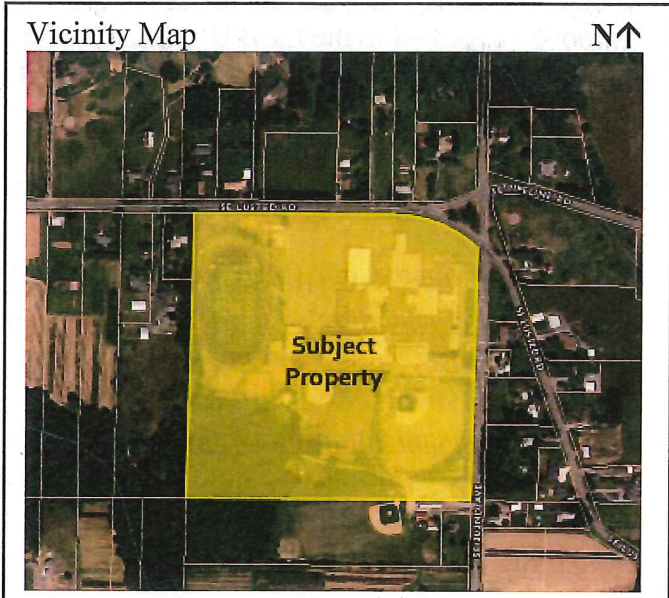


1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2017-9607
Permit: Administrative Decision by the Planning Director for a Wireless Communication Facility (WCF) and Design Review
Location: 5105 SE 302nd Avenue
Tax lot 100, Section 18
Township 1 South, Range 4 East, W.M.
Tax Account #R994180780
Applicants: Sara Treber
Smartlink LCC



Owners: Multnomah County School District U2-20 JT (Gresham Barlow School District)
Base Zone: Multiple Use Agriculture – 20 (MUA-20)
Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h)
Hillside Development and Erosion Control (HD)


Summary: The applicant is requesting an Administrative Decision by the Planning Director to establish and construct a wireless communication facility (cell tower) utilizing concealment technology (the tower will mimic an evergreen fir tree) within the Multiple Use Agriculture – 20 zoning district in the West of Sandy River Rural Area.

Decision: Approved with Conditions

Unless appealed, this decision is effective Monday, April 9, 2018 at 4:00 PM.

Issued by:

By:


Katie Skakel, Senior Planner

For: Michael Cerbone, AICP
Planning Director

Date: Monday, March 26, 2018

Instrument Number for Recording Purposes: #BP01150359

Case No. T2-2016-5224

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Katie Skakel, Staff Planner at 503-988-0213.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, April 9, 2018 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR):

Multnomah County Code (MCC): MCC 37.9569 Code Compliance, MCC 36.0005 Definitions

Multiple Use Agriculture – 20, MUA-20: MCC 36.2825 Review Uses, MCC 36.2855 Dimensional Standards and Development Requirements, MCC 36.2870 Lot of Record, MCC 36.2880 Off-Street Parking and Loading, MCC 36.2885 Access

Wireless Communications Facilities, CS: MCC 36.6180 General Requirements, MCC 36.6183 Approval Criteria for Lands Not Zoned Exclusive Farm Use, MCC 36.6185 Maintenance, MCC 36.6186 Abandonment

Design Review: MCC 36.7050 Design Review Criteria

Copies of the referenced Multnomah County Code (MCC) can be obtained by visiting our website at <https://www.multco.us/landuse/> or by contacting our office at (503) 988-3043.

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.

- 1) 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.
- 2) All approvals for a Wireless Communication Facility (WCF) shall become null, void, and non-renewable if the facility is not constructed and placed into service within two (2) years of the date of the this land use permit. No extensions may be authorized as provided under MCC 37.0695. [MCC 36.6180(H)]
- 3) Prior to land use approval of the building permit, the property owners shall record pages 1 through 5 of this decision with the County Recorder. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by the authorized authority. Proof of recording shall be

submitted to Multnomah County Land Use Planning prior to land use review for signing off the building permit. Recording shall be at the applicant's expense. [MCC 37.0670]

- 4) Prior to land use sign-off of the building permit and any ground disturbance for the proposed development, the property owners or their representatives shall demonstrate compliance with the County's Grading and Erosion Control ordinance. [MCC 36.2855(G), MCC 36.6183(A)(4), and MCC 36.6180(J)]
- 5) Prior to Land Use Planning sign-off for a building permit, the applicant(s), owners or their representative(s) shall:
 - a) Submit a color chip for the roof color, siding, fence, and tower. The color shall be similar to the dark earth tone color rows A, B, or C of Page 18-19 within the National Scenic Area design handbook. Paint or stain used on the siding and tower shall have a "flat" finish. [MCC 36.6180(B)(1)(b), MCC 36.6180(B)(5), MCC 36.6189(B)(6), and MCC 36.7050(A)(1)]
 - b) Provide building plans indicating the exterior of the equipment shed for the tower. The equipment shed shall not be made of metal or any other reflective material unless covered with concrete, hardiplank, or a similar siding. The Equipment Shelter shall use the materials and colors typical to rural outbuildings found in the area. [MCC 36.6180(B)(4) and MCC 36.7050(A)(1)]
 - c) Obtain an access permit for access along SE Lusted Road and SE 302nd Avenue. Please contact Right of Way permits at (503) 988-3582 regarding this requirement. [MCC 36.2885]
 - d) Submit approved Fire Access and Water Supply information showing that Multnomah County Rural Fire District #10 has reviewed the proposed development and demonstrates compliance with Fire District requirements as shown in Exhibit A.17. [MCC 36.6183(B)(10)]
 - e) Provide evidence that the Federal Aviation Administration has reviewed the proposed Wireless Communication Facility and granted approval the project. [MCC 36.6180(A)]
- 6) At the completion of the proposed development, the applicant(s), owners or their representative(s) shall:
 - a) Plant the proposed arborvitae as indicated on the planting plan (Exhibit A.6: L-1 Landscape Plan). Additional arborvitae shall be planted on the north side of the WCF at a minimum spacing of 3 feet between each arborvitae in order to adequately screen the WCF. At no time shall materials utilized for the planting be an invasive species. The arborvitae or any other evergreen trees planted shall be a minimum of 5 ft in height at the time of planting. Landscaping shall be continuously maintained. If existing or required landscaping becomes diseased or dies, it shall be replaced with a suitable evergreen species for the area. [MCC 36.6180(B)(11) and MCC 36.7050(A)(1) and (A)(7)]
- 7) As an on-going condition, the applicant, co-applicant, tenant or property owner shall:
 - a) Notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to MCC 36.0910. [MCC 36.6180(I)]

- b) Not use the Wireless Communications Facility for on-premises storage of material or equipment other than that used in the operation and maintenance of the WCF site. [MCC 36.6180(K)]
- 8) The service provider of the WCF and his or her successors and assigns shall agree to:
- a) 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;
 - b) Negotiate in good faith for shared use of the WCF by third parties; and
 - c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location. [MCC 36.6183(A)(1)]
- 9) 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 36.6183(A)(3)]
- 10) No exterior lighting is permitted on the tower or the equipment shed. [MCC 36.6183(B)(8)]
- 11) No signs are permitted on the tower or in the leased area except for warning or equipment information signs [MCC 36.6183(B)(9)].
- 12) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping. In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Multnomah County may undertake the maintenance at the expense of the applicant or co-applicant landowner. [MCC 36.6185]
- 13) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier shall notify Multnomah County Land Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- a) In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.
 - b) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.
 - (2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.
 - (3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.

- (4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.
- c) If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.
 - d) If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.
 - e) Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter. [MCC 36.6186]

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Katie Skakel, at (503) 988-0213, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

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*.

1.00 Project Description:

Staff: The applicant is requesting an Administrative Decision by the Planning Director to establish and construct a wireless communication facility (cell tower) utilizing concealment technology (the tower will mimic a evergreen tree) within the Multiple Use Agriculture – 20 zoning district in the West of Sandy River Rural Area.

2.00 Property Description & History:

Staff: The subject property is 37.27 acres and is located adjacent to SE 302nd Avenue and SE Lusted Road. The property is located within the Multiple Use Agriculture – 20 (MUA-20) zoning district in the West of Sandy Rural Area. The property has a Significant Environmental Concern for Wildlife Habitat (SEC-h) and Hillside Development and Erosion Control (HD) overlay on the southwestern portion of the property.

Originally owned by Clifford, Ernest, Richard and Amy Satterstrom and Cortland and Charlotte Broberg, the property was sold to School District No. U2-20 Joint, Multnomah and Clackamas Counties on August 8, 1964. The school, Sam Barlow High School, was established in 1968 as demonstrated from Multnomah County Assessment, Records and Taxation (DART) records and building permit records. The school has been expanded and altered over the years. Below are land use and building permits that are on record:

- Building Permit 42577 – 05/29/1967 – New construction of a high school
- Building Permit 53871 – 05/27/1971 – New construction of a baseball dugout
- Building Permit 57453 – 08/03/1972 – New construction of a greenhouse
- Building Permit 57660 – 08/25/1972 – New construction of a football press box
- Building Permit 740071 – 01/21/1974 – Addition to greenhouse for storage
- Building Permit 741240 – 06/28/1974 – New construction of a agricultural building
- Building Permit 761001 – 06/14/1976 – New construction of a swimming pool
- Building Permit 741239 – 06/28/1974 – Addition to the high school
- Building Permit 741698 – 09/24/1974 – Addition for 646 sprinklers to high school
- Building Permit 790499 – 03/27/1979 – New construction of a storage building
- Building Permit 812015 – 10/08/1981 – Fire suppression system
- Building Permit 820506 – 04/19/1982 – Gas piping and furnace
- Building Permit 821312 – 09/15/1982 – HVAC
- Building Permit 860572 – 04/30/1986 – Reroof
- Building Permit 841397– 04/30/1986 – Alteration of the high school
- Building Permit – 08/02/1989 – Addition/expansion of the storage building
- Building Permit – 02/23/1993 – New concrete slab for new cooling tower and fence
- Building Permit – 10/07/1994 – 5’x10’ wall sign on north elevation of gymnasium
- CS 5-97 / DR 12-97 – Additions to the school gym and creation of new classrooms
- DR 2-99 – Replacement of four tennis courts
- GEC 19-99 – Grading and Erosion Control permit for replacement of four tennis courts

- T1-06-017 – Grading and Erosion Control permit to replace grass field with artificial turf
- T2-2016-5224- Admin Dec and Design Review for wireless monopole with concealment technology.
- T2-2017-9119 Non-conforming Use expansion to upgrade and expand Barlow High School.

There are two additional land use cases not associated with the school. Land use cases T1-05-040 and T2-05-071 were associated with the water pipe owned by the Portland Water Bureau that traverses the property and delivers water from Bull Run Reservoir to the City of Portland.

The majority of the property is being used for the school, which includes the high school building, parking areas, football field, four tennis courts, two shot put pits, a baseball field, and a soft ball field. The proposed development area is near the southwest corner of the property near the SEC-h overlay area, HD overlay area, and the two shot put pits.

3.00 Code Compliance Criteria:

3.01 § 37.0560 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 Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no active code compliance issues associated with the properties; therefore, the County has the authority to issue this land use decision. *This criterion is met.*

4.00 Lot of Record Criteria:

4.01 § 36.0005 DEFINITIONS

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied

all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. 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:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. "Satisfied all applicable land division laws" shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an "acknowledged unincorporated community" boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

* * *

§ 36.2870 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;

(6) May 16, 2002, Lot of Record section amended, Ord. 982.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 36.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 36.2860, 36.2875, and 36.4300 through 36.4360, no sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(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;

(2) An area of land created by the foreclosure of a security interest.

(3) An area of land created by court decree.

Staff: The subject property for this land use case, Tax lot 100, 1 South, 4 East, Section 18 was found to be a Lot of Record in land use case T2-05-071. The current warranty deed from Book 115, Page 359-361 as recorded in August 26, 1964 (Exhibit A.9) matches the description from land use case T2-05-071. Therefore, the property, Tax lot 100, 1 South, 4 East, Section 18 continues to be Lot of Record. *These criteria are met.*

5.00 Multiple Use Agriculture -20, MUA-20 Criteria:

5.01 § 36.2825 REVIEW USES.

(E) Wireless communications facilities that employ concealment technology or co-location as described in MCC 36.6177(B) pursuant to the applicable approval criteria of MCC 36.6175 through 36.6188.

Staff: The applicant/property owners have applied for a wireless communications facility that employs concealment technology. Subject to compliance with the approval criteria listed in MCC 35.6175 through MCC 35.6188, the proposed development is allowed through a Type II review process. Staff has made findings for these criteria in Section 6.00. *This criterion is met.*

5.02 § 36.2855 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(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.

Staff: The site plan and narrative indicates that the proposed development is approximately 830 feet from the front property line adjacent to 302nd Ave., approximately 820 feet the street side property line adjacent to Lusted Road, approximately 460 feet from the rear property line to the south and approximately 245 feet from the side property line to the west (Exhibit A.6: A-1 Site Plan). The above yard requirements have been satisfied. Pursuant to MCC 36.6183(B), the wireless communication tower is exempt from the 35 feet maximum structure height. The elevation plan indicates that the protective sports netting will be 20 feet, the ice bridge will be 10 feet, the fence will be 6 feet, and equipment cabinets will be 8 feet (Exhibit A.6: A-2 Proposed Elevation Plan). *This criterion is met.*

(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 new wireless communications facility has been reviewed by the Transportation Planning and Development Division (see Section 5.04) and no additional length is required for the minimum front lot line length. *This criterion is met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: As stated above, the associated support structures for the wireless tower are all below 30 feet in height. *This criterion is met.*

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas 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: The proposed new wireless communications facility has been reviewed by the City of Portland Bureau of Development Services On-Site Sanitation Department. Lindsey Reschke, WWS Trainee, indicated that the site has a holding tank that is inspected yearly and that the proposed development will not impact the water system. *These criteria are met.*

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

Staff: The threshold for a Grading and Erosion Control permit is ground disturbance of more than 10,000 square feet. The proposed development is 1,000 square feet. The proposed new wireless communications facility does not meet the threshold for a Grading and Erosion Control permit. However, to ensure that erosion is controlled, a condition will require that the

proposed development meet minimum impact requirements for grading and erosion control as required in MCC Chapter 29. *As conditioned, this criterion is met.*

5.03 § 36.2880 OFF-STREET PARKING AND LOADING.

Off-Street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

Staff: Pursuant to MCC 35.4205(E), the number of off-street parking spaces required for the proposed wireless communication facility is two spaces. Two parking spaces will be available in the existing high school parking lot. As approved in T2-2017-9119, the high school has 458 parking spaces. Based on school size and student enrollment, 230 parking spaces were required. Since trips generated to the site will be limited after construction, there is adequate parking on the site. The standards of MCC 35.4100 through MCC 35.4220 have been met. *This criterion is met.*

5.04 § 36.2885 ACCESS.

All lots and parcels in this district shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lots of Record described in MCC 36.2870(B).

Staff: the Transportation Planning and Development Division have reviewed the proposed new wireless communications facility. The subject property was previously reviewed under land use case T2-2017-9119 for six driveways. Transportation Planning and Development staff was not able to find an access permit for the subject property. Therefore to ensure compliance with this criterion, a condition will be added that the applicant submit and receive approval of an access permit prior to building plan sign off. *As conditioned, this criterion is met.*

6.00 Wireless Communications Facilities, CS Criteria:

6.01 § 36.6180 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.

Staff: The applicant has applied for the necessary land use permits to establish a wireless communications facility in unincorporated Multnomah County. The applicant has provided documentation from the Oregon Department of Aviation (Exhibit A.13). However, the applicant has not shown that the Federal Aviation Administration (FAA) has reviewed the project. Therefore, to ensure compliance with this criterion, a condition will be added that the FAA review the project and their review be submitted prior to building plan sign off. *As conditioned, this criterion is met.*

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

Staff: The site plan indicates that only one ground mount is being proposed for the subject property (Exhibit A.6: A-1 Site Plan). *This criterion is met.*

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

Staff: The property owner, School District No. U2-20 Joint, Multnomah and Clackamas Counties (dba Gresham-Barlow School District) has granted consent for this application (Exhibit A.2). Additionally, Sara Treber from Smartlink LCC, working on behalf of Verizon Wireless, is also an applicant for this WCF (Exhibit A.5). *This criterion is met.*

(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: The WCF is being reviewed as a Type 2 Planning Director Review pursuant to MCC 33.6177(B). *This criterion is met.*

(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 36.7000 through 36.7020.

Staff: The applicant has applied for Design Review as part of this application. *This criterion is met.*

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

Staff: The applicant has applied for the establishment of a new wireless communication facility on the subject property. No modifications to an existing facility are proposed. *This criterion is met.*

(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: The applicant has proposed to use concealment technology for the tower. Smartlink LCC and Verizon Wireless have indicated that the surrounding area will help reduce capacity issues on nearby sites (Exhibit A.5). Verizon Wireless conducted a search for co-location sites within the West of Sandy River Rural Area. They found a water tower and existing utility poles owned by PGE. In both instances, there was not enough capacity to accommodate the antennas and ground facilities. Further, many of other properties surrounding the site are zoned Exclusive Farm Use (EFU), which is typically the last priority for the siting of a WCF. The tower will be constructed to look like a fir tree (Exhibit A.6: A-2 Proposed Elevation Plan). *This criterion is met.*

(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 superceding decision.

Staff: A condition of approval will be required to ensure compliance with this criterion. *As conditioned, this criterion is met.*

(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 this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 36.0910.

Staff: To ensure compliance with this criterion, a condition of approval will be required. *As conditioned, this criterion is met.*

(J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.

Staff: A condition of approval has been included requiring a building permit be obtained and that the Grading and Erosion Control ordinance be met prior to construction. The proposed development area is not located within designated floodplain or Significant Environmental Concern overlay. *As conditioned, this criterion is met.*

(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: To ensure compliance with this criterion, a condition of approval will be required. *As conditioned, this criterion is met.*

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

Staff: The proposed wireless communication facility will utilize a single monopole tower concealed as a fir tree. The facility will contain equipment and technology used by Verizon Wireless and therefore is not a speculation tower. *This criterion is met.*

6.02 § 36.6183 APPROVAL CRITERIA FOR LANDS NOT ZONED EXCLUSIVE FARM USE.

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 his or her successors and assigns shall agree to:

- (a) 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;**
- (b) Negotiate in good faith for shared use of the WCF by third parties; and**
- (c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.**

Staff: The applicant has indicated that Verizon Wireless has agreed to the criteria above (Exhibit A.4). To ensure compliance with these criteria, a condition will be required that Verizon agree to these criteria. *As conditioned, these criteria are met.*

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

Staff: The Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification report (Exhibit A.10), stamped and signed by the registered professional engineer, B.J. Thomas, P.E. has provided documentation that the facility will meet the Federal Communications Commission (FCC) Radio-Frequency (RF) emission standards. *This criterion is met.*

(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: The Acoustical Report (Exhibit A.12), stamped and signed by the registered professional engineer, Alan Burt, P.E. of SSA Acoustics, LLP has provided documentation that the facility will meet the 55 dBA standard.. *This criterion is met.*

(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 Grading and Erosion Control regulations of MCC 29.350 through 29.365 when applicable;**
- (c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and**
- (d) Alteration or disturbance of native vegetation and topography shall be minimized.**

Staff: The proposed development area is not located within designated floodplain or Significant Environmental Concern overlay. A condition of approval has been included requiring that the Grading and Erosion Control ordinance be met prior and during construction. The narrative (Exhibit A.4) and site plan (Exhibit A.6: A-1 Site Plan) indicate that no trees or other vegetation will be removed as part of the proposed development. *As conditioned, these criteria are met.*

(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.

(b) Use of concealment technology.

1. When demonstrated that it is not feasible to co-locate the antenna(s) on an existing structure or tower, the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors.

Staff: Smartlink LCC and Verizon Wireless have indicated that the surrounding area will help reduce capacity issues on nearby sites. Verizon Wireless conducted a search for co-location sites within the West of Sandy River Rural Area. They found a water tower and existing utility poles owned by PGE. In both instances, there was not enough capacity to accommodate the antennas and ground facilities. Further, many of other properties surrounding the site are zoned Exclusive Farm Use, which is typically the last priority for the siting of a WCF.

The subject proposal includes use of concealment technology in the form of a fir tree monopole for the wireless communications facility (Exhibit A.6: A-2 Proposed Elevation Plan). The location of the monofir is within a cleared area and adjacent to an established grove of mature trees to provide a background of trees for the tower to blend into. The applicant has also provided renderings showing that the WCF tower will blend in with the surrounding landscape (Exhibit A.7).

Additionally, a condition of approval will require that the color of the tower, accessory equipment shed and fence shall be dark earth tone colors to provide additional compatibility with the natural area. *As conditioned, this criterion is met.*

(2) Height. Notwithstanding the maximum structure height requirements of each zoning district, wireless communications facilities shall comply with the following requirements:

(a) Ground mounted facilities. The maximum height of a tower shall be 120 feet, unless:

- 1. The tower and facility uses concealment technology; or**
- 2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.**

(b) Building or other structure mounted WCF shall not project more than ten additional feet above the highest point on the existing building or structure.

Staff: The elevation plan indicates that the WCF tower will be 120 feet, not including the top of the monofir branches (Exhibit A.6: A-2 Proposed Elevation Plan). The branches of the concealment technology will extend an additional 5 feet above the tower to mimic tree branches. The top set of antennas will not exceed 120 feet and will not be co-located on a building or other structure. *These criteria are met.*

(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 underlying zone, which ever is greater.

(b) All ground mounted towers shall be setback from any property line a minimum distance equal to the total height of the tower.

(c) All equipment shelters shall be set back from property lines according to the required yard of the underlying zone.

(d) A WCF setback and yard requirement to a property line may be reduced as much as fifty percent (50%) of the proposed tower height when it is found that the reduction will allow the integration of a WCF into an existing or proposed structure such as a light standard, power line support device, or similar structure or if the approval authority finds that visual subordination may be achieved.

(e) A reduction of the setback/yard requirement below fifty percent (50%) under (d) of this section may be authorized subject to the variance approval criteria, variance classification and landing field height limitation of this chapter.

Staff: The elevation plan indicates that the WCF tower will be 125 feet (Exhibit A.6: A-2 Proposed Elevation Plan). There are no dwellings located on the subject property. The site plan indicates that the WCF tower will be approximately 175 feet from nearest side property line (Exhibit A.6: A-1 Site Plan) and the equipment shelters meet the setback requirements as discussed above in Section 5.02. *These criteria are met.*

(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.

Staff: The elevation plan indicates that the equipment cabinets will be in the open. The storage of wireless communications shall be treated to look like a building or facility typically found in the area. Therefore, the equipment cabinets and other associated structures shall be located within a building that mimics other structures typically found in the area. The building shall be constructed with non-reflective materials. To ensure compliance with these criteria, a condition of approval shall require the applicant or tower owner to provide detailed information on the construction of the building and the exterior materials of the building used as an equipment shelter at the time of building permits and prohibit the use of reflective materials on the exterior of the structure. *As conditioned, this criterion is met.*

(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 monofir will be painted to simulate the color and appearance of the bark on surrounding mature evergreen trees. A condition of approval will be required that the paint used on the monofir and all buildings associated with the WCF shall have a "flat" style finish to ensure compliance with this criterion. *As conditioned, this criterion is met.*

(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.

(b) A ground mounted facility located in a public right-of-way may be exempted from fencing requirements.

(c) Chain link fences shall be painted or coated with a non-reflective color.

Staff: The applicant is proposing a chain link fence with slats to obscure the visibility of the equipment area. The elevation plan indicates that the slats will be plywood. To ensure that these criteria are met, the chain link fence shall be painted or coated with a non-reflective color and slats will be painted with flat muted tones. *As conditioned, these criteria are met.*

(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: The applicant's elevation plan indicates that the fence and monofir have been designed to reduce the potential for trespass and injury. *This criterion is met.*

(8) Lighting.

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

(b) No other exterior lighting shall be permitted on premises.

Staff: The applicant shows in its compound plan that the WCF will have four lights. No lights are permitted on the tower, equipment shed, or fence. To ensure compliance with these criteria, the applicant shall remove the lights on their building plans. *As conditioned, these criteria are met.*

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

Staff: The applicant has indicated that no signage other than equipment information signs as required by law is proposed. *This criterion is met.*

(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 District.

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

(b) New parking areas shall whenever feasible, be shared with subsequent WCFs and/or other permitted uses.

(c) Any new parking area constructed shall consist of a durable and dustless surface capable of carrying a wheel load of 4,000 pounds and be no larger than three hundred (350) square feet.

Staff: The applicant has indicated that no new access driveways and parking will be required due to the site already having an existing access driveway and parking area at Barlow High

School. Multnomah County Rural Fire District #10 also reviewed the project and has determined that the proposed development will require additional review at the time of building permit submittal. To ensure compliance with these requirements, a condition will be required that the applicant address the comments described in Exhibit A.17. *As conditioned, these criteria are met.*

(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.

(a) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. Planted vegetation shall be of the evergreen variety and placed outside of the fence. The landscape plan shall be subject to review and approval of the Design Review process. All trees, larger than four inches (4") in diameter and four and a half feet high (4 1/2') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(b) Existing trees and other screening vegetation in the vicinity of the facility and along the access drive and any power/telecommunication line routes involved shall be protected from damage, during the construction period.

Staff: The applicant has indicated that the proposal does not include the removal of any existing trees. The landscaping plan also shows that 21 arborvitae (*thuja occidentalis*) will be planted around the WCF fence. There are no arborvitae proposed for the northern side of the WCF (Exhibit A.6: L-1 Landscape Plan). To ensure that the WCF is adequately screened, a condition shall be required that additional arborvitae will need to be planted so that the WCF is adequately screen from all sides. *As conditioned, these criteria are met.*

6.03 § 36.6185 MAINTENANCE

(A) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

(B) In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Multnomah County may undertake the maintenance at the expense of the applicant or co-applicant landowner.

Staff: A condition of approval has been included to require the facility owner and property owner to maintain the facility in compliance with the County's zoning ordinance. *As conditioned, these criteria are met.*

6.04 § 36.6186 ABANDONMENT

(A) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify Multnomah County Land

Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.

(C) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.
- (2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.
- (3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.
- (4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(D) If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.

(E) If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.

(F) Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter.

Staff: A condition of approval has been included to require the facility owner and property owner to remove the tower if it is abandoned in the future. *As conditioned, these criteria are met.*

7.00 Design Review Criteria:

7.01 § 36.7020 APPLICATION OF REGULATIONS.

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 36.4205 shall only be subject to the following Design Review approval criteria: MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the PH-RC, OR, or OCI zone districts.

Staff: The WCF is 1,000 square feet and will require fewer than four new parking spaces. The proposed project is only subject to the Design Review criteria listed in MCC 36.7050(A)(1)(a) and (1)(c), (4) and (7). *This criterion is met.*

7.02 § 36.7050 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 proposed wireless communication facility will utilize concealment technology to blend in with the surrounding environment. The area where the wireless communication facility will be located is heavily treed (Exhibit A.6: SV1 Site Survey) and a substantial distance from nearby roads. The monopole will be camouflaged as a fir tree with the pole being painted to match the surrounding tree trunks and artificial tree branches installed so that from a distance it will resemble a tree (Exhibit A.6: A-2 Proposed Elevation Plan). The equipment will be located behind a chain link enclosure and will be shielded from Lusted Road by proposed shrubs and trees (Exhibit A.6: L-1 Landscape Plan).

As stated above, the WCF storage facilities will not be located inside a building or structure. To ensure compliance with MCC 36.6183, the proposed storage facilities shall be enclosed in a building or structure and be treated to look like a building or facility typically found in the area. The building/structure shall utilize colors that are “flat” muted tones and constructed of non-reflective materials. Additionally, the screening fence for the leased area will contain dark green privacy slats that will help blend the structures in with the surrounding landscape colors of the property. The fence and building/structure will also help keep noise generated from the equipment shed within the leased area. The landscape plan also indicated that the proposal includes the planting of 21 arborvitaes (*Thuja occidentalis*). There are no arborvitaes proposed for the northern side of the WCF. To ensure that the WCF is adequately screened, a condition shall be required that additional arborvitae will need to be planted so that the WCF is adequately screened from the north side. *As conditioned, these criteria are met.*

(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 proposed WCF is located in an area that is relatively flat and the proposal does not include additional grading or the removal of trees or shrubs. *This criterion is met.*

(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: As stated above, the applicant has proposed a wireless communication facility that will be located behind a chain link enclosure that will be shielded from Lusted Road by proposed shrubs and trees (Exhibit A.6: L-1 Landscape Plan). As a condition, WCF storage facilities will be required to be located inside a building/structure and the building/structure will be treated to look like a building or facility typically found in the area. The building/structure shall utilize colors that are “flat” muted tones and constructed of non-reflective materials. Additionally, the

screening fence for the leased area will contain dark green privacy slats that will help blend the structures in with the surrounding landscape colors of the property. The landscape plan also indicates that the proposal includes the planting of 21 arborvitaes (*Thuja occidentalis*). There are no arborvitaes proposed for the northern side of the WCF. To ensure that the WCF is adequately screened, a condition shall be required that additional arborvitae will need to be planted so that the WCF is adequately screen from the north side. *As conditioned, these criteria are met.*

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for an Administrative Decision by the Planning Director to establish a Wireless Communication Facility in the Multiple Use Agriculture – 20 (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

9.00 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. All other exhibits are available for review in Case File T2-2017-9607 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General application form	11/22/2017
A.2	1	Authorization letter from School District No. U2-20 Joint, Multnomah and Clackamas Counties (dba Gresham-Barlow School District)	06/28/2016
A.3	4	Pre-filing conference summary notes	06/28/2016
A.4	16	Narrative	06/28/2016
A.5	8	Verizon engineering study and coverage maps	11/02/2017
A.6	7	Site and building plans (11” x 17”) <ul style="list-style-type: none"> T-1 Cover sheet T-2 General notes SV1 Site survey A-1 Site plan A-1.1 Proposed compound plan A-2 Proposed elevation plan L-1 Landscape plan RF-1 Proposed Antenna Configuration (8.5” x 11”) 	02/13/2018
A.7	5	Graphic simulation of Wireless Communications Facility	06/28/2016
A.8	4	Amended status of record title	06/28/2016

A.9	3	Warrant deed from Book 115, Page 359-361, dated August 26, 1964	06/28/2016
A.10	9	Non-ionizing electromagnetic exposure analysis & engineering certification	06/28/2016
A.11	18	Geotechnical engineering evaluation	06/28/2016
A.12	2	Acoustical Report	06/28/2016
A.13	1	Oregon Department of Aviation Comments	06/28/2016
A.14	1	Cover letter addressing incomplete letter	09/22/2016
A.15	23	Tower failure and ice hazard analysis	09/22/2016
A.16	1	Septic review certification	09/22/2016
A.17	3	Fire service agency review	11/21/2017
'B'	#	Staff Exhibits	Date
B.1	2	DART Property Information for 1S4E18 -00100 (R994180780)	09/22/2016
B.2	2	DART Map with 1S4E18 -00100 (R994180780) Highlighted	09/22/2016
'C'	#	Administration & Procedures	Date
C.1	2	Incomplete letter	12/08/2017
C.2	1	Applicant's acceptance of 180-day clock	12/18/2017
C.3	1	Complete letter (Day 1)	03/01/2018
C.4	4	Opportunity to comment & mailing list	03/05/2017
C.5	23	Notice of decision & mailing list	03/23/2017