removal of WTS facilities;
  - (3) Allow new WTS facilities where necessary to provide service coverage and there is a demonstrated need that cannot be met through existing facilities;
  - (4) Maximize the use of existing WTS facilities in order to minimize the need to construct additional facilities;
  - (5) Encourage the siting of new WTS facilities in preferred locations;
  - (6) Lessen impacts of new WTS facilities on surrounding residential areas; and
  - (7) Minimize visual impacts of new WTS facilities through careful design, configuration, screening, and innovative camouflaging techniques.
- (B) Applicability/Conflicts.

- (1) Applicability. This Section applies within Springfield's city limits and its Urban Growth Boundary. No WTS facility may be constructed, altered (to include co-locations) or replaced, unless exempt, without complying with the requirements of this Section. Exempt facilities are listed in Subsection D. below.
- (2) Conflicts. In cases where:
- (a) The development standards of this Section conflict with other Sections of this Code, these standards will prevail.
- EXCEPTION:** In the Glenwood Riverfront, the WTS standards regarding type and height of the antenna will apply. All other aspects of the application submittal and review process specified in this Section will apply.
- (b) These development standards conflict with Federal and/or State regulations, the Federal and/or State regulations will prevail.
- (C) Pre-Existing WTS Facilities.
- (1) WTS facilities that lawfully existed prior to the adoption of the Ordinance codified in this Section shall be allowed to continue their use as they presently exist.
- (2) Routine maintenance will be permitted on lawful pre-existing WTS facilities as specified in SDC 4.3.145(D)(1).
- (3) Lawfully existing WTS facilities may be replaced as specified in SDC 4.3.145(D)(2).
- (D) Exemptions. The following are exempt structures or activities, however, all other applicable Federal, State and City permits will be required:
- (1) Emergency or routine repairs or routine maintenance of previously approved WTS facilities.
- (2) Replacement of existing previously approved WTS facilities.
- (a) A WTS facility may be replaced if it:
- (i) Is in the exact location of the facility being replaced;
- (ii) Is of a construction type identical in height, size, lighting and painting;

- (iii) Can accommodate the co-location of additional antennas or arrays;
  - (iv) Does not increase radio frequency emissions from any source; and
  - (v) Does not intrude or cause further intrusion into a setback area.
- (b) Those WTS facilities that cannot meet the replacement standard in SDC 4.3.145(D)(2)(a) will be treated as new construction, requiring Type 1 or 3 review as specified in SDC 4.3.145(H).
- (3) Industrial, scientific and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission.
- (4) Essential public telecommunications services: military, Federal, State, and local government telecommunications facilities.
- (5) Amateur and citizen band radio transmitters and antennas.
- (6) Military or civilian radar operating within the regulated frequency ranges for the purpose of defense or aircraft safety.
- (7) Antennas (including, but not limited to: direct-to-home satellite dishes; TV antennas; and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations.
- (8) Low-powered networked telecommunications facilities that are less than 3 cubic feet total volume for all equipment. Such facilities include, but are not limited to, microcell radio transceivers located on existing utility poles and light standards and strand-mounted wi-fi devices within public right-of-way.
- (9) Cell on Wheels (COW), which are permitted as temporary uses in nonresidential Metro Plan or 2030 Springfield Comprehensive Plan designations for a period not to exceed 14 days, or during a period of emergency as declared by the City, County, or State.
- (E) Definitions. The words and phrases used in this Section shall have the following meanings:

**Antenna.** Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data, or television telecommunications through sending and/or receiving of electromagnetic waves when the system is either external to or attached to the exterior of a structure. Antennas include, but are not limited to, devices

having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support. All of the latter elements are part of the antenna.

**Antenna Height.** The vertical distance measured from the ground surface at grade to the tip of the highest point of the antenna on the proposed structure.

**Antenna Support.** Any pole, telescoping mast, tower, tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

**Approval Authority.**

- (1) Type 1 Review. Staff has the authority to approve new co-locations, equipment replacement, and applications for low visibility and stealth WTS facilities.
- (2) Type 3 Review. The Planning Commission and the City Council are the Approval Authority for applications to construct high and medium visibility WTS facilities within the city limits.
- (3) Type 3 Review. The Hearings Official, by agreement with Lane County, is the Approval Authority for high and medium visibility WTS facilities located outside the city limits but within the Springfield Urban Growth Boundary.

**Backhaul.** The lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices, local or long-distance providers, or the public switched telephone network.**Camouflaged.** Any WTS facility that is designed to blend into the surrounding environment. Examples of camouflaged facilities include, but are not limited to: architecturally screened roof-mounted antennas; building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements; towers made to look like trees; and antenna support structures designed to look like flag poles or light poles.

**Carrier.** A company authorized by the FCC to build and/or operate a WTS facility.

**Co-Location.** The use of a single WTS tower or other support structure for the placement of multiple antennas or related telecommunications equipment often involving different carriers.

**Equipment Building, Shelter or Cabinet.** A cabinet or building used to house associated equipment used by providers at a WTS facility. Associated equipment includes, but is not limited to, air conditioning and emergency generators.

**Façade-Mounted Antenna.** An antenna architecturally integrated into the façade of a building or structure.



**Facility.** A WTS facility.

**Faux Tree.** A WTS tower camouflaged to resemble a tree.

**Guyed Tower.** A WTS tower that is supported, in whole or in part, by guy wires and ground anchors.

**High Visibility.** The following WTS facilities are examples of high visibility facilities:

- (1) Monopoles, lattice towers and guyed towers.
- (2) Any WTS facilities that do not meet the definition of stealth, low visibility, or moderate visibility.

**Lattice Tower.** A guyed or self-supporting three or four sided, open, steel frame support structure used to support WTS equipment.

**Low Visibility.** The following are examples of low visibility WTS facilities. Except for small wireless facilities, the following WTS facilities shall not exceed the height limit of the base zone and shall not increase the height of an existing WTS facility:

- (1) Whip antennas not exceeding 6 feet in length or height, including mounting, and measuring no more than 3 inches in diameter, located on existing structures including, but not limited to, water storage tanks, high-voltage transmission towers, utility towers and poles, sign standards, and roadway overpasses, with equipment cabinets that are screened from view.
- (2) Facilities, including equipment cabinets that are screened from view through the use of architectural treatments, including, but not limited to, cupolas, steeples and parapets, and are consistent with existing development on adjacent properties.
- (3) Additions to existing permitted low-visibility facilities, if the additions themselves meet the definition of low visibility and are designed to minimize visibility of the WTS facility.
- (4) Changes to an existing building that are consistent with the building's architectural style and the equipment cabinets are not visible.
- (5) Small wireless facilities located on small wireless facility structures in the public right-of-way that meet the standards in SDC 4.3.145(F)(28)(a) through (c)

**Maintenance.** Emergency or routine repairs or replacement of transmitters, antennas, or other components of previously approved WTS facilities that do not create a significant change in visual appearance or visual impact.

**Microcells.** These devices provide additional coverage and capacity where there are high numbers of users within urban and suburban macrocells. The antennas for microcells are mounted at street level, typically on the external walls of existing structures, lamp-posts, and other street furniture. Microcell antennas are usually smaller than macrocell antennas, and when mounted on existing structures, can often blend into building features. Microcells provide radio coverage over distances, typically between 100 meters and 1,000 meters, and operate at power levels substantially below those of macrocells.

**Moderate Visibility.** The following WTS facilities are examples of moderate visibility facilities:

- (1) Panel-shaped antennas not exceeding 8 feet in length or height that are flush-mounted to an existing building façade or other existing structure on at least one edge, or extend a maximum of 24 inches from the building façade or other structure at any edge, do not exceed the height of the building or other structure, and are designed to blend with the color, texture, and design of the existing building or structure, with equipment cabinets that are screened from view.
- (2) WTS facilities that are camouflaged, including, but not limited to, faux trees, flag poles, and light poles; provided, that the equipment building, shelter, or cabinet for the facility is screened or camouflaged.

**Monopole.** A WTS facility consisting of a single pole constructed for purposes of supporting 1 or more antennas without guy wires or ground anchors.

**Panel or Directional Antenna.** An antenna or array of antennas designed to concentrate a radio signal in a particular area.

**Residential Zoning District.** Any Springfield zoning district where dwelling units are intended to be the dominate land use.

**RF.** Radio frequency.

**Roof-Mounted Antenna.** Any antenna with its support structure placed directly on the roof of any building or structure.

**Screened.** Concealed from view with a sight obscuring fence, wall or vegetation.

**Service Area.** The area served by a single WTS facility.

**Side-Mounted Antennas.** Those antennas that are mounted on the side of a tower structure at any height, and including both the antennas and equipment with protective radome coatings. This term also includes microwave dish antennas, solid or not, located at 150 feet or lower on a tower structure, regardless of the dish diameter. The term does not include solid microwave dish antennas exceeding 6 feet in diameter that are located above 150 feet on a tower structure.

**Small Top-Mounted Antennas.** Any antenna mounted on the top of a tower structure where the antenna is 20 feet or less in height and 6 inches or less in outside diameter.

**Small Wireless Facility.** A WTS facility located on a small wireless facility structure in City limits in the public right-of-way that meets the dimensional standards in SDC 4.3.145 (F)(28) typically taking the form of one or two small antenna(s) and associated pole-mounted equipment.

**Speculation Tower.** An antenna support structure designed for the purpose of providing location mounts for WTS facilities, without a binding written commitment or executed lease from a service provider to utilize or lease space on the tower at the time the application is submitted.

**Stealth.** WTS facilities including, but not limited to, microcells, antennas, equipment cabinets, and any other ancillary equipment that cannot be seen from any street or any adjacent property, improved or unimproved, and that do not result in any apparent architectural changes or additions to existing buildings. The addition of landscaping, walls, fences, or grading as screening techniques does not make an otherwise visible WTS facility a stealth facility.

**Structure, Small Wireless Facility.** Any utility pole, guy pole or support pole, utility pole extension, light standard or other similar pole in the public right-of-way. A small wireless facility structure may be an existing, modified, new, or replacement structure.

**Telecommunications.** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

**Tower or WTS Tower.** Any mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas; provided that, "tower" does not include small wireless facility structures.

**Whip Antenna.** An antenna that transmits or receives signals in 360 degrees. Whip antennas are typically cylindrical in shape, less than 3 inches in diameter and no more than 6 feet long, including the mounting.

**Wireless Telecommunications System (WTS) Facility.** Any facility that transmits and/or receives electromagnetic waves, including, but not limited to, antennas, dish

antennas, microwave antennas, and other types of equipment for the transmission or receipt of these signals, including, but not limited to, telecommunications towers and similar supporting structures, equipment cabinets or buildings, parking areas, and other accessory development. This definition also includes any facility that transmits radio or television signals. This definition does not apply to amateur radio stations as defined by the Federal Communications Commission, Part 97 of the Commission's Rules.

- (F)** General Standards. The Federal Telecommunications Act of 1996 establishes limitations on the siting standards that local governments can place on WTS facilities. Section 704 of the Act states that local siting standards must not (1):

“unreasonably discriminate among providers of functionally equivalent services”  
nor (2)“prohibit or have the effect of prohibiting the provision of personal wireless services.”

All applications for WTS facilities are subject to the standards in this Section to the extent that they do not violate Federal limitations on local siting standards. Where application of the standards found in this Section constitutes a violation, the least intrusive alternative for providing coverage are allowed as an exception to the standards.

- (1)** Design for Co-Location. All new towers must be designed to structurally accommodate the maximum number of additional users technically practicable.
  - (2)** Demonstrated Need for New WTS Facilities. Except for small wireless facilities, applications must demonstrate that the proposed WTS facility is necessary to close a significant gap in service coverage or capacity for the carrier and is the least intrusive means to close the significant gap.
  - (3)** Lack of Coverage and Lack of Capacity. Except for small wireless facilities, the application must demonstrate that the gap in service cannot be closed by upgrading other existing facilities. In doing so, evidence must clearly support a conclusion that the gap results from a lack of coverage and not a lack of capacity to achieve adequate service. If the proposed WTS facility is to improve capacity, evidence must further justify why other methods for improving service capacity are not reasonable, available or effective.
  - (4)** Identify the Least Intrusive Alternative for Providing Coverage. Except for small wireless facilities, the application must demonstrate a good faith effort to identify and evaluate less intrusive alternatives, including, but not limited to, less sensitive sites, alternative design systems, alternative tower designs, the use of repeaters, or multiple facilities. SDC 4.3.145(F)(5) defines the type of WTS facilities that are allowed in each zoning district.
- (6)** Location of WTS Facilities by Type. SDC 4.3.145(E) defines various types of WTS facilities by their visual impact. These are: high visibility, moderate visibility, low visibility

and stealth facilities. Table 4.3-2 lists the type of WTS facilities allowed in each of Springfield’s zoning districts.

**Table 4.3-2**

Land Use Districts	Types Allowed
Special Heavy Industrial Heavy Industrial Light-Medium Industrial Quarry Mining Operations	High visibility Moderate visibility Low visibility Stealth
Community Commercial Campus Industrial Booth Kelly Mixed Use Major Retail Commercial Mixed Use Employment Mixed Use Commercial Medical Service Public Land and Open Space (1)	Moderate visibility Low visibility Stealth
Neighborhood Commercial General Office R-1 Residential R-2 Residential R-3 Residential Mixed Use Residential	Low visibility Stealth

(1) Moderate visibility WTS facilities in the Public Land and Open Space District are allowed only within the city limits.

- (6) Maximum Number of High Visibility WTS Facilities. No more than 1 high visibility facility is allowed on any 1 lot/parcel.

However, The Approval Authority may approve exceeding the maximum number of high visibility facilities per lot/parcel if one of the following findings is made:

- (a) Co-location of additional high visibility facilities is consistent with neighborhood character;
- (b) The provider has shown that denial of an application for additional high visibility WTS facilities would have the effect of prohibiting service because the proposed facility would fill a significant gap in coverage and no alternative locations are available and technologically feasible; or
- (c) The provider has shown that denial of an application for additional high visibility WTS facilities would unreasonably discriminate among providers of functionally equivalent services.

- (7)** Separation between Towers. No new WTS tower may be installed closer than 2,000 feet from any existing or proposed tower unless supporting findings can be made under SDC 4.3.145(F)(2), (3) and (4) .. by the Approval Authority.
- (8)** WTS Towers Adjacent to Residentially Zoned Property. In order to ensure public safety, all towers located on or adjacent to any residential land use district must be set back from all residential property lines by a distance at least equal to the height of the facility, including any antennas or other appurtenances. The setback is measured from that part of the WTS tower that is closest to the neighboring residentially zoned property.
- (9)** Historic Buildings and Structures. Except for small wireless facilities, no WTS facility shall be allowed on any building or structure, or in any district, that is listed on any Federal, State or local historic register unless a finding is made by the Approval Authority that the proposed facility will have no adverse effect on the appearance of the building, structure, or district. No change in architecture and no high or moderate visibility WTS facilities are permitted on any building or any site within a historic district. Proposed WTS facilities in the Historic Overlay District are also subject to the applicable provisions of SDC 3.3-900.
- (10)** Equipment Location. The following location standards apply to WTS facilities, except for small wireless facilities:

  - (a)** No WTS facility may be located in a front, rear, or side yard building setback in any base zone and no portion of any antenna array may extend beyond the property lines;
  - (b)** Where there is no building, the WTS facility must be located at least 30 feet from a property line abutting a street;
  - (c)** For guyed WTS towers, all guy anchors must be located at least 50 feet from all property lines.
- (11)** Tower Height. Towers may exceed the height limits otherwise provided for in this Code. However, all towers greater than the height limit of the base zone requires approval through a Type 3 review process, subject to the approval criteria specified in SDC 4.3.145(I).
- (12)** Accessory Building Size. All accessory buildings and structures built to contain equipment accessory to a WTS facility cannot exceed 12 feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure located on any residential or public land and open space zoned property is limited to 200 square feet, unless approved through the Type 3 process.

- (13)** Visual Impact. Except for small wireless facilities, which must meet the requirements of Subsection F.28, all WTS facilities must be designed to minimize the visual impact to the greatest extent practicable by means of placement, screening, landscaping, and camouflage. All facilities must also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. The applicant must use the least visible antennas reasonably available to accomplish the coverage objectives. All high visibility and moderate visibility facilities must be sited in a manner to cause the least detriment to the viewshed of abutting properties, neighboring properties, and distant properties.
- (14)** Minimize Visibility. Colors and materials for WTS facilities must be nonreflective and chosen to minimize visibility. Facilities, including support equipment and buildings, must be painted or textured using colors to match or blend with the primary background, unless required by any other applicable law.
- (15)** Camouflaged Facilities. All camouflaged WTS facilities must be designed to visually and operationally blend into the surrounding area in a manner consistent with existing development on adjacent properties. The facility must also be appropriate for the specific site. In other words, it must not “stand out” from its surrounding environment.
- (16)** Façade-Mounted Antenna. Façade-mounted antennas must be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas must be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas must not extend more than 2 feet out from the building face.
- (17)** Roof-Mounted Antenna. Roof-mounted antennas must be constructed at the minimum height possible to serve the operator’s service area and must be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
- (18)** Compliance with Photo Simulations. As a condition of approval and prior to final staff inspection of the WTS facility, the applicant must submit evidence, e.g., photos, sufficient to prove that the facility is in substantial conformance with photo simulations provided with the initial application. If the WTS facility does not comply with the photo simulation, the applicant must complete any necessary modification to achieve compliance within 90 days of notifying the applicant.
- (19)** Noise. Noise from any equipment supporting the WTS facility must comply with the regulations specified in OAR 340-035-0035.
- (20)** Signage. No signs, striping, graphics, or other attention-getting devices are permitted on any WTS facility except for warning and safety signage that must:

- (a)** Have a surface area of no more than 3 square feet;
  - (b)** Be affixed to a fence or equipment cabinet; and
  - (c)** Be limited to no more than 2 signs, unless more are required by any other applicable law.
- (21)** Traffic Obstruction. Maintenance vehicles servicing WTS facilities located in the public or private right-of-way may not park on the traveled way or in a manner that obstructs traffic.
- (22)** Parking. No net loss in required on-site parking spaces may occur as a result of the installation of any WTS facility.
- (23)** Sidewalks and Pathways. Cabinets and other equipment must not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land.
- (24)** Lighting. WTS facilities must not include any beacon lights or strobe lights, unless required by the Federal Aviation Administration (FAA) or other applicable authority. If beacon lights or strobe lights are required, the Approval Authority will review any available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes must be shielded and directed downward, and must comply with the outdoor lighting standards in SDC 4.5100, unless required by any other applicable law.
- (25)** Landscaping. For WTS facilities with towers that exceed the height limitations of the base zone, at least 1 row of evergreen trees or shrubs, not less than 4 feet high at the time of planting, and spaced out not more than 15 feet apart, must be provided in the landscape setback. Shrubs must be of a variety that can be expected to grow to form a continuous hedge at least 5 feet in height within 2 years of planting. Trees and shrubs in the vicinity of guy wires must be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys. In all other cases, the landscaping, screening and fence standards specified in SDC 4.4-100 apply.
- (26)** Prohibited WTS Facilities.
  - (a)** Any high or moderate visibility WTS facility in the Historic Overlay District.
  - (b)** Any WTS facility in the public right-of-way that severely limits access to abutting property, which limits public access or use of the sidewalk, or which constitutes a vision clearance violation.



- (c) Any detached WTS facility taller than 150 feet above finished grade at the base of the tower.
- (27) Speculation. No application will be accepted or approved for a speculation WTS tower, i.e., from an applicant that simply constructs towers and leases tower space to service carriers, but is not a service carrier, unless the applicant submits a binding written commitment or executed lease from a service carrier to utilize or lease space on the tower.
- (28) Small Wireless Facilities in the Public Right-of-Way. Small wireless facilities in the public right-of-way must comply with the following standards:

  - (a) Small wireless facility structures must meet the following height limits, whichever is more:

    - (i) 50 feet or less in height, including antenna height; or
    - (ii) No more than 10% taller than the existing structure or other adjacent utility poles, light poles, or similar structures.
  - (b) Each antenna associated with the small wireless facility, excluding associated antenna equipment, must be no more than 3 cubic feet in volume.
  - (c) All wireless equipment associated with the structure other than the antenna, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, must be no more than 28 cubic feet in volume. Antenna equipment includes only such equipment that is associated with the antenna that is in the same fixed location as the antenna, and is installed at the same time as the antenna.
  - (d) All antennas on a small wireless facility structure, excluding antenna equipment, must not total more than 6 cubic feet in volume, whether an array or separate.
  - (e) Antennas may not project more than 5 feet above or 2 feet laterally from the pole, as measured from the inside edge of the antenna to the surface of the pole, or the minimum necessary to achieve required safety clearances. Antennas may not exceed the diameter of the pole on which they are attached, or 16 inches in diameter, whichever is greater.
  - (f) All equipment must be mounted to the pole at least 10 feet above grade. Alternately, equipment may be located in an underground vault or another location on the pole upon approval by the City Engineer.

- (g)** Other than the antenna, antenna equipment, electric meter, and power disconnect, all pole-mounted equipment must be concealed in a single flush-mounted cabinet that complies with the dimensional standards in this Section or otherwise entirely shielded from public view.  
However, multiple equipment cabinets on a single pole are permitted only when necessary to comply with the pole owner's joint use requirements.
- (h)** All cabling and wires that run between the antenna and equipment must be concealed or shielded inside conduit.
- (i)** All antennas, equipment, conduit, cabling, cabinets and ancillary parts must be painted or textured in a non-reflective neutral color that matches, or is compatible with, the pole.
- (j)** Where there are no existing overhead utilities, utility service lines and backhaul fiber must be located underground, unless approved otherwise by the City Engineer.
- (k)** All new or replacement small wireless facility structures must comply with the following:

  - (i)** A replacement small wireless facility structure must be placed as close to the same location as the existing structure as is possible, unless minor adjustments to location are needed to comply with ADA requirements or for public safety, as determined by the City Engineer.
  - (ii)** A new small wireless facility structure is permitted only when no other existing structure in the right-of-way is available or suitable to accommodate the small wireless facility, and no other structure in the right-of-way is available or suitable to be replaced or modified to accommodate the small wireless facility.
  - (iii)** The location of a small wireless facility structure must allow sufficient clear space for safe passage on the sidewalk; must not be located within the vision clearance area; must not interfere with other utilities, traffic control devices, or intersections; and must be safe, as determined by the City Engineer.
- (l)** Small wireless facilities are not permitted on decorative light poles and no decorative light poles will be removed or replaced to accommodate small wireless facilities.  
However, upon a determination that no other option is reasonably available for meeting an identified capacity, coverage, or other service need, including locating the small wireless facility on private property outside the public right-of-way, the City will permit replacement of a

decorative light pole with a small wireless facility that is camouflaged to match the existing decorative pole.

- (m) The City may require design or concealment measures for small wireless facilities and associated structures in the Historic Overlay District. Any such design or concealment measures are not considered part of the small wireless facility for purpose of the size restrictions in this subsection.
- (G) Application Submittal Requirements.** All applications for a WTS facility shall provide the following reports, documents or documentation:
- (1) Submittal Requirements for Low Visibility and Stealth Facilities (Type 1 review).** All applications for low visibility and stealth WTS facilities must submit the following reports and documentation:
    - (a) Narrative.** The application must include a written narrative that describes in detail all of the equipment and components proposed to be part of the WTS facility, including, but not limited to, towers, antennas and arrays, equipment cabinets, back-up generators, air conditioning units, lighting, landscaping and fencing.
    - (b) Geographic Service Area.** Except for small wireless facilities, the applicant must identify the geographic service area for the proposed WTS facility, including a map showing all of the applicant's and any other existing sites in the local service network associated with the gap the facility is meant to close. The applicant must describe how this service area fits into and is necessary for the service provider's service network.
 

The service area map for the proposed WTS facility must include the following:

      - (i)** The area of significant gap in the existing coverage area;
      - (ii)** The service area to be effected by the proposed WTS facility;
      - (iii)** The locations of existing WTS tower facilities where co-location is possible within a 5-mile radius of the proposed WTS facility.
    - (c) Co-Location.** An engineer's analysis/report of the recommended site location area is required for a proposed WTS tower. For small wireless facilities in the public right-of-way, this report is required only when a new structure is proposed. If an existing structure approved for co-location is within the area recommended by the engineer's report, reasons for not collocating shall be provided demonstrating at least one of the following

deficiencies, except for small wireless facilities which must meet the requirements in SDC 4.3.145(F)(28)(k) upon report of an engineer or other qualified individual:

- (i) The structure is not of sufficient height to meet engineering requirements;
  - (ii) The structure is not of sufficient structural strength to accommodate the WTS facility, or there is a lack of space on all suitable existing towers to locate proposed antennas;
  - (iii) Electromagnetic interference for one or both WTS facilities will result from co-location; or
  - (iv) The radio frequency coverage objective cannot be adequately met.
- (d) Plot Plan. A plot plan showing: the lease area, antenna structure, height above grade and setback from property lines, equipment shelters and setback from property lines, access, the connection point with the land line system, and all landscape areas intended to screen the WTS facility.
- (e) RF Emissions. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure, complies with FCC rules for these emissions; the cumulative RF emissions if co-located. Provide the RF range in megahertz and the wattage output of the equipment.
- (f) Description of Service. A description of the type of service offered including, but not limited to: voice, data, video and the consumer receiving equipment.
- (g) Provider Information. Identification of the provider and backhaul provider, if different.
- (h) Zoning and Comprehensive Plan Designation. Provide the zoning and applicable comprehensive plan (e.g., Metro Plan, 2030 Springfield Refinement Plan) designation of the proposed site and the surrounding properties within 500 feet.
- (i) FCC, FAA or Other Required Licenses and Determinations. Provide a copy of all pertinent submittals to the FCC, FAA or other State or Federal agencies including environmental assessments and impact statements, and data, assumptions, calculations, and measurements relating to RF emissions safety standards.

- (j)** Small Wireless Facilities in the Public Right-of-Way. Applications for small wireless facilities in City limits in the public right-of-way must also include:

  - (i)** A structural report stamped by an Oregon licensed engineer that the small wireless facility structure can structurally accommodate the proposed small wireless facility. For attachment to existing structures, the engineer who authors and stamps the report must have conducted an in-person inspection of the pole and any issues with the condition of the pole must be noted in the report;
  - (ii)** A photo simulation showing the maximum silhouette, color and finish of the proposed facility;
  - (iii)** For poles that are not owned by the City of Springfield, written authorization by the pole owner regarding the specific plan to attach to the pole; and
  - (iv)** All necessary permits and applications required under the Springfield Municipal Code, which may be processed concurrently.
  
- (2)** Submittal Requirements for Moderate and High Visibility Facilities (Type 3 Review). Applications for moderate and high visibility WTS facilities must include all the required materials for low visibility and stealth WTS facilities specified in SDC 4.3.145(G)(1). In addition to the applicable Type 2 or Type 3 application requirements, WTS applications shall require the applicant to address the following:

  - (a)** Height. Provide an engineer's diagram showing the height of the WTS facility and all of its visible components, including the number and types of antennas that can be accommodated. Carriers must provide evidence that establishes that the proposed WTS facilities are designed to the minimum height required from a technological standpoint to meet the carrier's coverage objectives. If the WTS facility tower height will exceed the height restrictions of the applicable base zone, the narrative must include a discussion of the physical constraints, e.g., topographical features, making the additional height necessary. The narrative must include consideration of the possibility for design alternatives, including the use of multiple sites or microcell technology that would avoid the need for the additional height for the proposed WTS facility.
  - (b)** Construction. Describe the anticipated construction techniques and timeframe for construction or installation of the WTS facility to include all temporary staging and the type of vehicles and equipment to be used.

- (c)** Maintenance. Describe the anticipated maintenance and monitoring program for the antennas, back-up equipment, and landscaping.
- (d)** Noise/Acoustical Information. Provide the manufacturer's specifications for all noise-generating equipment including, but not limited to, air conditioning units and back-up generators, and a depiction of the equipment location in relation to abutting properties.
- (e)** Landscaping and Screening. Discuss how the proposed landscaping and screening materials will screen the site at maturity.
- (f)** Co-Location. In addition to the co-location requirements specified in SDC 4.3.145 (G)(1)(c), the applicant must submit a statement from an Oregon registered engineer certifying that the proposed WTS facility and tower, as designed and built, will accommodate co-locations, and that the facility complies with the non-ionizing electromagnetic radiation emission standards as specified by the FCC. The applicant must also submit:

  - (i)** A letter stating the applicant's willingness to allow other carriers to co-locate on the proposed facilities wherever technically and economically feasible and aesthetically desirable;
  - (ii)** A copy of the original Site Plan for the approved existing WTS facility updated to reflect current and proposed conditions on the site; and
  - (iii)** A depiction of the existing WTS facility showing the proposed placement of the co-located antenna and associated equipment. The depiction must note the height, color and physical arrangement of the antenna and equipment.
- (g)** Lease. If the site is to be leased, a copy of the proposed or existing lease agreement authorizing development and operation of the proposed WTS facility.
- (h)** Legal Access. The applicant must provide copies of existing or proposed easements, access permits and/or grants of right-of-way necessary to provide lawful access to and from the site to a City street or a State highway.
- (i)** Lighting and Marking. Any proposed lighting and marking of the WTS facility, including any required by the FAA.

- (j) Utilities. Utility and service lines for proposed WTS facilities must be placed underground.
  - (k) Alternative Site Analysis. The applicant must include an analysis of alternative sites and technological design options for the WTS facility within and outside of the City that are capable of meeting the same service objectives as the proposed site with an equivalent or lesser visual or aesthetic impact. If a new tower is proposed, the applicant must demonstrate the need for a new tower, and why alternative locations and design alternatives, or alternative technologies including, but not limited to, microcells and signal repeaters, cannot be used to meet the identified service objectives.
  - (l) Visual Impact Study and Photo Simulations. The applicant must provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and screening for all components of the proposed WTS facility. The analysis must include photo simulations and other information necessary to determine visual impact of the facility as seen from multiple directions. The applicant must include a map showing where the photos were taken.
- (3) Independent Consultation Report.**
- (a) Review and approval of WTS facilities depends on highly specialized scientific and engineering expertise not ordinarily available to Springfield staff or to residents who may be adversely impacted by the proposed development of these facilities. Therefore, in order to allow the Approval Authority to make an informed decision on a proposed WTS facility, the Director may require the applicant to fund an independent consultation report for all new moderate and high visibility facilities. The consultation must be performed by a qualified professional with expertise pertinent to the scope of the service requested.
  - (b) The scope of the independent consultation must focus on the applicant's alternatives analysis. The consultant will evaluate conclusions of applicant's analysis to determine if there are alternative locations or technologies that were not considered or which could be employed to reduce the service gap but with less visual or aesthetic impact. There may be circumstances where this scope may vary but the overall objective is to verify that the applicant's proposal is safe and is the least impactful alternative for closing the service gap.
  - (c) The applicant must be informed of the Director's decision about the need for an independent consultation at the time of the Pre-Submittal Meeting that is required under SDC 5.1.120(C). It is anticipated that the

independent consultation will be required when the applicant proposes to locate a moderate or high visibility WTS facility in a residential zoning district or within 500 feet of a residential zoning district. Other instances where a proposed WTS facility may have a visual or aesthetic impact on sensitive neighborhoods could also prompt the Director to require an independent consultation.

- (H) Review Process.** The review process is determined by the type of WTS facility or activity that is proposed. High or moderate visibility WTS facilities are reviewed through a Type 3 procedure. Low visibility or stealth facilities, and the co-location of new equipment of existing facilities are allowed under a Type 1 procedure with applicable building or electrical permits. Routine equipment repair and maintenance do not require planning review; however, applicable building and electrical permits are required.
- (1) Development Issues Meeting.** A Development Issues Meeting (DIM) as specified in SDC 5.1.120(A) is required only for high and moderate visibility WTS facility applications. Applicable development standards as specified in SDC 4.3.145(F), and submittal requirements as specified in SDC 4.3.145(G), will be discussed at the DIM.
- (2) Type 1 Review Process.** The following WTS facilities are allowed with the approval of the Director with applicable building and electrical permits:
- (a)** Stealth and low visibility WTS facilities, as defined in SDC 4.3.145(E), in any land use district.
  - (b)** Façade-mounted antennas or low powered networked telecommunications facilities, e.g., as those employing microcell antennas integrated into the architecture of an existing building in a manner that no change to the architecture is apparent and no part of the WTS facility is visible to public view.
  - (c)** Antennas or arrays that are hidden from public view through the use of architectural treatments, e.g., within a cupola, steeple, or parapet which is consistent with the applicable building height limitation.
  - (d)** New antennas or arrays including side-mounted antennas and small top-mounted antennas that are attached to an existing broadcast communication facility located in any zone. No more than 3 small top-mounted antennas must be placed on the top of any one facility without a Type 3 review.
  - (e)** To minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas or arrays on existing towers



must take precedence over the construction of new towers, provided the co-location is accomplished in a manner consistent with the following:

- (i) An existing tower may be modified or rebuilt to a taller height to accommodate the co-location of additional antennas or arrays, as long as the modified or rebuilt tower will not exceed the height limit of the applicable land use district. Proposals to increase the height of a tower in a residential land use district, or within 500 feet of a residential land use district shall be reviewed under a Type 3 process. The height change may only occur one time per tower.
- (ii) An existing tower that is modified or reconstructed to accommodate the co-location of additional antennas or arrays must be of the same tower type and reconstructed in the exact same location as the existing tower.
- (f) Small wireless facilities proposed within the public right-of-way on an existing, modified, new, or replacement small wireless facility structure in any zoning district in City limits, that meet the standards in SDC 4.3.145(F)(28).
- (g) Co-location of antennas or arrays on existing WTS facilities.
- (h) The Director will use the applicable criteria specified in SDC 4.3.145(l) to evaluate the proposal.
- (3) Type 3 Review Process. A Type 3 application processed concurrently with the Site Plan Review application is required for the following WTS facilities:
  - (a) High visibility and moderate visibility WTS facilities.
  - (b) All other locations and situations not specified in SDC 4.3.145(H)(2) and (3)
  - (c) Approval Authority will use the applicable criteria specified in SDC 4.3.145(l).
- (4) Council Notification and Possible Review. A briefing memorandum must be prepared and submitted to the City Council upon receipt of an application for a high or moderate visibility or any other WTS facility subject to review by the Planning Commission. By action of the City Council, an application for a facility proposed within the city limits may be elevated for direct City Council review. In those instances where an application is elevated for direct review, the City Council is the Approval Authority.

- (I)** Approval Criteria.
- (1)** Low Visibility and Stealth WTS Facility Applications. The Director must approve the low visibility and stealth WTS facility applications upon a determination that the applicable standards specified in SDC 4.3.145(F). and the submittal requirements specified in SDC 4.3.145(G) are met.
  - (2)** Moderate and High Visibility WTS Facility Applications. The Approval Authority must approve moderate visibility and high visibility WTS facility applications upon a determination that the applicable standards specified in SDC 4.3.145(F). and the submittal requirements specified in SDC 4.3.145(G). are met. The Approval Authority must also determine if there are any impacts of the proposed WTS facility on adjacent properties and on the public that can be mitigated through application of other Springfield Development Code standards or conditions of approval as specified in SDC 4.3.145(J).
- (J)** Conditions of Approval. For Type 3 applications, the Approval Authority may impose any reasonable conditions deemed necessary to achieve compliance with the approval criteria.
- (K)** Maintenance. The property owner and the carrier in charge of the WTS facility and tower must maintain all equipment and structures, landscaping, driveways and mitigating measures as approved. Additionally:
- (1)** All WTS facilities must maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all State and local regulations.
  - (2)** All equipment cabinets must display a legible operator's contact number for reporting maintenance problems.
- (L)** Inspections.
- (1)** The City has the authority to enter onto the property upon which a WTS facility is located to inspect the facility for the purpose of determining whether it complies with the Building Code and all other construction standards provided by the City and Federal and State law.
  - (2)** The City reserves the right to conduct inspections at any time, upon reasonable notice to the WTS facility owner. In the event the inspection results in a determination that violation of applicable construction and maintenance standards established by the City has occurred, remedy of the violation may include cost recovery for all City costs incurred in confirming and processing the violation.

- (M)** Abandonment or Discontinuation of Use. The following requirements apply to the abandonment and/or discontinuation of use for all WTS facilities:
- (1)** All WTS facilities located on a utility pole must be promptly removed at the operator's expense at any time a utility is scheduled to be placed underground or otherwise moved.
  - (2)** All operators who intend to abandon or discontinue the use of any WTS facility must notify the City of their intentions no less than 60 days prior to the final day of use.
  - (3)** WTS facilities are considered abandoned 90 days following the final day of use or operation.
  - (4)** All abandoned WTS facilities must be physically removed by the service provider and/or property owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
  - (5)** The City reserves the right to remove any WTS facilities that are abandoned for more than 90 days at the expense of the facility owner.
  - (6)** Any abandoned site must be restored to its natural or former condition. Grading and landscaping in good condition may remain.
- (N)** Review of WTS Facilities Standards. In the event that the Federal or State government adopts mandatory or advisory standards more stringent than those described in this Section, staff will prepare a report and recommendation for the City Council with recommendations on any necessary amendments to the City's adopted standards. (6394, 6359, 6292)