

## NOTICE OF DECISION

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**Case File:** T2-2021-14924

**Permit:** Administrative Decision by the Planning Director; Limited Design Review

**Applicant:** Felicia Sauls                      **Owners:** Aidan & Hailey Jensen

**Location:**    **Address:** 16300 NW Sheltered Nook Road                      **Map, Tax Lot:** 2N1W19C -00404  
                    **Alternate Account #:** R649841940                      **Property ID #:** R551817

**Base Zone:** Rural Residential (RR)

**Overlays:** Significant Environmental Concern for Wildlife Habitat (SEC-h); Significant Environmental Concern for Scenic Views (SEC-v); Geologic Hazards (GH)

**Proposal Summary:** The applicant requests and Administrative Decision by the Planning Director and Limited Design Review to install a new generator and concrete pad to support an existing Wireless Communication Facility.

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**Decision:**    **Approved with Conditions**

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, March 9, 2022 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting Chris Liu, Staff Planner via email at [chris.liu@multco.us](mailto:chris.liu@multco.us). Copies of all documents are available at the rate of \$0.40/per page.

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at (503) 988-3043. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

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**Issued by:** \_\_\_\_\_

**By:** Chris Liu, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Wednesday, February 23, 2022



### **Applicable Approval Criteria** [Multnomah County Code (MCC)]:

General Provisions: MCC 39.1515 Code Compliance and Applications; MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record - RR; MCC 39.6850 Dark Sky Lighting Standards.

Rural Residential Zone: MCC 39.4365 Review Uses – (E) Wireless Communication Facilities; MCC 39.4375 Dimensional Requirements;

Significant Environmental Concern: MCC 39.5515 Exemptions

Administrative Decision: MCC 39.7710 Review Procedures; MCC 39.7715 Definitions; MCC 39.7725 General Requirements; MCC 39.7730 Registration Required; MCC 39.7735 Application Requirements; MCC 39.7740 Approval Criteria – Non EFU Zones.

Limited Design Review: MCC 39.8020 Application of Regulations – (B); MCC 39.8040(A)(1)(a), (1)(c), (4) and (7).

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or by visiting our website at <http://multco.us/landuse/zoning-codes/> under the link **Chapter 39 – Zoning Code**.

### **Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

1. Permit Expiration – This land use permit shall **expire** as follows:
  - a. Within **two (2) years** of the date of the final decision when construction is not completed and the improvements have not been placed into service. [MCC 39.7725(H)]
2. Prior to land use sign-off for building plan check, the property owners or their representative shall:
  - a. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Chris Liu at [chris.liu@multco.us](mailto:chris.liu@multco.us). [MCC 39.1170(A) & (B)]
  - b. Provide details for the proposed generator shelter exterior light to demonstrate that the light meets the Dark Sky Lighting Standards of MCC 39.6850.
  - c. Revise the shelter details plan to state the colors that will be used for the exterior and the roofing shingles. The selected colors shall match the colors of the existing structures within the lease area. [MCC 39.7740(B)(5) and MCC 39.8040(A)(1)]
  - d. Shall demonstrate compliance with the County’s Ground Disturbance regulations listed in MCC 39.6210 through MCC 39.6225 as appropriate to the amount of ground disturbance proposed.
3. As an on-going condition:
  - a. The applicant shall utilize the proposed materials and colors for the generator shelter, as described in this decision and noted in the proposed plans (Exhibit A.6 and A.9). [MCC 39.8040(A)]
  - b. The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF within 90 days of change. [MCC 39.7725(I)]
  - c. All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, ground disturbing activities, Flood Hazard, and Significant Environmental Concern. [MCC 39.7725(J)]
  - d. No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site. [MCC 39.7725(K)]
  - e. The service provider of the WCF and their successors and assigns shall agree to:
    - i. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response; [MCC 39.7740(A)(1)]
    - ii. Negotiate in good faith for shared use of the WCF by third parties; and [MCC 39.7740(A)(1)]
    - iii. Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location. [MCC 39.7740(A)(1)]
  - f. Radiofrequency Standards: The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines). [MCC 39.7740(A)(2)]

- g. Noise: Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 PM and 8 AM. [MCC 39.7740(A)(3)]

**Note:** Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building plans signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Visit <https://www.multco.us/landuse/submitting-building-plan> for current instructions on submitting your plans for review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department.

**Notice to Mortgagee, Lien Holder, Vendor, or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

## **Findings of Fact**

**FINDINGS:** Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

### **1.0 Project Description:**

**Staff:** The applicant requests and Administrative Decision by the Planning Director and Limited Design Review to install a new generator and concrete pad to support an existing Wireless Communication Facility (WCF). A prefabricated shelter placed over the generator and concrete pad will cover the proposed development. The most recent review related to the WCF was for the co-location of antennas via land use case no. T2-10-008. The WCF was originally permitted through a Community Service Conditional Use Permit (CS 3-93).

### **2.0 Property Description:**

**Staff:** The Rural Residential (RR) zoned subject property is located in west unincorporated Multnomah County outside of the metro Urban Growth Boundary. Adjacent properties primarily contain rural residences that compose the Sheltered Nook Rd. neighborhood. County tax records list the following improvements on the subject property: single-family dwelling, detached garage, and four (4) outbuildings. The Wireless Communication Facility is also located on the site.

### **3.0 Public Comment:**

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 (Exhibit C.4). Staff did not receive any public comments during the 14-day comment period.

### **4.0 Code Compliance and Applications Criteria:**

#### **4.1 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.**

**Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.**

\* \* \*

**Staff:** This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now

codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, staff is not aware of any open compliance cases on the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

## **5.0 General Provisions:**

### **5.1 MCC 39.3005 LOT OF RECORD – GENERALLY**

**(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.**

**(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.**

**(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**

**(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:**

\* \* \*

### **MCC 39.3090 LOT OF RECORD – RURAL RESIDENTIAL (RR).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the RR district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**

\* \* \*

**(D) The following shall not be deemed to be a lot of record:**



**(1) An area of land described as a tax lot solely for assessment and taxation purposes;**

\* \* \*

**Staff:** The County previously made a Lot of Record determination for the subject property in land use case no. T2-06-125. Per the current deed (Exhibit A.3), the subject property is Lot 2 of Partition Plat 2004-49, which is the same configuration described in T2-06-125. Therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

**6.0 Rural Residential Zone Criteria:**

**6.1 MCC 39.4365 REVIEW USES**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:**

\* \* \*

**(E) Wireless communications facilities that employ concealment technology or co-location as described in MCC 39.7710(B) pursuant to the applicable approval criteria of MCC 39.7700 through 39.7765.**

\* \* \*

**Staff:** The applicant proposes to make modifications to an existing Wireless Communication Facility (WCF). As noted in section 1.0 above, the County authorized additional antennas employing co-location for the WCF in 2010. *Criteria met.*

**6.2 MCC 39.4375 DIMENSIONAL REQUIREMENTS**

**(C) Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

**(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

\* \* \*

**Staff:** The proposed concrete pad for the generator is located within the existing fenced leased area for the existing WCF; the existing lease location meets the minimum yard requirements for the RR zone (Exhibit A.5 – A.6). County Transportation did not indicate the presence of

insufficient right-of-way (Exhibit A.16); hence, increases to the minimum yard requirement are not necessary. The height of the shelter for the generator is 11' 5". *Criteria met.*

**6.3 (F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the lot.**

**(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**

**(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

**Staff:** New impervious area for the concrete pad is 200 +/- sq. ft. (Exhibit A.6 & A.8). As the total new impervious area is less than 500 sq. ft., a stormwater certificate is not required for this project per MCC 39.6235. No sewage disposal or water systems are required for a WCF as it is an unmanned facility. *Criteria met.*

**6.4 (H) All exterior lighting shall comply with MCC 39.6850.**

**MCC 39.6850 Dark Sky Lighting Standards**

\* \* \*

**(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.**

**(1) The light source (bulbs, lamps, etc.) must be fully shielded with opaque materials and directed downwards. "Fully shielded" means no light is emitted above the horizontal plane located at the lowest point of the fixture's shielding. Shielding must be permanently attached.**

**(2) The lighting must be contained within the boundaries of the Lot of Record on which it is located. To satisfy this standard, shielding in addition to the shielding required in paragraph (C)(1) of this section may be required.**

**Staff:** Per the applicant narrative (Exhibit A.4), a single light would be attached to the shelter. The proposed light will be a dark sky LED fixture. A condition of approval ensures compliance with the requirements of MCC 39.6850. *As conditioned, these criteria are met.*

**7.0 Wireless Communication Facilities Criteria:**

**7.1 MCC 39.7710 REVIEW PROCEDURES**

\* \* \*

**(B) An application for a WCF that employs concealment technology or co-location upon a tower or structure not approved under 39.7700 through 39.7765 shall be reviewed under a Planning Director Review/Type II process.**



\* \* \*

**Staff:** As noted in section 1.0 above, the County authorized additional antennas employing co-location for the existing WCF in 2010. The existing WCF was not previously reviewed under 39.7700 – 39.7765; hence, the alterations proposed in this application are being reviewed under the Type II process. *Criteria met.*

## **7.2 MCC 39.7725 GENERAL REQUIREMENTS**

**(A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.**

**(B) No more than one ground mount shall be allowed per subject property.**

**(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.**

**(D) A permit shall be required for the construction and operation of all WCFs. Review and approval shall be under either a Community Service Review, Planning Director Review, or a Building Permit Review.**

**Staff:** Based on the information in the record, the existing WCF complies with MCC 39.7725(A) and (B). Both the landowner and licensed carrier signed the application form (Exhibit A.1) initiating the current land use review. As noted in section 7.1 above, the current review process is the Type II (Planning Director Review) process. *Criteria met.*

## **7.3 (E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 39.8000 through 39.8020.**

**(F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.**

**Staff:** Sections 8.1 – 8.4 below discuss the applicable design review criteria for this proposal. As noted in section 7.1 above, the proposed modifications to the existing WCF are being reviewed via the Type II process. *Criteria met.*

## **7.4 (G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.**

**Staff:** As noted in section 1.0 above, the County authorized additional antennas employing co-location for the existing WCF in 2010. The proposed alterations support the maintenance of the antennas. *Criterion met.*

## **7.5 (H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the Community Service Review Decision, Planning Director Review Decision, Building Permit, or superseding decision.**

**(I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under MCC 39.7700 through 39.7765 within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 39.1510.**

**Staff:** The proposed development is in support of an existing WCF that is currently in-service. The applicant will have two years to construct the proposed improvements and place them into service. Conditions of approval ensure compliance with MCC 39.7725(H) & (I). *As conditioned, these criteria are met.*

**7.6 (J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, ground disturbing activities, Flood Hazard, and Significant Environmental Concern.**

**(K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.**

**Staff:** The subject property is located in two Significant Environmental (SEC) overlays. The proposed improvements are exempt from obtaining SEC permits pursuant to MCC 39.5515(A)(6), which allows for the expansion of capacity of existing communication systems. The location of the WCF is outside of the mapped Geologic Hazard overlay zone. The proposed improvements are exempt from obtaining a Geologic Hazard permit. Conditions of approval ensure compliance with MCC 39.7725(J) and (K). *As conditioned, these criteria are met.*

**7.7 (L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.**

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5. – A.6). *Criteria met.*

## **7.8 MCC 39.7730 REGISTRATION REQUIRED**

**(A) Registration Required. All wireless communication carriers and providers that offer or provide any wireless communications services for a fee directly to the public, within unincorporated Multnomah County, shall register each WCF with the County pursuant to this Section on forms to be provided by the Planning Director.**

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). *Criteria met.*

## **7.9 MCC 39.7735 APPLICATION REQUIREMENTS**

**For an application for a Planning Director Review or Building Permit Review to be deemed complete the following information is required:**

**(A) Co-location of antennas upon existing towers or structures.**

**(1) An accurate and to-scale site plan showing the location of the tower, or structure upon which the proposed antenna is to be mounted including guy anchors (if any), antennas, equipment cabinets and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed antenna including use of concealment technology if applicable;**

**(2) A report/analysis from a licensed professional engineer documenting the following for each antenna.**

**\* \* \***

**(3) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.**

**(4) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and access easements required.**

**(5) Documents demonstrating that necessary easements have been obtained.**

**Staff:** The proposed development is in support of an existing WCF (tower). A scaled site plan and work area site plan were provided (Exhibit A.5 & A.6). No additional antennas are proposed. No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF, per the site plans (Exhibit A.5 – A.6). *Criteria met.*

**7.10 (6) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.**

**(7) If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.**

**(8) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.**

**Staff:** The proposed development is for a building to house a generator to support existing WCF (tower) during power outages. No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). Information regarding the generator, tank and shelter have been provided in Exhibits A.8 through A.12. *Criteria met.*

**7.11 (9) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communications Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance, or a subsequent FCC publication delineating required radiofrequency performance standards.**

**(10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.**

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). No additional electromagnetic radiation emissions will be produced as no additional antenna are proposed. *Criteria met.*

**7.12 MCC 39.7740 APPROVAL CRITERIA – NON EFU ZONES**

**To be approved all applications for Planning Director Review, Community Service Review or Building Permit Review of a wireless communications facility (WCF) shall demonstrate compliance with the following:**

**(A) General and Operating Requirements**

**(1) The service provider of the WCF and their successors and assigns shall agree to:**

**\* \* \***

**(2) Radiofrequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).**

**(3) Noise. Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 PM and 8 AM.**

**Staff:** Conditions of approval ensure compliance with MCC 39.7740(A)(1) – (A)(3). As *conditioned, these criteria are met.*

**7.13 (4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:**

**(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;**

**(b) The facility shall comply with ground disturbing activities regulations of MCC 39.6200 through 39.6235 when applicable;**

**(c) The facility shall comply with Flood Hazard regulations of MCC 39.5000 through 39.5055 when applicable; and**

**(d) Alteration or disturbance of native vegetation and topography shall be minimized.**

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). The WCF is exempt from obtaining a SEC permit for wildlife habitat and scenic views pursuant to MCC 39.5515(A)(6). A condition of approval has been included to ensure the construction of the improvements meet the County’s Ground Disturbance regulations. The lease area is not subject to the County’s Flood Hazard regulations, as it is not within a mapped floodplain. No vegetation is proposed to be removed. *As conditioned, criteria met.*

**7.14 (B) Siting Requirements.**

**(1) Location.** WCFs shall be located so as to minimize their visibility and the number of distinct facilities. The ranking of siting preferences is as follows: first, co-location upon an existing tower or existing structure; second, use of concealment technology; and third, a vegetatively, topographically, or structurally screened monopole.

\* \* \*

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). *Criteria met.*

**7.15 (2) Height.** Notwithstanding the maximum structure height requirements of each base zone, wireless communications facilities shall comply with the following requirements:

\* \* \*

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. *Criteria met.*

**7.16 (3) Setback/Yard.**

**(a) No dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the total height of the WCF measured from finished grade or according to the yard requirements of the zone, whichever is greater.**

\* \* \*

**Staff:** The proposed development is in support of an existing WCF (tower). No alterations to the existing tower are proposed. All proposed development will be located within the existing fenced leased area for the WCF (Exhibit A.5 – A.6). *Criteria met.*

**7.17 (4) Storage.**

**(a) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.**

**(b) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.**

**(5) Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.**

**Staff:** The generator will be covered by an 11' 5" prefabricated shelter, which will utilize plywood siding and asphalt shingles on the roof. The siding will be painted dark green paint to match the existing structures in the lease area (Exhibit A.9). The asphalt roofing color will be matched to the existing structures in the lease area. A condition of approval ensures compliance with MCC 39.7740(B)(5). *As conditioned, these criteria are met.*

**7.18 (6) Fences.**

**(a) A sight obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The sight-obscuring fence shall surround the tower and the equipment shelter.**

\* \* \*

**(7) Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.**

**Staff:** There is an existing sight-obscuring fence around the perimeter of the existing WCF lease area. As per the preliminary plans (Exhibit A.5 – A.8), the proposed development will be contained within the existing fenced lease area. Barbed wire is located at the top of the existing fence to provide security (Exhibit A.4). *Criteria met.*

**7.19 (8) Lighting.**

**(a) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.**

\* \* \*

**Staff:** The proposed development is in support of an existing WCF (tower). No changes to the existing tower are proposed. *Criteria met.*

**7.20 (9) Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.**

**(10) Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire Base zone.**

**(a) Existing driveways shall be used for access whenever possible.**



\* \* \*

**Staff:** No additional signs are proposed for the existing WCF (tower). Signs for the generator will be placed directly on the generator, but will not be visible, as the generator will be covered by the proposed shelter (Exhibit A.9). Per the site plans, the existing driveway will be used to access the site and no additional parking areas / accesses are proposed (Exhibit A.5 – A.6).

*Criteria met.*

- 7.21 (11) Landscape and Screening. All WCFs shall be improved in such a manner so as to maintain and enhance existing native vegetation and suitable landscaping installed to screen the base of the tower and all accessory equipment, where necessary. To this end, all of the following measures shall be implemented for all ground mounted WCFs including accessory structures.**

\* \* \*

**Staff:** There is an existing sight-obscuring fence around the perimeter of the existing WCF lease area. As per the proposed plans (Exhibit A.5 – A.9), the proposed development will be contained within the existing fenced lease area. Existing landscaping will continue to provide screening; hence, no additional landscaping will be necessary. *Criteria met.*

## **8.0 Limited Design Review Criteria:**

### **8.1 MCC 39.8020 APPLICATION OF REGULATIONS**

\* \* \*

**(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC 39.8040(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.**

**Staff:** As the proposed use does not require the creation of four or more parking spaces, the proposal is only subject to the Design Review Requirements found in MCC 39.8040(A)(1)(a) and (1)(c), (4) and (7). Sections 8.2 – 8.4 below contain staff's analysis of the relevant design review criteria. *Criteria met.*

### **8.2 MCC 39.8040 DESIGN REVIEW CRITERIA**

**(A) Approval of a final design review plan shall be based on the following criteria:**

**(I) Relation of Design Review Plan Elements to Environment.**

**(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

\* \* \*

**(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter related, and shall provide spatial variety and order.**

**Staff:** The applicant selected plywood siding and asphalt shingle roofing (Exhibit A.9) for the proposed generator shelter, to match the design of the existing support structures within the existing WCF lease area. Dark Green paint that matches the paint color of the existing support structures will be used for the proposed generator shelter (Exhibit A.4). The asphalt shingle roofing color will be matched to the existing structures in the lease area. By matching the design features of the existing support structures within the WCF lease area, the applicant provides a harmonious and inter-related design. A condition of approval ensures the applicant use the proposed materials and paint colors for the generator shelter. *As conditioned, these criteria are met.*

**8.3 (4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.**

**Staff:** The proposal does not include any changes to the existing grade or landscaping as per the site plans (Exhibit A.5 – A.6), geotechnical reconnaissance (Exhibit A.13), and geotechnical report (Exhibit A.14). Minimal ground disturbance will occur from offloading building materials from a truck and preparing the concrete pad. *Criterion met.*

**8.4 (7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.**

**Staff:** There is an existing sight-obscuring fence around the perimeter of the existing WCF lease area. As per the proposed plans (Exhibit A.5 – A.9), the proposed development will be contained within the existing fenced lease area. Existing landscaping will continue to provide screening; hence, no additional landscaping will be necessary. *Criterion met.*

## **9.0 Conclusion**

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Administrative Decision and Design Review to establish a covered generator (on a concrete pad) to support an existing Wireless Communication Facility in the RR zone. This approval is subject to the conditions of approval established in this report.

## **10.0 Exhibits**

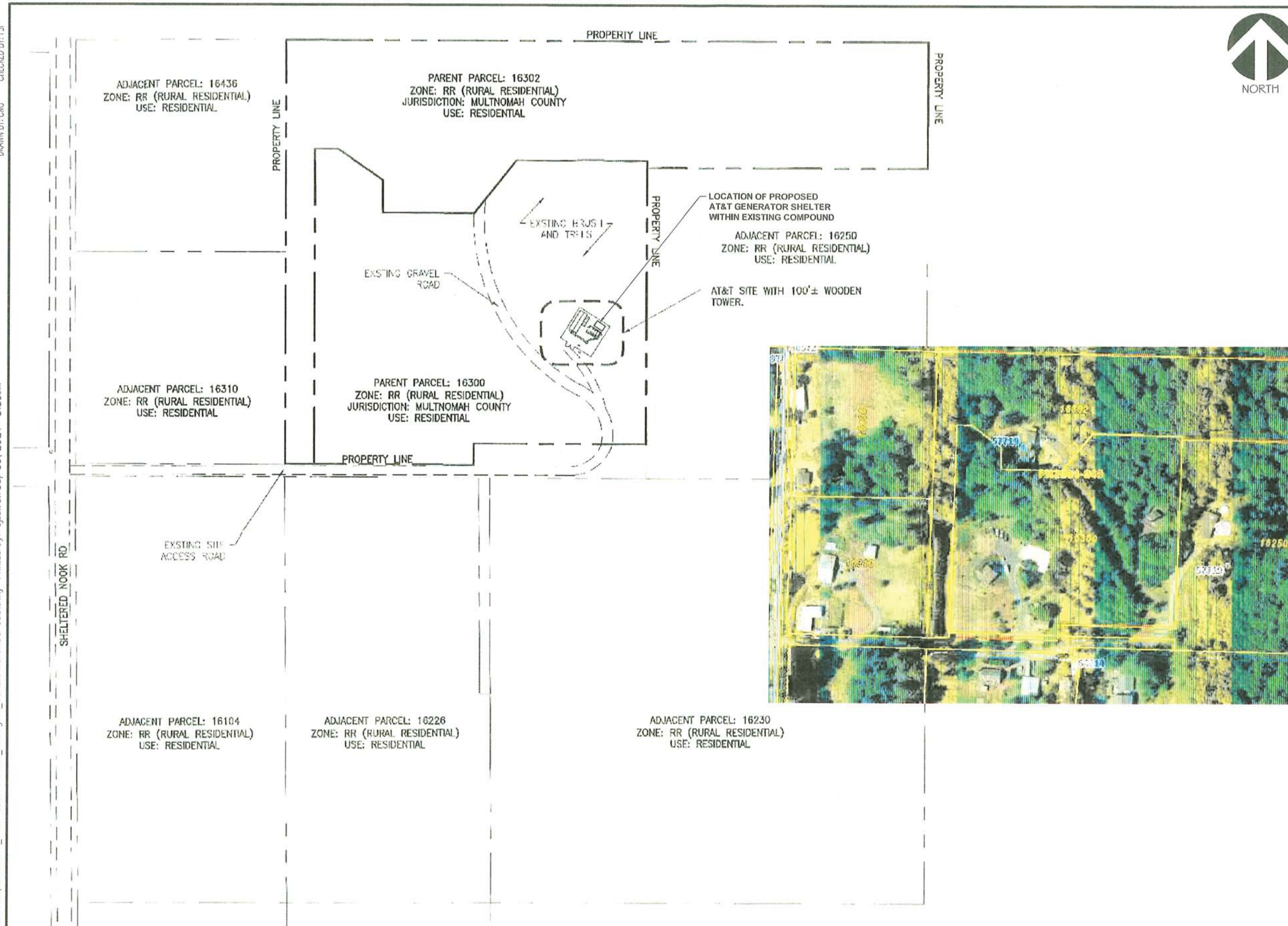
- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14924 by contacting Chris Liu via email at [chris.liu@multco.us](mailto:chris.liu@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
-----------	------------	------------------------	---------------------------

A.1	1	General Application Form	08.26.2021
A.2	63	Initial Submission Packet – Documents revised and resubmitted. These items are included in the record, but are not associated with the review.	08.26.2021
A.3	3	Current Deed for Subject Property	10.29.2021
A.4	3	Revised Project Narrative	10.29.2021
A.5*	1	Revised Overall Site Plan – Page A-1	10.29.2021
A.6*	1	Revised Site Plan – Project Area – Page A-2	10.29.2021
A.7	1	Revised Equipment Layout – Page A-3	10.29.2021
A.8	1	Revised Generator Foundation Details – Page S-1	10.29.2021
A.9*	1	Revised Shelter Details – Page S-3 & S-4	10.29.2021
A.10	1	Revised Generac Generator Specifications – Page E-4	10.29.2021
A.11	1	Revised Generac Tank Specifications – Page E-4.3	10.29.2021
A.12	1	Revised Generac ATS Specifications – Page E-5	10.29.2021
A.13	4	Revised Geotechnical Reconnaissance	10.29.2021
A.14	18	Revised Geotechnical Evaluation and Report	10.29.2021
A.15	2	Revised Fire Service Agency Review	10.29.2021
A.16	2	Transportation Planning Review	10.29.2021
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N1W19C -00404 (Alt Acct #649841940)	08.26.2021
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	3	Incomplete letter	09.02.2021
C.2	1	Applicant’s acceptance of 180 day clock	09.02.2021
C.3	1	Complete letter (day 1)	10.07.2021
C.4	7	Opportunity to Comment and mailing list	12.10.2021
C.5	17	Administrative Decision and mailing list	02.23.2022





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Corroboration & Seal:  
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2	09/09/21	FINAL CDs - ADDRESS UPDATED
1	02/18/21	FINAL CONSTRUCTION DRAWINGS
0	01/13/21	FINAL CONSTRUCTION DRAWINGS
MARK	DATE	DESCRIPTION
ISSUE	FINAL	DATE ISSUED 02/18/2021

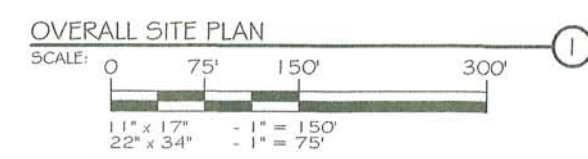
PROJECT TITLE:  
**BURLINGTON  
FA ID# 10093078**

PROJECT INFORMATION:  
16300 NW SHELTERED NOOK RD  
PORTLAND, OR 97231  
MULTNOMAH COUNTY

SHEET TITLE:  
**OVERALL SITE PLAN**

SCALE:  
AS NOTED

PROJECT NUMBER: 44889  
SHEET NUMBER: A-1



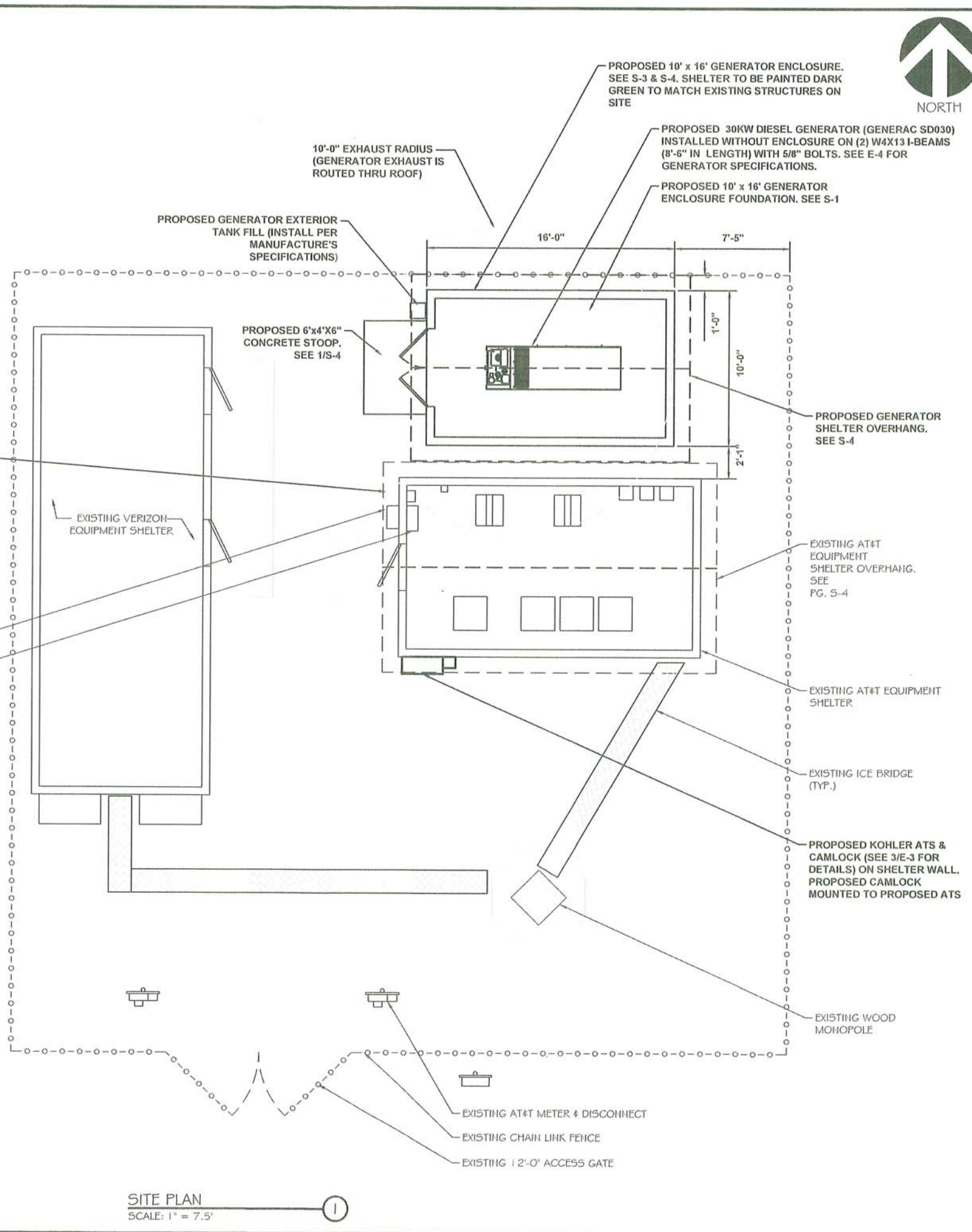




- NOTES:**
1. ALL WIRING FOR RETIRED IN PLACE EQUIPMENT TO BE REMOVED.
  2. ALL OUTDOOR EQUIPMENT RETIRED IN PLACE MUST HAVE A "RIP" PLASTIC ENGRAVED OR METAL STAMPED RIP PLAQUE RIVETED TO THE EQUIPMENT DOOR. SILICONE MUST BE USED TO AVOID CORROSION.
  3. IF REMOVAL OF EXISTING CAMLOCK IS NEEDED CONTRACTOR TO DISCONNECT AND REMOVE ALL ASSOCIATED WIRING. CAMLOCK WIRING PENETRATION THROUGH SHELTER WALL TO BE FILLED AND SEALED WITH SILICONE OR SEALED OFF WITH PVC CAP.

EXISTING CAMLOCK TO BE DISCONNECTED AND RETIRED IN PLACE (SEE NOTES 1-3 FOR ADDITIONAL DETAILS)

EXISTING DISCONNECT  
EXISTING AC PANEL



SITE PLAN  
SCALE: 1" = 7.5'

# Exhibit A.6



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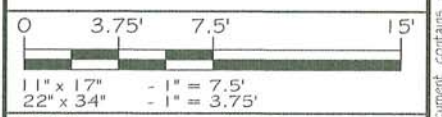


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FINAL	02/18/2021	

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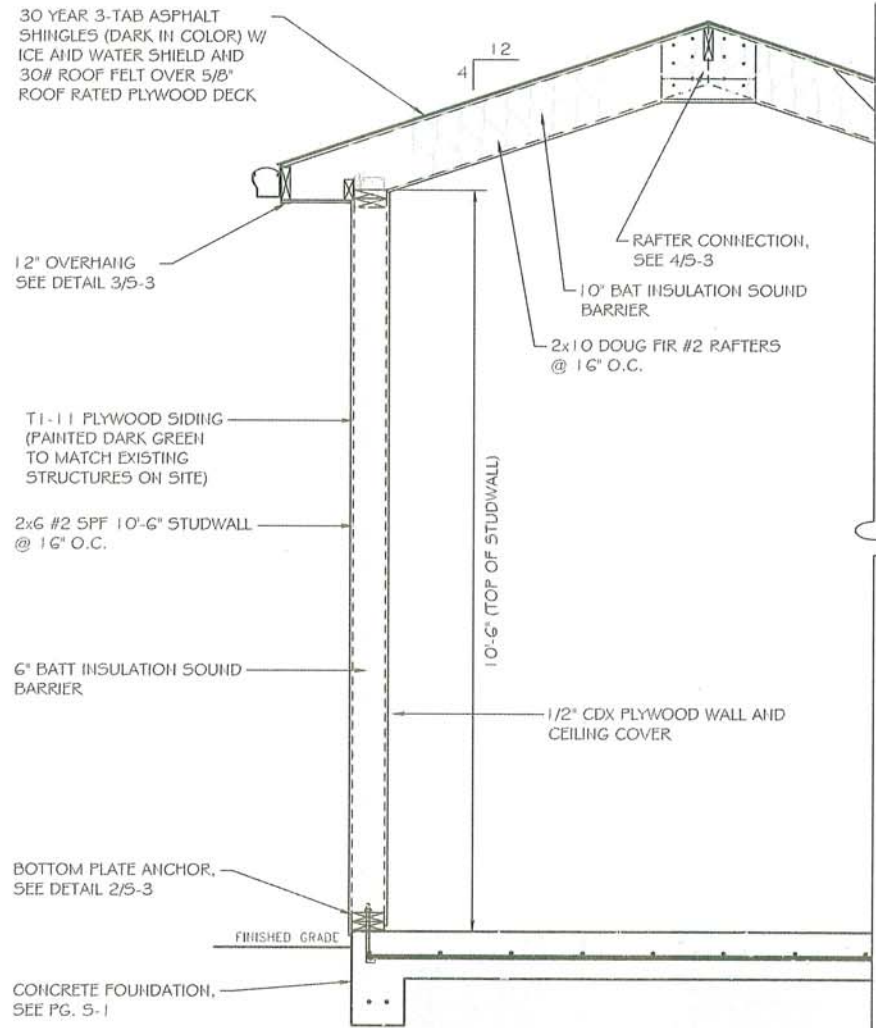
SHEET TITLE:  
**SITE PLAN**



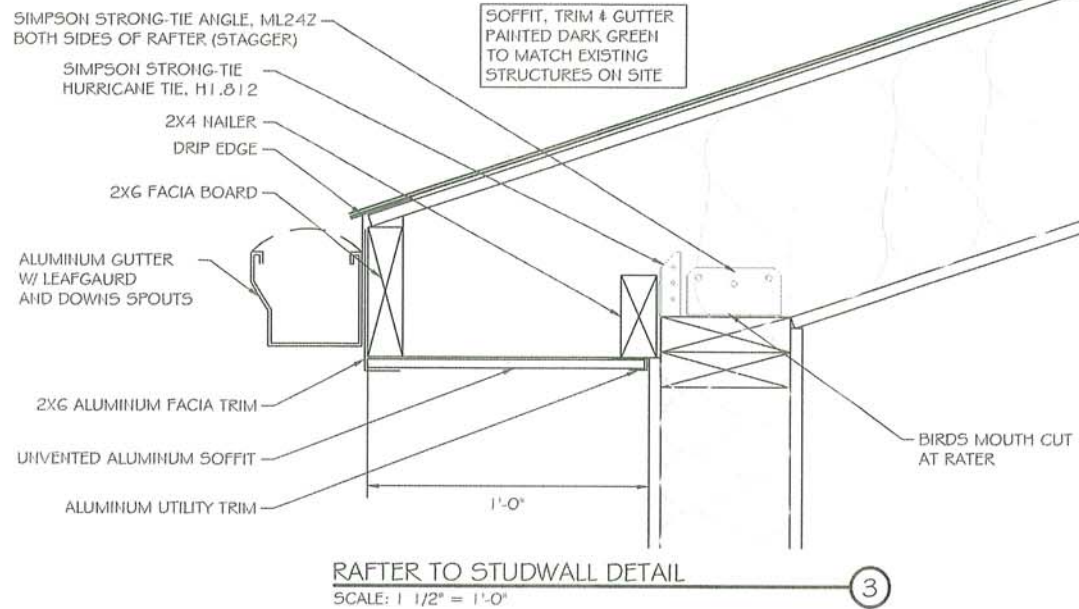
PROJECT NUMBER: 44889  
SHEET NUMBER: A-2



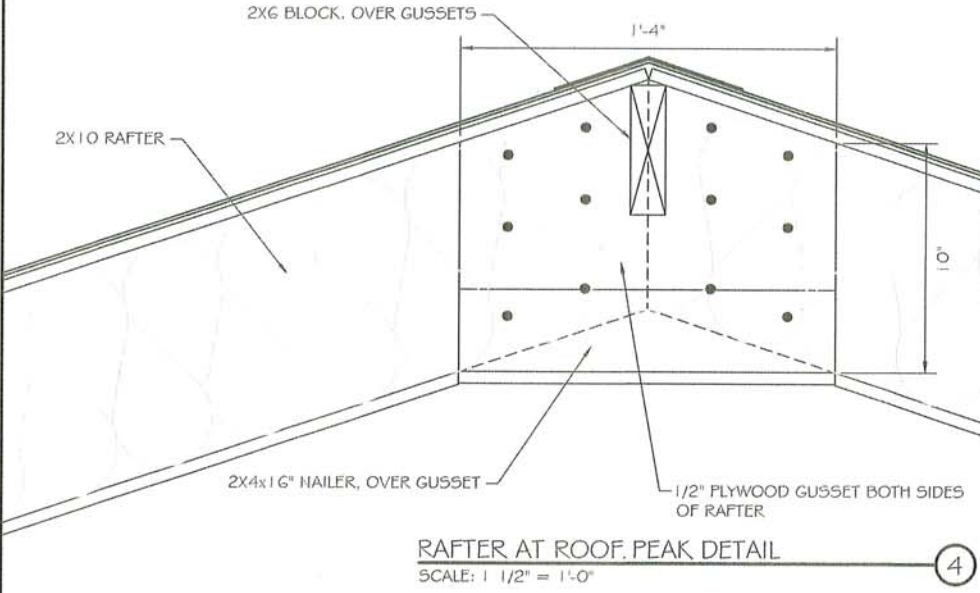
C:\Users\jack\AppData\Local\Temp\AcPublish\_14112110093078\_Burlington\_GENERATOR\_ADD\_CDs.dwg Printed by: cjack on Sep 09, 2021 - 8:39am  
© Copyright 2021 - Ramaker & Associates, Inc. - All Rights Reserved  
DRAWN BY: CMJ CHECKED BY: PJP



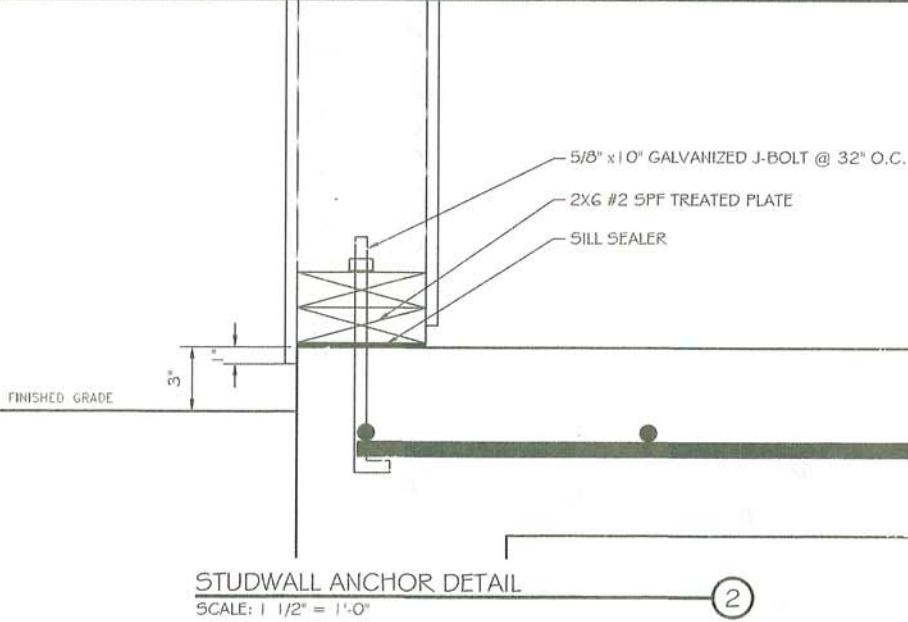
GENERATOR SHELTER SECTION DETAIL  
SCALE: 3/8" = 1'-0"



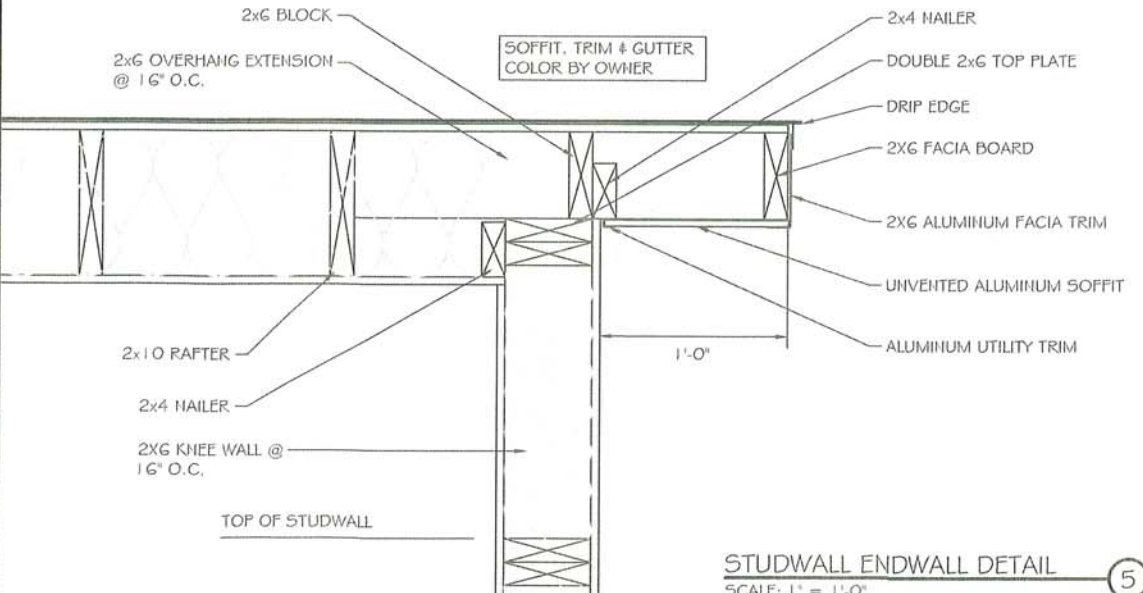
RAFTER TO STUDWALL DETAIL  
SCALE: 1 1/2" = 1'-0"



RAFTER AT ROOF PEAK DETAIL  
SCALE: 1 1/2" = 1'-0"



STUDWALL ANCHOR DETAIL  
SCALE: 1 1/2" = 1'-0"



STUDWALL ENDWALL DETAIL  
SCALE: 1" = 1'-0"



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PHASE		
PROJECT TITLE		

BURLINGTON  
FA ID# 10093078

PROJECT INFORMATION:  
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PORTLAND, OR 97231  
MULTNOMAH COUNTY

SHEET TITLE:  
GENERATOR SHELTER DETAILS

SCALE:  
AS NOTED

PROJECT NUMBER 44889  
SHEET NUMBER 5-3

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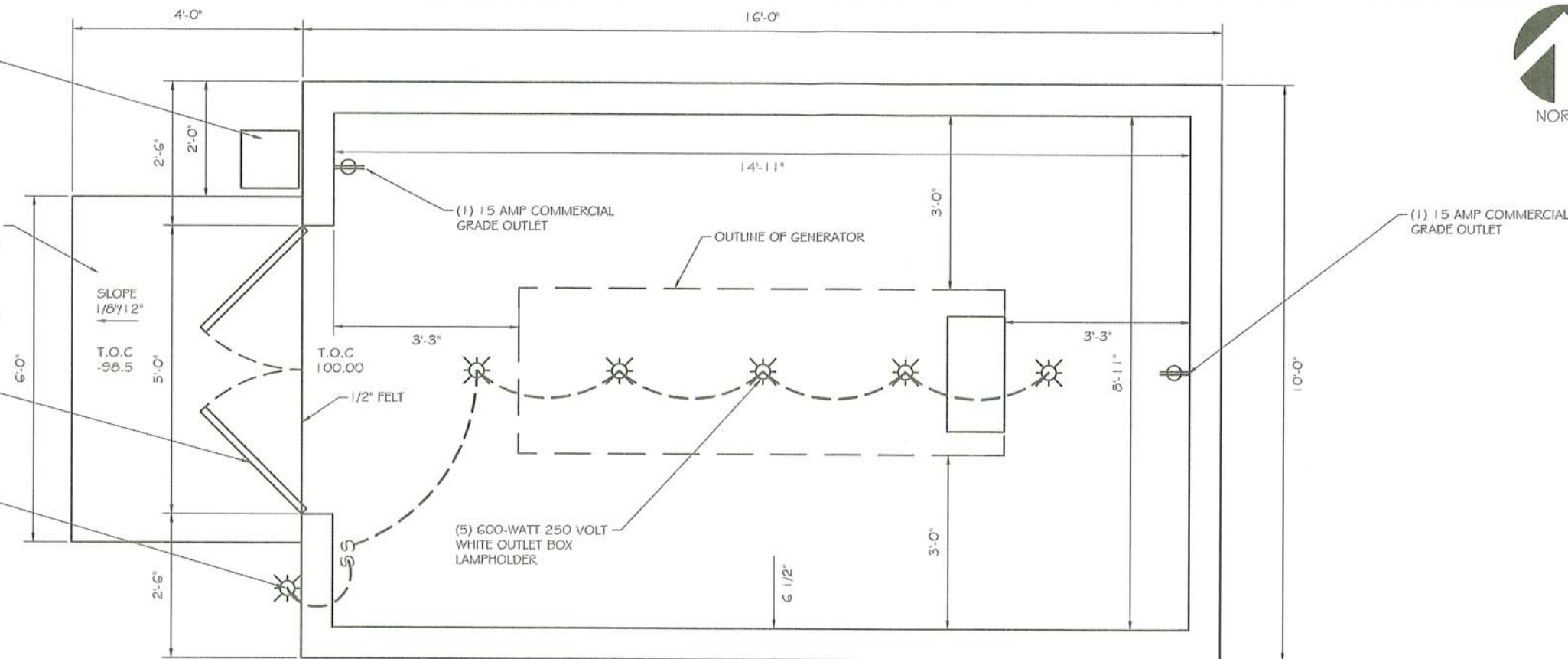


GENERATOR EXTERIOR TANK FILL  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

6' x 4' x 6" 4000 PSI CONCRETE  
STOOP ON 6" COMPACTED GRAVEL  
W/ #5 REBAR 18" O.C. EACH WAY,  
3" CONCRETE COVER. TIE TO  
FOUNDATION W/ (4) #5 x 24"  
REBAR SPACED EVENLY, 3/4"  
CHAMFER EDGE AND BOOM FINISH

DOUBLE STEEL DOORS  
5'-0" x 7'-0" RIGHT SIDE  
ACTIVE, LEVER HANDLES  
AND DEAD BOLT (COLOR BY  
OWNER)

EXTERIOR DARK SKY LED  
WALL MOUNTED LIGHT  
FIXTURE W/PHOTOCELL  
(COLOR BY OWNER)



GENERATOR SHELTER FLOOR PLAN  
SCALE: HTS

①

INSTALL COMMERCIAL GRADE DOUBLE  
SLEEVED EXHAUST THIMBLE THRU ROOF  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

INSULATE THE EXHAUST PIPE  
INSIDE THE SHELTER WITH  
HI-TEMP INSUL.

(2) 24x24 METAL, SCREEMED, AUTOMATIC  
LOUVERS (PAINTED TO MATCH EXTERIOR OR  
DARK IN COLOR)

GENERATOR FUEL TANK  
VENTS THRU WALL  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

EXISTING CHAINLINK  
FENCE

DOUBLE STEEL DOORS  
5'-0" x 7'-0" RIGHT SIDE  
ACTIVE, LEVER HANDLES  
AND DEAD BOLT (PAINTED  
TO MATCH EXTERIOR OR  
DARK IN COLOR)

GENERATOR EXTERIOR TANK FILL  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

(2) 18x24 METAL, SCREEMED,  
AUTOMATIC LOUVERS  
(PAINTED TO MATCH EXTERIOR  
OR DARK IN COLOR)

GRADE

GENERATOR SHELTER WEST ELEVATION  
SCALE: 1" = 3.75'

②

GENERATOR  
EXHAUST VENT  
THRU ROOF  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

EXTERIOR DARK SKY LED  
WALL MOUNTED LIGHT  
FIXTURE W/PHOTOCELL  
(PAINTED TO MATCH EXTERIOR  
OR DARK IN COLOR)

± 10'-2" (VERIFY)

EXISTING AT&T  
EQUIPMENT SHELTER

GENERATOR  
EXHAUST VENT  
THRU ROOF  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

INSULATE THE EXHAUST PIPE  
INSIDE THE SHELTER WITH  
HI-TEMP INSUL.

GENERATOR FUEL TANK  
VENTS THRU WALL  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

EXISTING CHAINLINK  
FENCE

DOUBLE STEEL DOORS  
5'-0" x 7'-0" RIGHT SIDE  
ACTIVE, LEVER HANDLES  
AND DEAD BOLT (PAINTED  
TO MATCH EXTERIOR OR  
DARK IN COLOR)

GENERATOR EXTERIOR TANK FILL  
(INSTALL PER MANUFACTURE'S  
SPECIFICATIONS)

(2) 18x24 METAL, SCREEMED,  
AUTOMATIC LOUVERS  
(PAINTED TO MATCH EXTERIOR  
OR DARK IN COLOR)

GRADE

GENERATOR SHELTER EAST ELEVATION  
SCALE: 1" = 3.75'

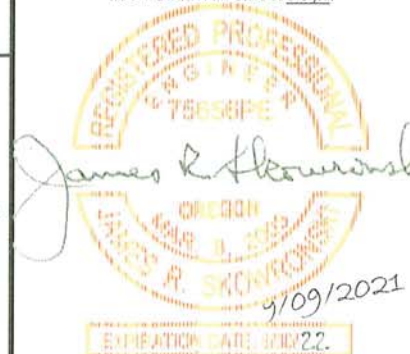
③



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BURLINGTON  
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PORTLAND, OR 97231  
MULTNOMAH COUNTY

SHEET TITLE:  
GENERATOR SHELTER FLOOR  
PLAN & ELEVATIONS

SCALE:  
AS NOTED

PROJECT NUMBER 44889  
SHEET NUMBER 5-4