



CU 13-03 and SP 13-22 STAFF REPORT

July 7, 2014

Updated August 21, 2014

FILE NO.: CU 13-03 and SP 13-22: Conditional Use and Site Plan and Design Review

HEARING DATE / LOCATION: July 14, 2014, 7:00 PM
Oregon City City Hall – Chambers
625 Center Street
Oregon City, Oregon 97045

APPLICANT: Brandon Olesen
New Cingular Wireless, LLC (“AT&T”)
19801 SW 72nd Ave.
Portland, OR 97224

REPRESENTATIVE: Sharon Gretch and Tom McAuliffe, Lexcom Development Corp

OWNER: Oregon City School District
1417 12th Street
Oregon City, Oregon 97045

REQUEST: The applicant is requesting approval of a conditional use and site plan and design review permit for the installation of a wireless communication pole on the McLoughlin Elementary school property. The project includes a 75-foot pole designed to resemble a fir tree and an equipment cabinet on the south/southwest side of the property, adjacent to the parking lot turnaround area.

LOCATION: McLoughlin Elementary
19230 South End Rd
Oregon City, OR 97045
Clackamas County Map 3-1E-12AC, tax lot 04500

REVIEWER: Kelly Moosbrugger, Planner

RECOMMENDATION: The neighborhood association has requested a continuance. Since the July 14 Planning Commission hearing is the first evidentiary hearing, the Planning Commission must continue the hearing with the record open. Staff recommends continuing the hearing until the July 28, 2014 meeting.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning

commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

I. BACKGROUND AND PROPOSAL:

The applicant proposes to construct a 75-foot wireless pole and associated antennas and equipment at John McLoughlin Elementary at 19230 South End Road. The applicant proposes to lease a 30' by 55' area of the site to house a 312 square foot equipment shelter, the pole, and a new 174 square foot storage shed that will replace an existing small storage shed on the school property. The location of the lease area is between the vehicle turnaround area of the parking lot and the softball field. The pole is designed to look like a fir tree, and the lease area is proposed to be surrounded by a 6 foot fence and landscaping.

The applicant provided the following narrative to describe the proposal:

AT&T Wireless is requesting approval to construct and operate a wireless communications facility site behind the John McLoughlin Elementary School. The facility will be a newly constructed support tower 75 feet in height. The support tower will be camouflaged as a fir tree. The faux tree pole will be designed to accommodate future collocators. The radio equipment will be in a new 12' x 26' equipment shelter. The "tree" and equipment shelter will be within a new fenced and landscaped compound. The proposed support structure will be 81' from the nearest property line to the northeast.

The facility is designed to fill a significant coverage gap in the area. AT&T has provided an RF letter further describing the need for the site and the projected coverage area (see Attachment 9).

AT&T seeks to collocate on existing structures whenever possible. In this instance, AT&T RF engineers determined the need for a new site near South End Road and Filbert Drive. The minimum antenna height is 75' in order to fill the significant coverage gap in the neighborhood. This is a single-family neighborhood without any existing communication towers on which AT&T can collocate. There are also no existing buildings that AT&T can mount antennas that would provide for a 75' tip height. An RF analysis is included as Attachment 9 in the application package.

The proposed wireless facility is unstaffed. An AT&T technician will visit the site approximately once per month.

There will be an emergency back-up power generator. Except for occasional testing, the generator will only operate during prolonged power outages. A sound study demonstrating that the site, with recommended sound buffering, will comply with City noise standards (see Attachment 7).

The site will be accessed via the existing School access off of South End Road. An existing walking path will serve the site from the parking area.

The facility will not have water or sewer service.

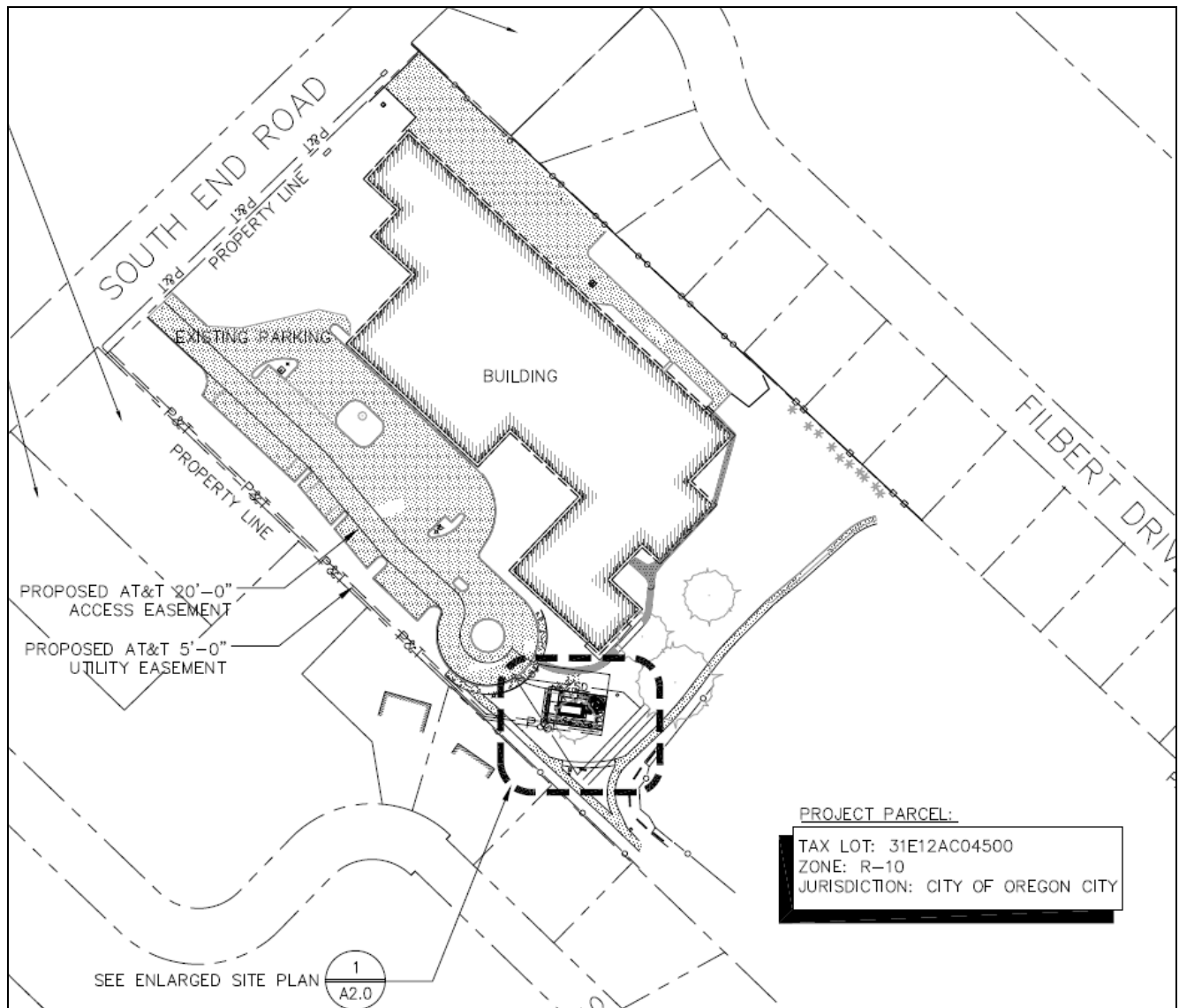


Figure 1. Subject Site

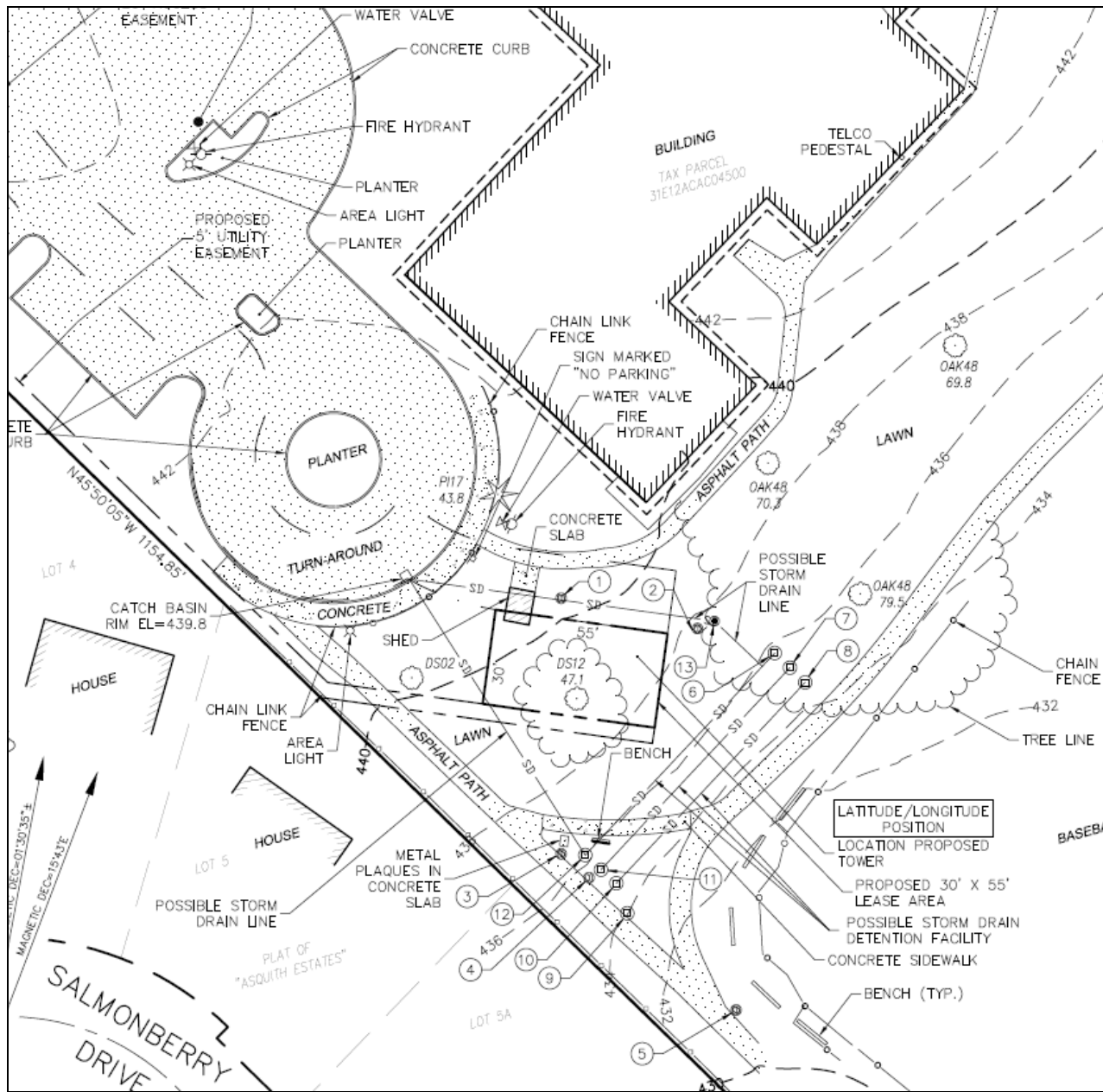


Figure 2: Site Plan

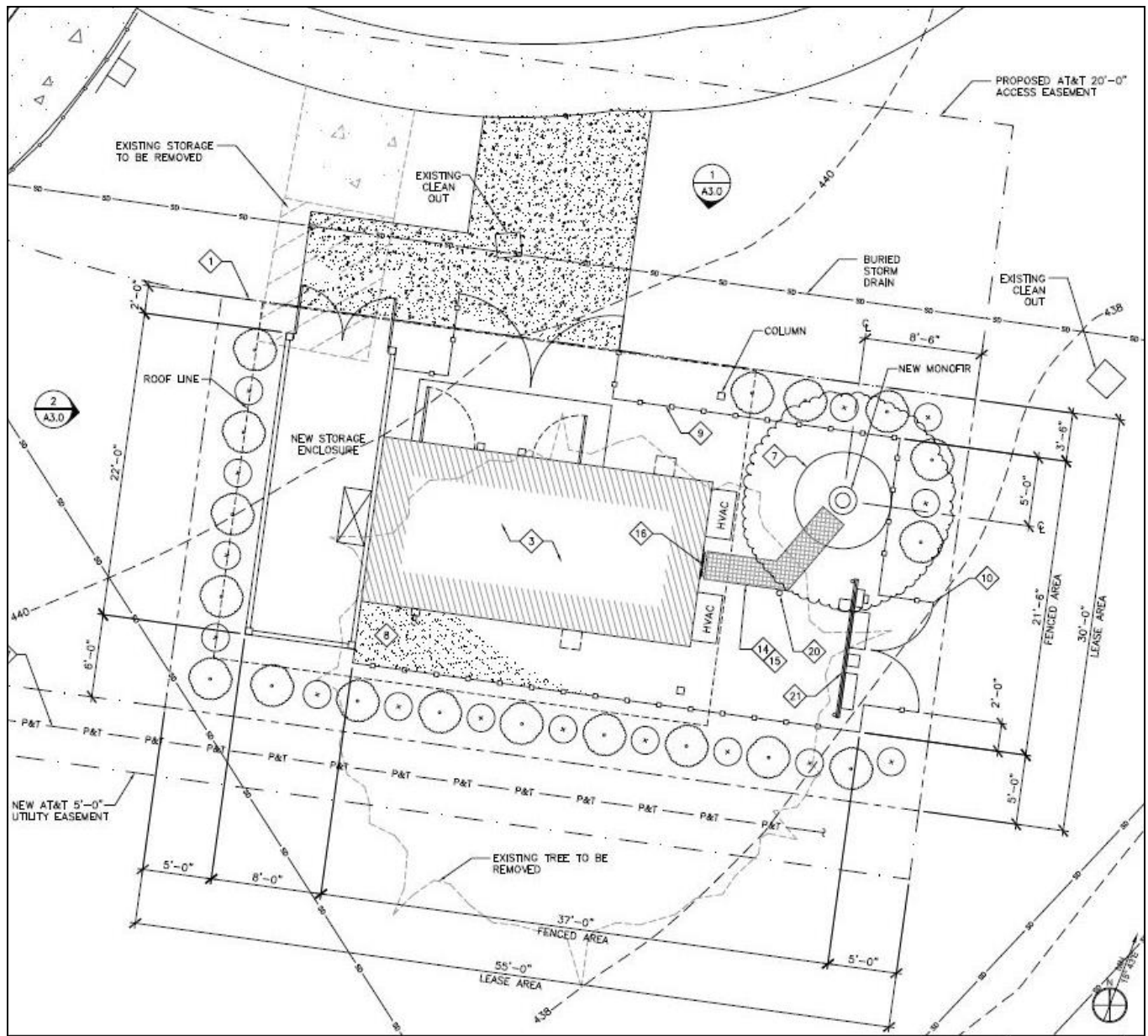


Figure 3: Enlarged Site Plan

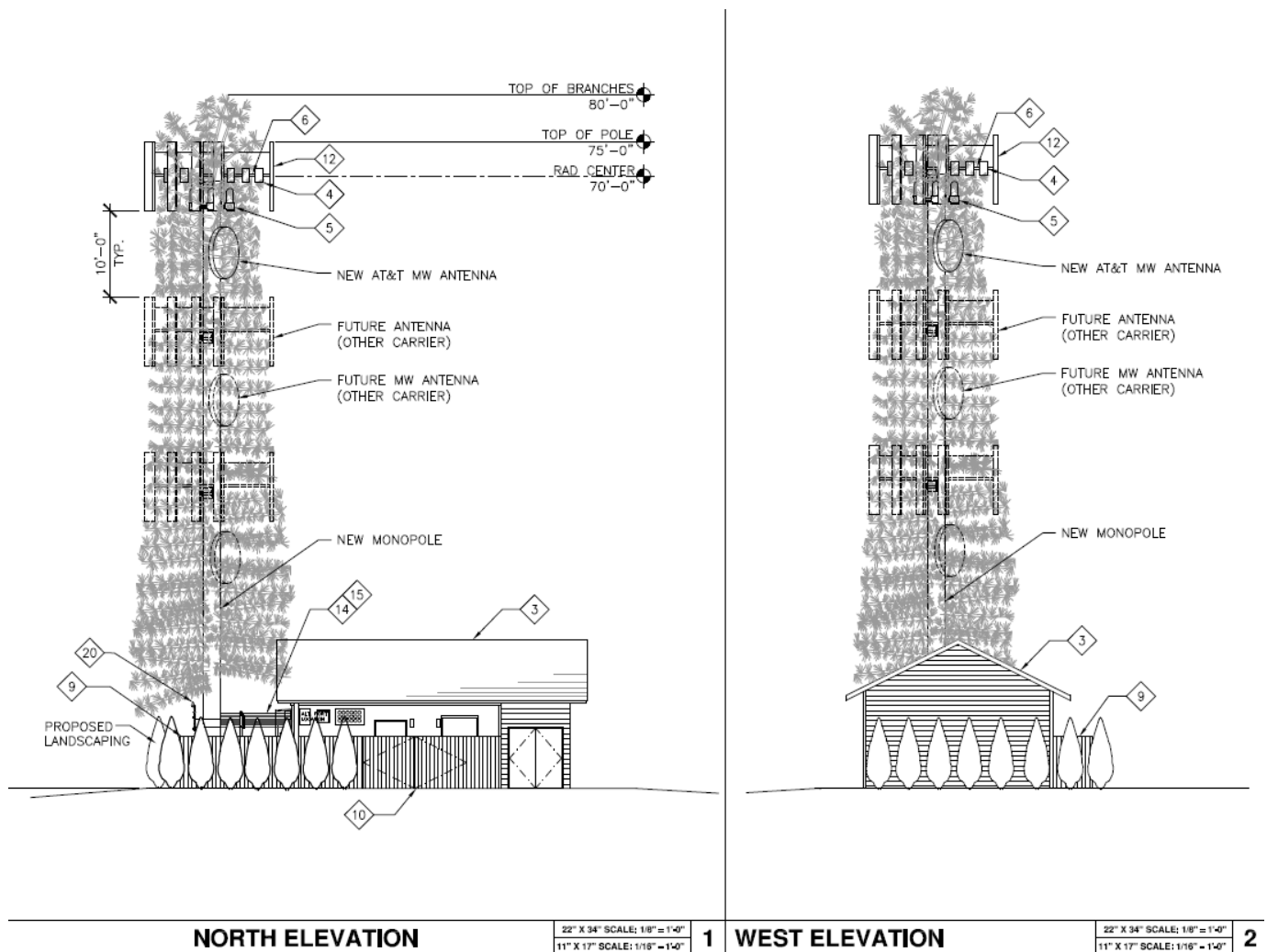


Figure 4. Elevation drawings

II. BASIC FACTS:

A. Location and Current Use

The subject site, the John McLoughlin Elementary School, is located at 19230 South End Road. The approximately 12-acre property, located on the south side of South End Road and west of Filbert Drive, is zoned R-10. The proposed structure is not within any overlay districts. The site is currently developed with an elementary school and athletic fields. The South End Concept Plan identifies the site as a public or quasi public land use. Staff notes that the South End Concept Plan was not yet adopted at the time this application was submitted.

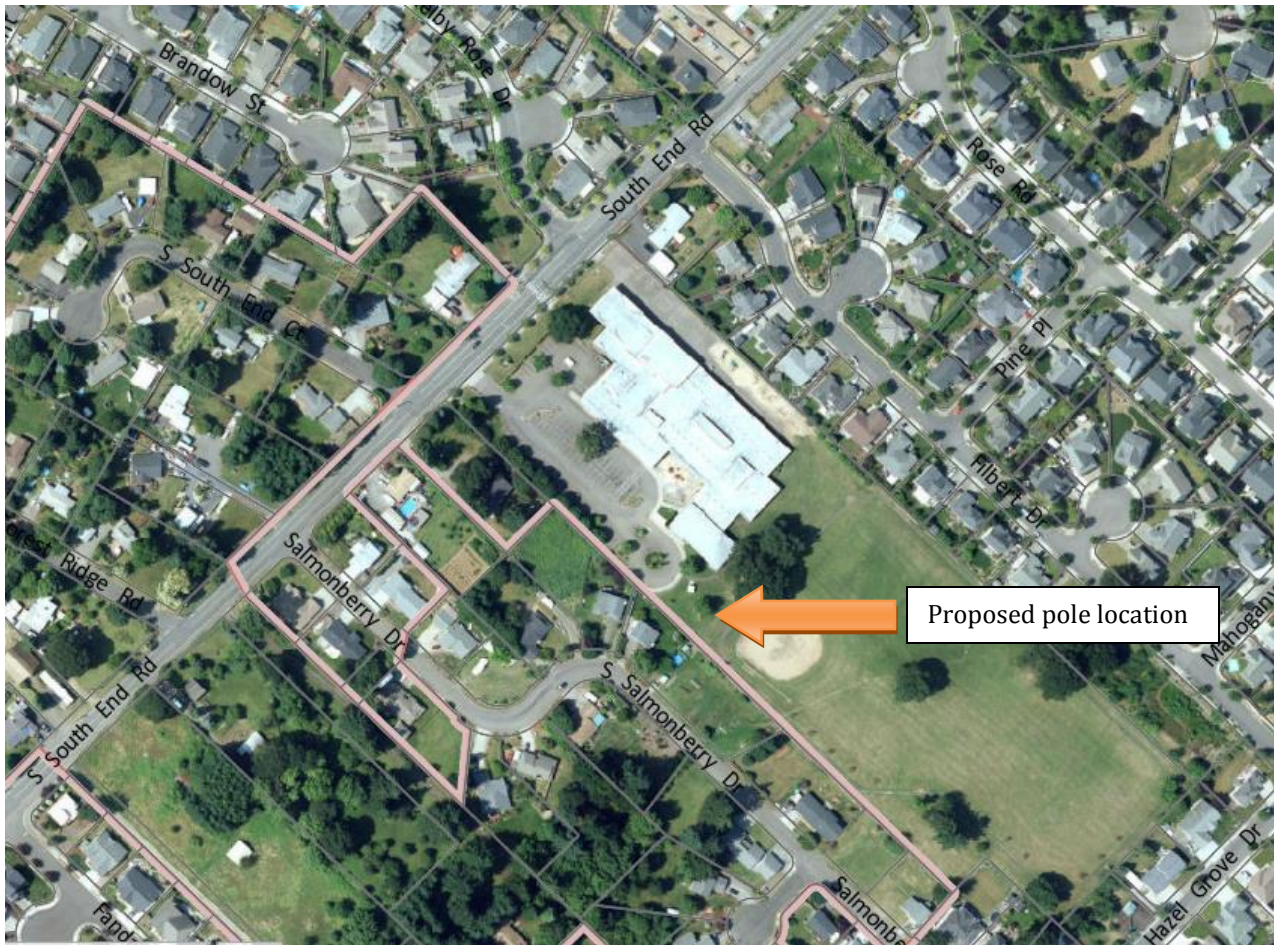


Figure 5. Aerial Photo of site and surroundings.



Figure 6: Existing Conditions

B. Surrounding Land Uses

All of the properties around the site are within the R-10 and R-8 single-family dwelling districts. There are also adjacent properties outside of the City limits that are within the Clackamas County Future Urban designation and within the South End Concept Plan area.

- Southwest – Unincorporated Clackamas County (Medium Density Residential in South End Concept Plan)
- Southeast – R-10 Single Family
- Northeast – R-8 Single Family
- Northwest – Unincorporated Clackamas County (Medium and Low Density Residential in South End Concept Plan)

C. Public Comment

Notice of the public hearings for the proposal was mailed to property owners within 300 feet of the subject site. The notice was advertised in the Clackamas Review and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public

hearing or submit written comments prior to or at the hearing. The application was also transmitted to City staff, the neighborhood association, and Clackamas County Fire District No. 1.

The following comments were received prior to July 1. Exhibit 3 includes the full and complete comments.

- An email from Mike Roberts, Building Official, which states:
 - A completed application for the placement of the antenna is required to be submitted with construction documents that have been stamped and signed by a Registered Professional Engineer licensed in Oregon to Practice as such and a permit issued by the City of Oregon City Building Division prior to any site work commencing in regards to the antenna placement.
 - Placement of modular or equipment structures will require a completed application be submitted to the Oregon City Building Department along with corresponding construction documents and a permit issued prior to any site work commencing in regards to the structure.
 - Fences over 6 feet in height require that a building application be submitted and permits issued prior to installation of any fencing material.
 - Electrical permits will possibly be required.
 - If you have any questions regarding the aforementioned comments from the City of Oregon City Building Division please Contact City of Oregon City Building Official Mike Roberts at 503-496-1517.
- A letter sent on 6/19/14 from Tom O'Brien on behalf of the Hazel Grove-Westling Farms neighborhood association, officially requesting that the Planning Commission continue the first hearing in order to give the neighborhood association a chance to discuss the revised layout proposal at a regular meeting.
- A letter dated 6/26/14 from Kathy Hogan in opposition to the proposal, stating the pole would be a safety hazard for children and health hazard for those nearby. Her letter also states the pole would be an eyesore and source of noise that would reduce property values in the neighborhood.
- An email from Peggy Falkenstein on 6/29/14 in opposition to the proposal, stating the cell tower does not fit the values of the South End Concept Plan, which include livability and a sense of place. She describes softball games where dozens of spectators utilize the area proposed for the tower, and is concerned that the area will be unusable with a cell tower. She is also concerned that young children would utilize the barrier fence as playground equipment. Another concern is 400 year old oak trees adjacent to the proposed tower location – it is suspected that substantial trimming would be required to enhance the tower service.
- An emailed letter from John Falkenstein dated 6/27/14 expressing opposition to the proposal due to concerns about life flight helicopter access, the structural soundness of the tower, unknown and un-researched long term health consequences of radiation from cell towers, compatibility with the neighborhood, 400 year old oak trees that may need removal for tower service improvements in the future, antennas placed at 25 feet above ground, security and safety of children, the elimination of a spectator area for the softball field, bird deaths caused by the tower, the impact of maintenance trucks on school grounds, and property value decreases that have occurred near cell towers elsewhere.

- An email from Mavis Militante on 6/30/14 in opposition to the proposal due to concerns about health hazards, the elimination of a spectator area for softball games, increased stormwater drainage to Salmonberry Drive, reduction in property values resulting from view impacts, and security of the tower area.

The following comments were submitted after July 1:

- A letter from Peggy Falkenstein regarding trees in a proposed utility easement. She comments that these 12 trees should be subject to mitigation per Chapter 17.41 of the code. She also points out a discrepancy in the easement width between the land use application and the applicant's contract with the school district.
- A letter from the Hazel Grove Westling Farms Neighborhood Association stating that the majority of the neighborhood association feels that AT&T has not considered alternative locations and that the tower location is not in the best interest and safety of the children. The letter also includes the minutes and sign-in sheets from association meetings when the issue was discussed.
- A petition signed by 67 community members who object to the cell tower proposal. The petition cites negative health impacts and property value impacts as reasons for the objections.

Many of the comments are addressed in the staff report below. The fence enclosure will be surrounded by arbor vitae and other landscaping that will provide noise buffer and safety. A noise analysis that meets the standards of the OCMC has been submitted. The applicant indicated that a maintenance truck will visit once per month.

It does not appear that the applicant proposes to remove or trim any of the discussed oak trees. A condition of approval that requires tree protection and mitigation is recommended in the staff report. Any trees within the vicinity of the cell tower and construction area are required to be protected by construction fencing during construction activities. The applicant will also be required to record covenants protecting any preserved trees within the work area for the project.

Specific easement widths and locations will be finalized and reconciled through the construction plan process with the City's Development Services Department.

Todd Martinez of the City's Development Services department responded to the comment regarding stormwater, stating "The proposed project's total improved impervious area does not meet the minimum requirements for storm water detention or treatment per the City code. Storm run-off from the roof of the new building will be so minor it would be difficult to measure. The project and adjacent areas are located in an area of high groundwater, which is the likely cause of persistent problems with stormwater for Mr. Militante and neighbors."

Mike Roberts, the City's building official, responded to the comment regarding structural integrity of the tower, stating "I reviewed the attached cell tower design and found it to be in line with other applicable cell towers. The Design Professional did account for up to one inch of ice at lower wind speeds which is the typical design submitted for this application."

III. DECISION-MAKING CRITERIA:

- Chapter 17.56 Conditional Uses
- Chapter 17.80 Wireless Communication Facilities
- Chapter 17.62 Site Plan and Design Review
- Chapter 17.41 Tree Protection
- Chapter 13.12 Stormwater Management

CHAPTER 17.56 CONDITIONAL USES

17.56.010 Permit--Authorization--Standards--Conditions.

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;

Finding: Complies. Section 17.80.070 – Construction or Modification of a Support Tower identifies the construction of a new support tower within the R-10 zone as a conditional use. Therefore, the proposal complies.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies as proposed. The characteristics of the proposed site are suitable for the proposed wireless facility. The property is within the area of a significant gap in existing AT&T wireless coverage. The proposed facility addresses the coverage gap. The size of the parcel allows for greater than required setbacks and visual buffering (approximately 600' to South End Road; approximately 300' to the southwest; approximately 750' to the southeast; and 81' to the northeast). The setbacks and facility placement will serve to buffer the pole, reducing views from public rights-of-way.

The site is approximately 11.8 acres and there are no natural resource features located on the site. There are mature trees near the proposed facility that will provide additional buffering. AT&T is proposing to camouflage the facility as a "tree" in order to better integrate it into the surrounding area. These additional design features make the proposal more suitable in the R-10 zone. The pole will fit in better with the surrounding tall trees on the property, rather than appearing as a stark industrial pole as seen in other parts of the city. The applicant provided visual simulations to demonstrate how the pole will appear from different angles and locations. These simulations show that the pole is visible from some of the surrounding properties and rights of way, but that its impact is lessened by the design.

The facility will be able utilize existing access drives and parking. The facility will not interfere with the School operations.

3. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places;

Finding: Complies as proposed. The construction of the wireless facility will not have any significant impact on the adequacy of the transportation system. There is minimal trip generation, only construction traffic and then minimal maintenance traffic.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding: Complies as proposed. The surrounding area is developed mostly as single family neighborhoods and the elementary school campus. There are many mature deciduous and coniferous trees in the area.

The applicant has proposed a camouflaged pole to better blend with the existing visual environment and minimize views from surrounding properties. The facility is also designed to accommodate two future collocators. This will eliminate the need for other wireless carriers to build in the neighborhood. The facility will comply with the RF emission standards established by the FCC and the noise requirements at the property line will be met as established by the Oregon City Municipal Code. The equipment cabinet is screened with wood fencing and landscaping that will protect and secure the facility and will provide visual screening of the ground level portions of the facility.

5. *The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*

Comprehensive Plan Policies

Section 11– Public Facilities

Policy 11.7.5: Maintain and enforce the cell tower ordinance. Adopt, support and encourage innovations in reducing, camouflaging or screening cell towers.

Finding: Complies as proposed. AT&T is proposing a new communication facility at 19230 South End Road that will be camouflaged as a 75-foot tall “tree” pole and is designed to allow additional collocation of future antennas. As discussed in the Alternatives Analysis (Section II.), AT&T evaluated collocation opportunities with the “search area” of the facility, and has demonstrated that there are no available locations.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.

Finding: Complies as proposed. The proposal complies with the standards of the Oregon City Municipal Code. By locating on a large parcel with setbacks greater than required and camouflaging the facility as a “tree”, AT&T is taking steps to mitigate impacts to the surrounding properties. Staff does not recommend any restrictions or conditions other than the conditions found in this staff report.

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.

Finding: Complies as proposed. The proposal complies with the dimensional standards of the zone. See analysis in Section 17.08 of this report.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Finding: Not applicable. The applicant is proposing a new use.

E. The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review. (Ord. 91-1025 §1, 1991; prior code §11-6-1)

Finding: Not Applicable. The applicant is not requesting further expansion of the use at a later date. The pole is proposed to have collocators. Additional antenna placed on the pole in the future is subject to site plan and design review per 17.80.040.

17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

C. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.

Finding: Complies as Proposed. The 75-foot tall facility will be set back 81' from the nearest property line. The pole has been designed to look like a fir tree, which shows the applicant has considered aesthetic value.

17.56.060 Revocation of conditional use permits.

The planning commission or the city commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the city or, with regard to lands annexed by the city, those such permits issued by the county. The planning commission or, on review, the city commission, may revoke such permit upon determining:

A. One or more conditions attached to the grant of the conditional use permit have not been fulfilled; and

B. The unfulfilled condition is substantially related to the issuance of the conditional use permit.

Finding: Not Applicable. No previous conditional use permit is being revoked.

17.56.070 Periodic review of conditional use permits.

A. The city commission may provide for the periodic review of some or all of the conditional use permits previously issued by the city, or, with regard to lands annexed by the city, those such permits issued by the county. In providing for such review, the city commission may designate classes of such previously issued permits for which periodic review shall be undertaken.

B. Such review shall be accomplished as an administrative action under Chapter 17.50 and shall be limited to the question of whether additional conditions should be imposed on a conditional use in the light of changing circumstances and more efficient implementation of the city's comprehensive plan.

C. Notwithstanding the provisions of Chapter 17.58, any additional conditions shall be met as a requirement for continued operation of the conditional use.

Finding: The site has not been identified as needing a periodic review of a previously issued permit. The Planning Commission may decide to require periodic review; however, staff has not identified a reason it should be required.

CHAPTER 17.80 COMMUNICATION FACILITIES

17.80.010 Purpose.

The provisions of this chapter are designed to protect the visual, aesthetic, and historical features of Oregon City, to ensure that wireless communications services are located, designed, installed, maintained, and removed in an appropriate manner for the safety, health, and welfare of the citizens of Oregon City, and to provide for development consistent with the Oregon City Comprehensive Plan by achieving the following goals:

- 1. Promote maximum utilization and encourage collocation of new and existing wireless communication antennas to minimize the total number of support structures and towers throughout the city;*

Finding: Complies as proposed. The applicant has proposed the construction of a new wireless pole in an area that is in need of additional service. It is designed for collocation.

2. *Encourage careful consideration of topography, greenways, and historical significance of potential telecommunication sites and the use of camouflaging and screening to ensure development has minimal impacts on the community, views, and historical areas;*

Finding: Complies as proposed. The applicant has proposed the construction of a new wireless pole. The applicant has proposed to effectively screen and camouflage the proposed pole and has proposed large setbacks to reduce viewing impacts. The area is not a historical area.

3. *Encourage the use of existing buildings, light or utility poles, or water towers as opposed to construction of new telecommunication towers; and*

Finding: Complies as proposed. The applicant has proposed the construction of a new wireless pole in an area of the city that does not contain adequate existing infrastructure for antenna installation.

4. *Encourage the location of monopole telecommunication towers and antenna arrays in non-residential areas.*

Finding: Complies as proposed. The applicant has proposed the construction of a new wireless pole in a residential zone, on a school property. The subject site has a comprehensive plan designation of Public/Quasi-public. The South End neighborhood does not currently contain any nonresidential uses other than a school, church, and fire station.

17.80.70 Construction or Modification of a Support Tower.

A. *Site Plan and Design Review. Required if the following exists:*

1. *Property is zoned GI, CI, I, C, MUC-2 or MUE; and*
2. *No adjacent parcel is zoned for residential use.*

B. *Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.*

C. *Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.*

Finding: Complies as Proposed. The applicant has requested a conditional use permit approval for a new pole in the R-10 zone.

17.80.80 Site review process

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the city except as provided in this section. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

A. *Compatibility Review. A wireless communication facility that, pursuant to Sections 17.80.030—17.80.050, is subject to a compatibility review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the compatibility review application. No building permit shall be issued prior to completion of the compatibility review process.*

B. *Site Plan and Design Review. A wireless communication facility that, pursuant to Sections 17.80.040—17.80.070, is subject to site plan and design review shall be processed in accordance with the standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the site plan and design review application. In the event of a conflict*

in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the site plan and design review process, including any local appeal.

C. Conditional Use Review. A wireless communication facility that, pursuant to Sections 17.80.050—17.80.070, is subject to conditional use review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the conditional use review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

Finding: Complies as Proposed. The applicant has requested a conditional use and site plan and design review permit approval for a new pole in the R-10 zone.

17.80.090 Permit Application Requirements

A. Compatibility Review Requirements – For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:

Finding: Complies as Proposed. Compatibility review is not required; the applicant is requesting conditional use review. However, submittal of these same items are required per 17.80.090.C.

- 1. Application fee(s).*
- 2. Planning Division land use application form;*
- 3. A narrative of the proposed project that includes a description of the following:*
 - i. Need for the project;*
 - ii. Rationale and supporting evidence for the location; and*
 - iii. Description of the project design and dimensions.*
 - iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110*

Finding: Complies as proposed. The applicant submitted the materials listed above.

- 4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIEER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);*

Finding: Complies as proposed. The applicant submitted an emission statement from AT&T's FCC Licensed engineer. The letter certifies that the facility will operate between 1%-5% of the maximum FCC exposure levels.

- 5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110.G, or designs showing how the sound is to be effectively muffled to meet those standards;*

Finding: Complies as Proposed. AT&T has submitted a noise study conducted by SSA Associates. The study found that the site will conform to the City's noise ordinance if an additional noise barrier is constructed on the north and east sides of the shelter. AT&T will incorporate the recommendation into its construction drawings that will be submitted for a building permit.

- 6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;*

Finding: Complies as proposed. The applicant has obtained the signature for the Oregon City School District.

7. *Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;*

Finding: Complies as Proposed. A structural analysis has been submitted demonstrating that the facility will meet structural requirements.

8. *Elevations showing all improvements and connections to utilities; and*

Finding: Complies as proposed. The applicant has submitted elevation plans.

9. *Color simulations of the site after construction demonstrating compatibility.*

Finding: Complies as proposed. The applicant has submitted color simulations.

B. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050.B, 17.80.060.A, or 17.80.070.A the following information is required:

1. *The information required in OCMC Chapter 17.80.90.A;*
2. *Pre-application notes;*
3. *A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the Community Development Director; and*
4. *Supplemental requirements listed in OCMC Chapter 17.80.90.D as needed.*

Finding: Complies as Proposed. Site Plan and Design Review is required in conjunction with Conditional Use review. The applicant has submitted the items listed above.

C. Conditional Use Review. For an application under Sections 17.80.050.C, 17.80.060.B, or 17.80.070.B the following information is required:

The information required in OCMC Chapter 17.80.90.A;

1. *Pre-application notes;*
2. *A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the Community Development Director as applicable*
3. *For an application under Section 17.80.070. Construction or Modification of a Support Tower, the requirements listed under Section 17.80.090.D Supplemental Information are required;*
4. *Responses to Conditional Use Review criteria under Chapter 17.56.010;*
5. *For an application under Section 17.80.050.C Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050.A and B shall be provided;*
6. *For an application under Section 17.80.060.B Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060.A shall be provided; and*
7. *For an application under Section 17.80.070.B Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070.A shall be provided.*
8. *Supplemental information listed in OCMC Chapter 17.80.90.D.*

Finding: Complies as proposed. The applicant has submitted all of the items listed above.

D. Supplemental Information. The applicant shall submit the following information for all applications subject to Conditional Use and Site Plan and Design Review:

1. *The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate;*

2. *A signed agreement, as supplied by the City, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.*
3. *Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional Site Plan and Design Review or Conditional Use Review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.*
4. *A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least 5 points within a 1-mile radius. Such points shall be chosen by the provider with a review and approval by the Community Development Director to ensure that various potential views are represented.*
5. *Documentation that one or more wireless communications service providers will be using the support tower within sixty (60) days of construction completion.*
6. *A site plan, drawn to scale, that includes:*
 - a. *existing and proposed improvements;*
 - b. *adjacent roads;*
 - c. *parking, circulation, and access;*
 - d. *connections to utilities, right-of-way cuts required, and easements required;*
 - e. *a landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and*
 - f. *setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.*
7. *An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.*

Finding: Complies as proposed. The applicant has submitted all of the items listed above.

17.80.100 Support Tower Location Requirements.

No new support tower shall be permitted under the provisions of Chapter 17.80.070 unless the applicant demonstrates to the satisfaction of the Planning Manager, and the results are verified by a State of Oregon certified professional engineer, that no existing collocation or modification possibility can accommodate the service needs of the applicant's proposed support tower. All proposals for new support towers must be accompanied by a statement and documentation from a qualified engineer, as determined by the Planning Manager, that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or structure for one or more of the following reasons:

- A. *No existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements;*
- B. *Existing support towers or support structures are not of sufficient height to meet the applicant's engineering requirements;*
- C. *Existing support towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.*

- D. *The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna(s);*
- E. *The applicant demonstrates that there are other limiting factors that render existing support towers and support structures unsuitable; or*
- F. *That fees, costs, or contractual provisions required by the owner in order to share or adapt to an existing support tower or support structure for collocation are unreasonable.*

Finding: Complies as Proposed. The applicant submitted a location analysis to explain why no alternatives to a new pole in this location are feasible. The reason cited is reason A above, that no existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements. The applicant's analysis is as follows. For the full document, see Exhibit 4.

"For this project, a significant coverage gap was determined to exist along portion of South End Rd. and Central Point Rd. The coverage gap also extends to the surrounding residential community along this routes. This new proposed site will not only provide reliable road coverage along South End Rd. but will also help provide solid indoor coverage to the surrounding residential communities.

This determination was a result of a combination of customer complaints and service requests, and preliminary design analysis as illustrated in Exhibits 1A and 1B. Terrain data within the service area is entered into a modeling program along with a series of variables, such as proposed antenna height, available radio frequencies and wireless equipment characteristics. Using this information, AT&T's RF engineers identified an area of optimum location for and height of a new wireless communication facility antenna to maximize the coverage objective.

To provide coverage in this area, it is necessary to locate a facility near the intersection of South End Rd. and South Filbert Dr. The location of the proposed site maximizes coverage while minimizing antenna height. Significant deviation from this location will reduce facility effectiveness and may make a proposed new facility to solve the significant coverage gap in the area ineffective. The proposed antenna height is the minimum necessary to provide the required coverage relative to nearby complementary wireless facilities. Reducing antenna height will reduced effectiveness and may make a proposed new facility to solve the coverage gap in the area ineffective. In some cases, increased antenna height allows greater flexibility in facility placement. However, antenna mounted too high may create interference and degrade performance of nearby existing wireless facilities in the AT&T network.

When this technical analysis was completed, a search area map and a description of other requirements were provided to AT&T's site development specialists. With this information in hand, AT&T ranked potential sites. Whenever feasible, AT&T strives to acquire property that is properly zoned and adjacent to compatible land uses. AT&T attempts to select a location that minimizes or limits any negative visual impacts on adjacent or nearby residential areas to the greatest extent possible. Sites adjacent to existing tall power lines, antenna facilities, water treatment facilities, and on the tops of buildings are selected when they meet the other technical requirements of the system. New, freestanding towers are avoided as are locations adjacent to view corridors or where demolition is required that would be detrimental to the existing character of the neighborhood. Rooftop and utility pole applications are favored where the design can be screened or incorporated into the existing structure and mechanical equipment can be placed out of view.

After viewing the area, the candidates considered for location, included various light poles, utility poles, existing tower for co-location, if anything exist and other raw lands near the intersection of South End Rd. and South Filbert Dr.

Eliminated from consideration are sites where zoning ordinances prohibit the location, insufficient room for mechanical equipment is available, required setbacks cannot be achieved or landowners are not interested in leasing property.

Three service coverage maps are provided. The first map (Exhibit 1A) demonstrates the existing level of service and the existing coverage gap. The second map (Exhibit 1B) demonstrates the expanded level of service that will be provided with the addition of the new proposed site at a height of 75 ft. (antenna tip height). Also for the purpose of evaluating possible co-location towers around the area, a coverage map (Exhibit 1C) was shown for the existing PGE tower approximately 0.54 mile South of the proposed site location. This map (Exhibit 1C) demonstrates that due to the distance of the PGE tower from the target coverage area, co-location at this tower will not meet the necessary coverage improvement.

The coverage maps show the level of service footprint considered acceptable to AT&T subscribers. This is where a AT&T handset can be reliably used to make and receive telephone calls in the presence of varying receive signals. The terrain, foliage, nearby structures, and WCF location are taken into account. The further the distance from the WCF, or the more abundant the clutter (trees, buildings, etc.) between the WCF and the handset, the weaker the receive signal will be.

The various parameters of the model used include terrain and clutter and are modified to more accurately reflect the actual terrain and topography effects of the specific location on the radio coverage predictions.

Other factors, not represented on the plot, include the ability of the site to handle the required call capacity or volume of calls and to provide the extent of data and other services required by AT&T customers. This site has been designed to provide coverage consistent with these factors. Finally, AT&T RF engineers have determined that this height and location is necessary for the effective functioning of the minor communication utility.”

17.80.110 Design Standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

A. Support Tower. The Support Tower shall be self-supporting.

Finding: Complies as Proposed. The proposed tower is self-supporting.

B. Height Limitation. Support Tower and antenna heights shall not exceed the maximum heights provided below.

1. If the property is zoned:

a. G1, C1 or I; and

b. No adjacent parcel is zoned residential;

the maximum height of a support tower, including antennas, is 120 feet.

2. If the property is zoned:

a. G1, C1 or I, and an adjacent parcel is zoned residential; or

b. C, MUC-2 or MUE;

the maximum height of a support tower, including antennas, is 100 feet.

3. If the property is zoned:

a. MUC-1, MUD or NC;

the maximum height of a support tower, including antennas, is 75 feet.

4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.

Finding: Complies as Proposed. The property is zoned R-10, which allows a tower up to 75 feet in height. The applicant has proposed a 75-foot tall tower, which meets this standard.

- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.*
- 1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.*
 - 2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.*

Finding: Complies as Proposed. The proposed support structure will be designed to accommodate two additional carriers.

- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.*
- 1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.*
 - 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:*
 - a. If the property is zoned:*
 - i. GI, CI, I, C, MUC-2 or MUE; and*
 - ii. No adjacent parcel is zoned for a residential use; the underlying zone setback shall apply;*
 - b. If the property is zoned:*
 - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or*
 - ii. MUC-1, MUD or NC; the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or*
 - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.*

Finding: Complies as Proposed. The proposed tower will be set back 81 feet from the nearest property line, which is greater than the height of the tower. Therefore, the standard is met.

- E. Auxiliary Support Equipment. The following standards shall be required.*
- 1. If the property is zoned:*
 - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;*
 - b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:*
 - i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The community development director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.*
 - 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.*

Finding: Complies as Proposed. The support equipment will be placed within a 12' x 26' equipment shelter. The shelter will also house AT&T's emergency back-up power generator. The shelter is 312 square feet in size and under 15 feet in height. The applicant has proposed to screen the shelter with a 6-foot cedar fence and landscaping. The applicant explained that it is not practical to locate the equipment underground.

F. *Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.*

1. *If the property is zoned:*

- a. *GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;*
- b. *For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.*
- c. *The Community Development Director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.*

Finding: Complies as proposed. AT&T is proposing to landscape the perimeter of the compound as required. A six-foot tall cedar fence will also be provided around the equipment area. The landscaping includes 18 Arbor Vitae, six feet tall, 15 Italian Cypress, six feet, tall, and Beach Strawberry ground cover. The landscaping completely surrounds the facility except as required to gain access. Existing vegetation on site includes mostly lawn and trees. One tree is proposed to be removed for the proposed pole facility, along with about 1,650 square feet of lawn.

G. *Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:*

1. *For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;*
2. *For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.*

The Community Development Director may approve a nominal increase in noise level above these standards, provided the intent of this standard is met.

Finding: Complies with Condition. A noise study has been provided. The study found that the site will conform to the City's noise ordinance if an additional noise barrier is constructed on the north and east sides of the shelter. Specifically, the sound level at the nearest residential property line will be 39 dB with the proposed noise barrier enhancement. The applicant shall incorporate the noise barrier design recommendations into its construction drawings that will be submitted for a building permit. **The applicant can meet this standard through condition of approval 1.**

H. *Lighting.*

1. *Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.*
2. *Strobe lighting is prohibited unless required by the Federal Aviation Administration.*
3. *Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.*

Finding: Complies with Condition. No lighting is proposed, other than security lighting. Prior to issuance of permits, the applicant shall submit a cut sheet for the proposed lighting and shall submit documentation

verifying that the lighting is shielded and will not cause illumination on adjacent properties in excess of 0.5 footcandles at the property line. **The applicant can meet this standard through condition of approval 2.**

I. Color.

1. *Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.*

Finding: Complies as proposed. The proposed structure will be a faux tree with green limbs designed to blend with the natural environment.

J. Signage.

1. *Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.*

Finding: Not applicable. The applicant has not proposed any signs as part of the application.

K. Access Drives.

1. *On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.*
2. *Site shall be serviced by an access adequate to ensure fire protection of the site.*
3. *New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.*
4. *New access drives shall be reviewed for adequate intersection sight distances.*

Finding: Not applicable. The applicant has not proposed to create a new access drive to the site.

L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Planning Manager any changes in the status of their operation.

1. *An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.*
2. *The report shall include any of the following changes:*
 - a. *Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;*
 - b. *Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;*
 - c. *Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or*
 - d. *Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.*

Finding: Complies with condition. The applicant shall provide notification to the city if any changes are made to the operation, and shall file an annual written statement verifying the continued use of the facility as required per 17.62.110.L. **The applicant can meet this standard by complying with condition of approval 3.**

17.80.120 Adjustments.

Adjustments to the standards of this Chapter may be approved by the Planning Commission at a duly noticed public hearing.

Finding: Not applicable. The applicant has not requested any adjustments.

17.80.130 Temporary Facilities.

Finding: Not applicable. The applicant has not requested a temporary facility.

17.80.140 Removal for Discontinuance of Service.

Any wireless communication facility that has not provided service for six (6) months shall be deemed a nuisance and subject to removal as provided in Oregon City Municipal Code Chapter 8.08. The Planning Manger may grant a six (6) month extension where a written request has been filed, within the initial six (6) months period, to reuse the support tower or antenna(s).

Finding: Not applicable at this time.

17.80.150 Fees.

Finding: Not applicable. No additional fees are required.

17.62.050 - SITE PLAN AND DESIGN REVIEW

All development shall comply with the following standards:

1. *Landscaping, A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*

Finding: Complies as proposed. The entire 11.8 acre lot has a large amount of landscaping that meets this standard. AT&T's compound is 1,500 square feet. A 5' wide landscape buffer will surround the compound. The buffer constitutes approximately 34% of the compound. The proposed equipment location will not remove any existing landscape features (other than grass). Therefore, the criterion is met.

2. *Vehicular Access and Connectivity*

Finding: Not applicable. AT&T will utilize the School's existing access drives and parking. There is an existing path from the parking area to the site. No new access drives will be created.

3. *Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.*

Finding: Complies as proposed. The proposed equipment shelter will have an aggregate finish, similar to that of the School. A materials board has been provided showing the exterior. The site is not located in a historic district.

4. *Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.*

Finding: Complies with conditions. The applicant will grade the site consistent with Chapter 15.48 and the Public Works storm water and grading design standards. The grading plan will be incorporated into the final construction drawings that will be submitted as a part of the building permit submittal. **The applicant can meet this standard by complying with condition of approval 4.**

5. *Geological Hazard Overlay. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.*

Finding: Not applicable. The site is not located in the Geologic Hazard overlay.

6. *Drainage. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.*

Finding: Complies as proposed. The applicant will comply with the requirements of Chapter 13.12. An analysis of the proposal's compliance with the requirements is addressed in section 13.12.050 of the narrative.

7. *Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.*

Finding: Not applicable. The applicant proposed an unstaffed facility. A technician will visit the site approximately once a month. The technician will use the School's parking lot. No additional parking is required.

8. *Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.*

Finding: Not applicable. Sidewalks are neither required nor proposed. The project has no impact on pedestrian traffic.

9. *A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:*

Finding: Not applicable.. The project has no impact on pedestrian traffic.

10. *There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.*

Finding: Complies as Proposed. AT&T will maintain the facility.

11. *Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.*

Finding: See Chapter 17.41 of this report.

12. *Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.*

Finding: Not Applicable. The project will not impact any significant natural resource area.

13. *All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.*

Finding: Complies as Proposed. The project will not emit any odor, glare or vibrations. The equipment shelter will comply with the City's noise standards.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Not Applicable. The facility will not be connected to water and sewer utilities.

15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.

Finding: Not Applicable. No ROW improvements are required for the project. AT&T will be utilizing the School's access.

16. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

Finding: Not Applicable. The proposal will have no impact on transit demand.

17. All utility lines shall be placed underground.

Finding: Complies as Proposed. As show on the site plan, the power and telecommunication lines will be underground. Therefore, the standard is met.

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Not Applicable. The proposal is for a wireless facility that is not required to be accessible.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not Applicable. The proposal is not a residential development.

20. Screening of Mechanical Equipment:

- a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.
- b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.
- c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. Placement and type of screening shall be determined by the community development director.
- d. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the site plan and design review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional planning review is required.
- e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Finding: Not Applicable. The proposal must comply with screening requirements for the equipment shelter, found in Chapter 17.80. See the findings for 17.80.110.E and F.

21. Building Materials

- a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the City's desired traditional character are as follows:
 - i. Brick.
 - ii. Basalt stone or basalt veneer
 - iii. Narrow horizontal wood or composite siding (generally 5 inches wide or less); wider siding will be considered where there is a historic precedent.
 - iv. Board and baton siding
 - v. Other materials subject to approval by the Community Development Director.
 - vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
 - vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Complies as Proposed. The applicant's equipment shelter has stone aggregate finish. The proposed fence surround the area is cedar.

- b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.
 - i. Vinyl or plywood siding (including T-111 or similar plywood).

- ii. *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than 10 percent of the building façade*
- iii. *Corrugated fiberglass.*
- iv. *Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).*
- v. *Crushed colored rock/crushed tumbled glass.*
- vii. *Non-corrugated and highly reflective sheet metal.*

Finding: Complies as Proposed. No prohibited materials are proposed. The enclosure gate will be chain link, but the remainder of the fence is wood.

c. Special material standards: The following materials are allowed if they comply with the requirements found below:

- 1. *Concrete block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.*
- 2. *Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).*
- 3. *Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
- 4. *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*

Finding: Complies as Proposed. No special materials are proposed. The applicant indicated compliance with maintenance.

22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

Finding: Complies as Proposed. Conditions of approval are listed at the end of this report.

CHAPTER 17.41 TREE PROTECTION

17.41.020 Tree Protection – Applicability.

- 1. *Applications for development subject to Chapter 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.*
- 2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type II process.*
- 3. *Tree canopy removal greater than 25% on sites greater than 25% percent slope, unless exempted under section 17.41.040, shall be subject to these standards.*

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Finding: Applicable. The proposal is subject to Chapter 17.62 and is thus subject to this Chapter.

17.41.050 - Tree Protection – Compliance Options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1 - Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to section 17.41.060 or 17.41.070. All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.
- B. Option 2 – Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to sections 17.41.080-100; or
- C. Option 3 – Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to section 17.41.110-120.; or
- D. Option 4 - Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The Community Development Director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

- (1) Preclude achieving 80% of minimum density with reduction of lot size; or
- (2) Preclude meeting minimum connectivity requirements for subdivisions.

17.41.060 - Tree Removal and Replanting - Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in Chapter 17.04 to the extent practicable. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under section 12.08 – Community Forest and Street Trees.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees 6" DBH (minimum 4.5 feet from the ground) or larger on the entire site and either:

- (1) Trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
- (2) Diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, may be removed from the tree replacement calculation. Regulated healthy trees that are removed outside of the construction area, shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
2 inch caliper deciduous, or
6 foot high conifer

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
<i>6 to 12"</i>	<i>3</i>	<i>1</i>
<i>13 to 18"</i>	<i>6</i>	<i>2</i>
<i>19 to 24"</i>	<i>9</i>	<i>3</i>
<i>25 to 30"</i>	<i>12</i>	<i>4</i>
<i>31 and over"</i>	<i>15</i>	<i>5</i>

Steps for calculating the number of replacement trees:

- 1. Count all trees measuring 6" DBH (minimum 4.5 feet from the ground) or larger on the entire development site.*
- 2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.*
- 3. Document any trees that are currently diseased or hazardous.*
- 4. Subtract the number of diseased or hazardous trees in step (3) from the total number of trees on the development site in step (1). The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps (5) through (8).*
- 5. Define the construction area (as defined in Chapter 17.04)*
- 6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.*
- 7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.*
- 8. Determine the total number of replacement trees from steps (6) and (7).*

Finding: Complies with Conditions. The applicant's plans indicate one tree within the construction area to be removed on site. The applicant did not provide code responses to Chapter 17.41. Prior to issuance of permits, the applicant shall demonstrate compliance with this Chapter. The size of any removed trees shall be measured and a mitigation plan shall be provided. Any preserved trees within the construction work area shall be protected by a restrictive covenant. **The applicant can meet this standard through Condition of Approval 5 and 7.**

17.41.070 – Planting Area Priority for Mitigation (Option 1).

Development applications which opt for removal of trees with subsequent replanting pursuant to section 17.41.050(A) shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

- A. First Priority. Replanting on the development site.*
- B. Second Priority. Off-site Replacement Tree Planting Locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the Community Development Director.*

Finding: Complies with Condition. The applicant did not provide code responses to Chapter 17.41. Prior to issuance of permits, the applicant shall submit a mitigation plan showing the number, type, and location of mitigation trees. The site is 11.8 acres, which provides ample room for tree planting. The mitigation trees shall be planted on site. **The applicant can meet this standard through Condition of Approval 6.**

17.41.130. Regulated Tree Protection Procedures During Construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
 2. Approved construction fencing, a minimum of 4 feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
 7. No machinery repair or cleaning shall be performed within 10 feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a Certified Arborist.
 9. The City may require that a Certified Arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies with Condition. The applicant did not respond to this standard. Prior to issuance of permits, the applicant shall protect any nearby trees from construction activities, including the oak trees within the vicinity of the AT&T lease area. Tree protection fencing shall be shown on the construction drawings. **The applicant can meet this standard through condition of approval 8.**

STORM WATER MANAGEMENT – CHAPTER 13.12

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards or stormwater conveyance, stormwater quantity or stormwater quality.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
- 2. The conveyance facilities are privately maintained; and*
- 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.*

Finding: Complies with Condition. The applicant is not proposing to construct any new storm water facilities. The amount of impervious surface created through this project will not reach the threshold for stormwater quality control. The applicant shall clarify the total amount of impervious surface and shall submit documentation describing what, if any, stormwater management measures will be taken. **The applicant can meet this standard through condition of approval 9.**

B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments:

- 1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period;*
- 2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*
- 3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*
- 4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*

- a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*
- b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42*

Finding: Complies as proposed. Complies with Condition. The applicant is not proposing to construct any new storm water facilities. The amount of impervious surface created through this project will not reach the threshold for stormwater quantity control. The applicant shall clarify the total amount of impervious surface and shall submit documentation describing what, if any, stormwater management measures will be taken. **The applicant can meet this standard through condition of approval 9.**

C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:

- 1. Category A. Activities subject to general water quality requirements of this chapter:*
 - a. The construction of four or more single-family residences;*

- b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the WQRA or will disturb more than one thousand square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven year period; or*
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*
 - d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*
- 2. Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*
 - a. Fuel dispensing facilities;*
 - b. Bulk petroleum storage in multiple stationary tanks;*
 - c. Solid waste storage areas for commercial, industrial or multi-family uses;*
 - d. Loading and unloading docks for commercial or industrial uses; or*
 - e. Covered vehicle parking for commercial or industrial uses.*
- 3. Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: Not Applicable. The proposed facility is neither a Category A, B or C facility. Therefore the requirements do not apply.

RECOMMENDED CONCLUSION AND DECISION

Staff recommends that the Planning Commission approve the application as submitted by the applicant with the recommended conditions of approval for the Conditional Use Permit, identified as Planning File CU 13-03, and the Site Plan and Design Review permit, identified as Planning File SP 13-22, for the installation of a wireless communication pole on the campus of the McLoughlin Elementary School.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2. Applicant's Complete Submittal
3. Public Comments
4. Applicant's Radio Frequency Engineer Site Analysis
5. Additional Materials Submitted August 18, 2014

Recommended Conditions of Approval
Planning Files: CU 13-03 & SP 13-22
Planning Commission Hearing: July 14 and July 28, 2014

1. The applicant shall incorporate the noise barrier design recommendations into its construction drawings that will be submitted for a building permit. (P, B)
2. Prior to issuance of permits, the applicant shall submit a cut sheet for the proposed lighting and shall submit documentation verifying that the lighting is shielded and will not cause illumination n adjacent properties in excess of 0.5 footcandles at the property line. (P)
3. The applicant shall provide notification to the city if any changes are made to the operation, and shall file an annual written statement verifying the continued use of the facility as required per 17.62.110.L. (P)
4. Prior to final plan approval, the Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Grading Plan to the City for review prior to the approval of construction plans. A final site Grading Plan shall be required as part of the final construction plans. (DS)
5. Prior to issuance of permits, the applicant shall meet all requirements in Chapter 17.41. The size of any removed trees shall be measured and a mitigation plan shall be provided. (P)
6. Mitigation trees shall be planted on site. (P)
7. The applicant shall record a covenant for the preservation of any oak trees within the construction work area. (P)
8. Prior to issuance of permits, the applicant shall protect any nearby trees from construction activities, including the oak trees within the vicinity of the AT&T lease area. Tree protection fencing shall be shown on the construction drawings. (P)
9. Prior to issuance of permits, the applicant shall clarify the total amount of impervious surface and shall submit documentation describing what, if any, stormwater management measures will be taken. (DS)

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.