

# EXHIBIT R - Attachment Two



**Multnomah  
County**

**Land Use Planning Division**  
1600 SE 190<sup>th</sup> Ave  
Portland OR 97233  
Ph: 503-988-3043 Fax: 503-988-3389  
<https://multco.us/landuse/>

**GENERAL  
APPLICATION  
FORM**

*Funds  
transferred  
from  
T3-2019-12029  
\$4576<sup>00</sup>  
RJ*

<b>PROPERTY IDENTIFICATION</b> Property Address <u>No situs address - ALONG E. WOODARD RD</u> State Identification <u>1N4E31DB 600</u> Site Size <u>8.36 acres</u> A&T Alternate Account Number R# <u>944310660</u>	
<b>OTHER PARCEL</b> (if applicable) Property Address _____ State Identification _____ Site Size _____ A&T Alternate Account Number R# _____	
<b>PROPERTY OWNER(S) <input checked="" type="checkbox"/> OR CONTRACT PURCHASER(S) <input type="checkbox"/></b> Name <u>Clifton E. Hegstad and Doreen F. Hegstad</u> Mailing Address <u>29421 E. Woodard Rd. Troutdale OR 97060</u> City <u>Troutdale</u> State <u>OR</u> Zip Code <u>97060</u> Phone# <u>503-481-8927</u> I authorize the applicant below to make this application. <div style="display: flex; justify-content: space-between;"> <div> <u>SEE LETTER OR</u>            Property Owner Signature #1         </div> <div> <u>AUTHORIZATION</u>            Property Owner Signature #2         </div> </div> <p><i>NOTE: By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.</i></p> <p>If no owner signature above, a letter of authorization from the owner is required. <input checked="" type="checkbox"/></p>	
<b>APPLICANT'S NAME AND SIGNATURE</b> Applicant's Name <u>Konrad Hyle of Blackrock for Verizon Wireless</u> Mailing Address <u>22135 SW Cole Court</u> City <u>Tualatin</u> State <u>OR</u> Zip Code <u>97062</u> Phone # <u>503-522-0634</u> Fax _____ E-mail <u>konrad@blk-rock.com</u> <div style="text-align: center;">             Applicant's Signature         </div>	
<b>GENERAL DESCRIPTION OF APPLICATION (REQUIRED)</b> Please provide a brief description of your project and permits you are seeking. <p>To install a 150' concealed technology (monofir) tower in the MUA zone, with panel antennas, mw dishes, FAA lighting and tower and ground mounted associated equipment including backup generator. Total height 156' with faux branching and FAA lighting.</p>	

<b>For Staff Use</b>
<b>CASE NUMBER</b> <u>T2-2019-12701</u>
<b>LAND USE PERMIT(S)</b> <u>Admin Dec</u> <u>Design Review</u> <u>LOR</u>
<b>DATE SUBMITTED</b> <u>Nov 19, 2019</u>
<b>RECEIVED BY</b> <u>KS</u>
Compliance Related <input type="checkbox"/> Adjacent to Washington/ Clackamas/Columbia County <input type="checkbox"/> <u>PF-2019-7040</u> <u>PA-2019-11705</u>
<b>PF/PA No.</b> <u>T3-2019-12029</u>
<b>Related Case No.</b> _____
<b>Related Case No.</b> _____
<b>ZONING</b> <u>MUA-20</u> <b>Zoning District</b> <u>none</u> <b>Zoning Overlay</b> _____

**Owner Consent and Land Use Authorization for Verizon Wireless Land Use  
Application for Wireless Communication Facility**

**Project:** Verizon Wireless Telecommunication Tower Facility – site POR STINGER.

**Property Owners:** Clifford E. Hegstad & Doreen F. Hegstad - Trustees

**Applicant:** Verizon Wireless c/o Blackrock LLC, Konrad Hyle as agent.

**Property Location:** Multnomah County Account # R322458. Map and tax lot: 1N4E31DB 600

**Property @** 29421 E WOODARD RD, TROUTDALE, OR 97060-8317

Authorization to proceed with Multnomah County Oregon zoning and building permits and any other required associated permits or governmental approvals for Verizon Wireless's proposal to install a new wireless communication facility, and locate equipment and other improvements inside the existing leased area and or easement areas, on the above referenced property.

We are the owners of the parcel listed above and we are authorized to provide required permission to submit for local government approvals. Please accept this document as the letter of authorization for Verizon Wireless's representative(s), including Konrad Hyle of Blackrock LLC, to proceed with required zoning and building permit applications to gain government approval for the above referenced project, and to act as our agent only as related to filling land use application and associated permits for the Verizon Wireless Communication Facility. We also agree to record with in Multnomah County land records any declaration of covenants, conditions or restrictions required by any conditions of approval relating to said land use.

**PROPERTY OWNERS AUTHORIZATION:**

Property Owner Signature: Clifford E. Hegstad  
Clifford E. Hegstad

Date: 04 April 2017

Property Owner Signature: Doreen F. Hegstad  
Doreen F. Hegstad

Date: 04 April 2017

Printed Names / Title: Clifford E. Hegstad and Doreen F. Hegstad, Trustees of the Clifton E. Hegstad Trust dated August 5, 2016, as to an undivided 50% interest and Doreen F. Hegstad and Clifton E. Hegstad, Trustees of the Doreen F. Hegstad Trust dated August 5, 2016, as to an undivided 50% interest, as tenants in common.



Developing Tomorrow's Infrastructure for Wireless, Renewable Energy & Gas

RECEIVED  
2019 NOV 19 PM 2:41  
MULTNOMAH COUNTY  
PLANNING SECTION

November 15, 2019 by US Priority Mail

Multnomah County  
Land Use Planning Division  
1600 SE 190th Avenue,  
Portland OR 97233-5910  
Attn: Katie Skakel Sr. Planner

RE: Application for a Conditional Use Permit to construct a 156 foot tall monofir style tower in the MUA-20 (Case# T3-2019-12029) – revising to Type 2 WCF using Concealment Technology.

Katie,

Per our conversation we are submitting herein an application for a Type 2 application using Concealment technology (Monofir) for a wireless communication facility. Enclosed please find:

Type 2 Application  
Land Owner Authorization  
Updated Narrative  
Updated Site Plans for Concealment technology – replaces previous Exhibit G.  
Updated Photo simulations for Concealment technology. Replaces previous Exhibit I.  
Updated Sabre Tower Structural – replaces previous Exhibit M.  
Sabre Letter addressing tower failure characteristics and ice hazards that can be employed. Exhibit AA

All the other exhibits per the original submittal are still valid.

Response to Completeness review letter.

- 1.) Please provide a landscape plan drawn to scale showing proposed and existing landscaping, including type, spacing, and size [(39.7740 (11)(a))]. (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.
- 2.) (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 (4½') 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.

*RESPONSE: Proposed Landscape Plan is provided with the site plans. Substantial natural landscaping preserved on site that will screen the proposed facility. Existing trees within 100' of the tower have been identified on the plan as 100' is also the limits of a tree protective conservation easement that the applicant and land owners have agreed to. The existing trees and vegetation to be preserved are shown on the Landscape plan. The type, spacing and size of trees are shown on the landscape plan. The submitted site plans and visual study demonstrate that the proposed facility will be screened from views of any adjacent property due to distance, topography, mature preserved vegetation, and proposed opaque fencing around equipment compound.*

*The applicant has discussed with the land owners and they are amenable to recording a conservation easement on the property with a term coterminous with the Verizon lease agreement so as to preserve the existing mature vegetation adjacent to the facility.*

*Existing trees required to be removed for access road and utilities are shown on the landscape plan. Erosion control /silt fence will be installed adjacent to the 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. This is demonstrated in the GEC worksheet and submitted site plans.*

2) Pursuant to MCC 39.7735 Application Submittal Requirements, Staff could not locate a report/analysis from a licensed professional engineer documenting the following:

1. Failure characteristics of the tower
2. Ice hazards and mitigation measures which can be employed

Please provide a report/analysis in narrative form discussing the failure characteristics of the tower and the potential ice hazards and mitigation measures that will be employed.

*RESPONSE:*

*See attached letter from Sabre Industries dated November 8, 2019 from OR PE Robert E. Beacom. Per this letter the tower is highly unlikely to fail and even if it were to fail would tower would buckle at a high point in the tower shaft and the top portion that buckles would lean over and remain in a deformed condition. Regarding ice hazards and mitigation measures that can be employed the applicant has proposed to utilize a wave bridge guide for protection to any horizontal transmission lines and ice shields could be employed to protect from any falling ice associated with any microwave antennas.*

3) Based on your submittal for a 150 ft. tower without using concealment technology; it is difficult for staff to find how this meets visually subordination. For a typical monopole to be permitted, the tower location must allow for it to blend with the surrounding existing natural and environment in such a manner so as to be visually subordinate. The proposed tower protrudes out above the existing tree height so it is not clear to staff how this meets visual subordination requirements.

MCC 39.7710 defines visually subordinate to be:

- The relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly subordinate facilities may be partially visible, but not visually dominate in relation to their surroundings.
- It is suggested that you provide additional documentation and/ or consider concealment technology. If you switch the concealment technology, the decision would be a Type 2 Decision initially made by staff.

*RESPONSE: Concealment technology is proposed as a dark green colored monofir. The Monofir will be sited amongst a group of mature trees and colored a dark green color to blend to the surroundings. The design of a monofir will blend with the existing on site mature wooded area dominated by Douglas fir trees. A Type 2 application is being submitted herein.*

Sincerely,

*Konrad Hyle*

Konrad Hyle  
22135 SW Cole Court  
Tualatin, OR 97062  
(503) 522-0634 Mobile  
konrad@blk-rock.com  
Black Rock  
Representative of Verizon Wireless

# Verizon Wireless – STINGER Wireless Communication Facility

## I. GENERAL INFORMATION

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Applicant: Verizon Wireless (VAW) LLC d/b/a Verizon Wireless  
5430 NE 122nd Ave. Portland OR 97230  
Attn: Max Gubkin - Verizon Wireless-Network Real Estate Specialist

Agent/Contact: Konrad Hyle of Blackrock LLC (Agent - Contact person)  
22135 SW Cole Ct., Tualatin OR 97062  
Tel: 503-522-0634. Konrad@blk-rock.com

Property Owner: Clifton E. Hegstad and Doreen F. Hegstad

Site Location: 29421 E. WOODARD RD. Troutdale OR 97060 (to be verified)  
Tax Accounts: R322458. ALT: R944310660 Map/ tax lot: 1N4E31DB 600  
Legal Description: See attached Deed – EXHIBIT B

Zoning Designation: MUA – Mixed Use Agriculture

Comprehensive Plan: Agriculture

Adjacent Zoning: MUA, CGSA & EFU

Size of Site: 8.36 acres (Tax lot 600)

Setbacks: FRONT – 30 FEET, SIDES – 10 FEET, REAR – 30 FEET.

Existing Vegetation: The overall property contains a mixture of mature trees, dominated by tall Douglas fir. The area of the proposed facility is densely wooded.

Existing Structures: A single family dwelling – Permit # 30848 issued 7/23/1963; a 60'x 30' pole barn permit #741855 issued 10/22/1974; and a 60' x 40' pole barn permit # MCSAS 95-5113 issued 8/1/1995.

Adjacent Land Uses: A mix of farming and residential.

Topography: Flat to mild slope.

Access Roads: The property has direct frontage on to E. Woodard Road to south via an existing 25' pipe stem. The leased area will have access via a 20' access easement from cell site facility to E. Woodard Road.

Project Description: Verizon Wireless proposes to construct a 150 foot tall monofir style tower in the MUA zoning district, with new panel antennas, mw dishes, FAA lighting, and tower & ground mounted associated equipment including emergency backup generator. Total height will be 156' to accommodate branching and FAA lighting. Ground equipment will be installed inside a fenced area. All improvements will be installed within existing leased premises. Power to be extended from nearby transformer in E. Woodard Road to tower site in underground trench within easement. The tower will be dark green with faux branching green to blend with forest environs.

Applications: Type II with concurrent Design Review WCF with concealment technology, Type 1 Lot of Record Verification, Grading & Erosion Control.



## **II. INTRODUCTION**

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Verizon's customers currently experience a significant gap in coverage in the area north of the City of Troutdale, and surrounding lands in Multnomah County Oregon near the Sandy River. The target search area to fulfill this gap is predominately along NE Seidl Road just north of E. Woodard Road.

To expand its coverage to this unserved area, Verizon proposes a new transmission tower in the MUA zone, which is the predominant land use/zone within the search area. The new tower is a permitted use subject to a Type II land use I and Design Review. The facility is a Macrocell Wireless Communication Facility site utilizing concealment technology

The proposed 150-foot monofir tower is proposed on a site immediately surrounded on all sides by wooded, large parcels. There are no offsite residences within 400' of the proposed tower.

The proposed project meets or exceeds all of the relevant criteria in Multnomah County Code, and it should be approved as designed.

## **III. PROPOSAL & NARRATIVE**

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### **Project Overview**

Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, is requesting approval to install a Wireless Communications Facility (WCF) on privately owned land.

The applicant is proposing to establish a WCF consisting of a 150' self-support Monofir style tower with antennas and an equipment shelter within the existing leased area. Note that the total height of the facility will be 156' above grade including the faux monofir branching and required FAA lighting. Great care and expense has been taken by the Applicant, Verizon Wireless, to design the facility to meet or exceed all applicable Code Criteria, and minimize the perceived visibility of this site.

Impact to public facilities and services will be minimal as the location on the property inside a fenced compound will utilize only fiber and power, both of which are available nearby by underground easement. During construction or operation of the site, minimal traffic would be generated as a result of the facility. Once construction is completed, an equipment technician would visit the site approximately one time per month for routine maintenance purposes only.

Telephone service and electrical power are the only public facilities required by the proposed site. Verizon Wireless's proposed site is an unmanned facility, and would not require any water, waste treatment or management of hazardous materials.

The proposed communication facility will not interfere with surrounding properties or their uses, and will not cause interference with any electronic equipment, such as telephones, televisions, or radios. Non-interference is ensured by the Federal Communications Commission (FCC) regulation of radio transmissions.

The applicant's agent, BlackRock conducted a pre-filing meeting with Multnomah County. The pre-filing meeting is # PF 2017-7040.

### **System Information**

Verizon Wireless is upgrading and expanding its physical system network throughout Oregon and the Pacific Northwest. Upon completion of this update, Verizon Wireless will operate a state of the art digital network of wireless communication sites throughout Oregon, and in connection with other nationwide Verizon Wireless market areas. Blackrock LLC is responsible for the development and redevelopment of many of the Verizon Wireless sites and provides a broad range of professional services; to include program management, land use planning, site acquisition, construction management, and technical services. Blackrock LLC, on behalf of Verizon Wireless, has submitted this application.

The need for specific service is determined by market demand, capacity requirements for a specific geographic area, and the need to provide continuous coverage from one site to another in a particular geographic region. Once the need for additional capacity or enhanced coverage in a particular area has been established, Verizon Wireless's Radio Frequency (RF) engineers identify a target area ("search ring") to locate a new facility.

The required site location and antenna height is determined by an engineering study. This study evaluates radio signal propagation over the desired coverage area based on topography, geographic features and possible signal attenuation due to seasonal changes in vegetation. It is desirable to have direct line of sight from the base station antennas to the required coverage objectives.

This proposed development would allow Verizon Wireless to continue to provide the needed service to Troutdale Oregon, nearby roads, surrounding neighborhoods and business areas, and this portion of Multnomah County. It is crucial for Verizon Wireless to have adequate coverage in this area in order to serve customers in compliance with its FCC license regulations.

### **Facility Design Characteristics and Details**

**EQUIPMENT:** The proposed design for the wireless communication facility includes: A 150' steel monofir style design pole with a dark green galvanized steel finish as depicted on plans and photosimulations. The faux branching foliage extends slightly above and a required FAA lighting above for a total height of 156'. The tip height of the antennas will be at 150'; a 12 panel antenna array consisting of 4 -8' panel antennas per sector as shown on plans – 3 sectors total and 1- 6' diameter microwave antenna; 2 each Radio (AC inclusive to unit), Power, and Battery cabinets (4 total) as shown on site plans; 1 – backup emergency diesel fueled generator as shown on plans; 1 exterior pole mounted maintenance light on ground equipment (reflected downward); FAA lighting as required; 1 Utility frame for Verizon power meter and connection for power and fiber which will be routed underground from nearby utility demarcations; and 6' tall chain-link security fence with colored privacy slats as shown on plans.

**HEIGHT:** The height is as described above and all visible components depicted on the elevation page of the Site Plans. Per the RF justification letter and propagation maps, the antenna tip height of 150' is the minimum height required to achieve the design objective. The faux branching foliage extends slightly above and a required FAA lighting above for a total height of 156'.

**CONSTRUCTION:** Construction is anticipated once all permits and approvals are received, estimated for fall 2020. Construction will entail clearing and grubbing, foundation construction and installation of the required equipment in an orderly manner. A temporary staging area is available on the owner's property and will not impact local traffic or block access. Various types of construction equipment will be required during various stages of construction including: backhoes, dump truck, concrete truces, crane (for setting the tower), excavators, trenching equipment, and other equipment for projects of this nature.



### **Alternative Sites Analysis and Coverage Objective**

There are three (3) factors Verizon considers when determining the location for a new wireless facility: expanded coverage to new area; increase system capacity; and improve quality of service. As illustrated on the accompanying propagation maps, which are predictive computer simulations of wireless signal coverage in a given area, Verizon's existing wireless coverage in the identified service area is substantially lacking and therefore there is a significant gap in coverage. For every new site Verizon considers, the site acquisition specialist performs an in-depth alternative sites analysis to determine the most effective alternative to developing the wireless telecommunication facility, while at the same time satisfying the RF coverage objective.

The coverage area for the proposed STINGER site is generally North to SW Cherry Park Road, East to SE Lucas Road, South to SE Sweetbriar Road, and west to 257th Avenue. The service objective for the proposed tower is to close a significant gap in coverage due primarily to a significant deficiency for In Building and In Car coverage issues and enhance wireless services in the area as it relates to the residents in Troutdale and this portion of Multnomah County as depicted in EXHIBIT F - RF Usage and Facility Justification with Propagation Maps. The coverage gap is graphically seen as the white (no coverage) and blue colored areas shown on page 4 of EXHIBIT F. Verizon presently has existing wireless facilities located to the northwest and to the southwest of the proposed site- Labeled as TROUTDALE and SWEETBRIAR respectively on the maps. An additional site is necessary to fill the coverage gap between the TROUTDALE and SWEETBRIAR sites. To remain competitive, Verizon must improve services in the identified in EXHIBIT F where consumers are increasingly using their phones and data services.

When contemplating how to provide coverage to the identified service area, the Applicant considered every feasible wireless telecommunication facility option available within the search ring area, SEARCH RING (EXHIBIT E). In considering the development of a new wireless telecommunication facility, the first and most obvious option to consider is to co-locate the facility on an existing tower, utility pole, or tall structure in or very near to the applicant's search area. Not only is this the most cost effective approach for a carrier to consider, but it also is a much faster approach from a permitting perspective. To identify the location of existing towers within the search ring area, the Applicant performed a visual inspection by vehicle of the service area as well as an internet search using the website "Antenna Search" (i.e. AntennaSearch.com), which is a widely accepted resource in the industry for locating existing towers. It was determined that there are no existing towers within or anywhere near the search area. As a result, the Applicant was not able to consider co-locating the proposed site on an existing tower structure. The 2 closest existing WCF towers are shown and discussed on EXHIBIT F – pages 7 (SBA tower at Cherry Park Presbyterian Church) and page 8 (SBA tower at Mount Hood Community College). The Cherry Park SBA tower is approximately 1.65 miles to the NW from the selected site area and the SBA MHCC site is approximately 1.59 miles to the SW from the selected site. As demonstrated in EXHIBIT F neither of these collocation sites would fulfill the coverage objective and enhance the significant gap in coverage.

The final co-location option the Applicant could consider for the location of the proposed wireless telecommunication facility is an existing tall structure. When driving the search ring to identify a location for the proposed site, the Applicant quickly discovered that co-locating the required facility on an existing or approved tower, building or other suitable structure within the identified search ring was simply not available. The majority of the buildings in the search area are 2 stories maximum height or 25-30 height. There are a few short power utility poles (about 30' height) in the vicinity on Woodard Road, however these are too short to provide the service required. An antenna tip height of 150' is minimum required to provide the coverage. There are no tall structures in or near the search area available to meet the coverage objective.

Because good site geometry is required to achieve maximum efficiency for Verizon's network, the accurate location of sites through triangulation with existing and proposed sites is critical. Due to the lack of available co-location opportunities in the search ring area as detailed above, the Applicant was not able to locate the proposed wireless telecommunication facility on an existing tower, building or other suitable structure, and still achieve the coverage objective necessary to solve the existing gap in coverage. Therefore, in order to maintain sufficient signal strength in the coverage area, the Applicant was required to consider a site to construct a new wireless facility to maximize coverage and fulfill responsibilities under their FCC license to their customers.

The search ring shows 2 small polygons highlighted in yellow as areas identified by Verizon Wireless where a proposed facility could fulfill the coverage objective area. The western search area is at the Sunrise City Park in Troutdale. This is an area dominated by existing residences in close proximity to the park. The applicant's representative had numerous conversations with City officials discussing feasibility for a proposed tower at the City Park. Ultimately the Applicant determined not to pursue the park location due to: 1) the proximity to neighboring residences several with potential view impacts of Mt. Hood and 2) the fact that the park was built on a landfill and may have environmental impacts for tower construction. The eastern search area is also a small polygon predominately along NE Seidl Road just north of E. Woodard Road where the subject property is located. After due diligence and negotiations, the subject property was chosen for the proposed tower location and a lease agreement was executed between the parties.

#### **Wireless Telecommunication Facilities and Federal Law**

**Telecom Act.** Federal law, primarily found in the Telecommunications Act, acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways. First, a local government must approve an application for a wireless communications site if three conditions are met: (1) there is a significant gap in service (coverage and or capacity); (2) the carrier has shown that the manner in which it proposes to provide service in the significant gap is the least intrusive on the values that the community seeks to protect as allowed by applicable law; and (3) there are no potentially available and technologically feasible alternatives that are less intrusive on the goals that the community seeks to protect as allowed by applicable law. 47 U.S.C Section 332(c) (7) (A) and (B) (i) (II); and T-Mobile USA, Inc. v. City of Anacortes, 572 P.3d 987 (9th Cir. 2009).

In addition, under the Telecommunications Act, a local jurisdiction is prohibited from considering the environmental effects (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. Section 332(c) (7) (B) (iv). Verizon is required by Federal law to operate any facility in accordance with the Federal Communications Commission's RF emissions regulations. Therefore, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.

Furthermore, the Telecommunications Act requires jurisdictions not to discriminate amongst carriers (applicants) in the placement of Wireless facilities. The Telecommunications Act provides wireless carriers with important procedural due process protections, including the requirement that "the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. § 332(c)(7)(B)(i)(II). Therefore, if a significant gap in service is demonstrated (capacity and or coverage), a local jurisdiction cannot deny the new service facility.

As previously noted, Verizon demonstrated that there is a significant gap in coverage and capacity for customers in Troutdale, and nearby areas of Multnomah County Oregon, and that the proposed facility is designed to fulfill this service gap in this area. The County is required to defer to Verizon's coverage objectives. There are several similar style and height of wireless towers that have been approved and installed in Multnomah County in similar character of neighborhoods. To deny or substantially condition this application in a manner that is inconsistent with those previous wireless tower approvals would be a clear discrimination between carriers per the Telecom Act and Federal Law and deny Verizon's ability to provide similar service compared to other carriers.

**Health and Safety.** The proposed facility will fully comply with all Federal Communications Commission (FCC) safety standards. The FCC developed those standards in consultation with numerous other agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects over decades of wireless usage.

The FCC explains that its standards “incorporate prudent margins of safety.” It explains further that “radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.” The FCC provides information about the safety of RF emissions from cellular base stations on its website at: <http://www.fcc.gov/oet/rfsafety/rf-faqs.html>.

Once Verizon develops a new facility, Verizon follows a comprehensive program to ensure that they remain in compliance with the FCC limits while in service, which will include actual tests to confirm these limits following the sites going into service.

**Aesthetics.** While aesthetic impact of wireless communication facilities development remains within the authority of local municipalities, such regulation cannot be achieved through means that effectively regulate wireless communications technology. A local zoning ordinance, such as the Clarkstown Ordinance, must yield to Federal regulation, particularly where that ordinance contains a provision(s) that attempts to regulate radio frequency interference and provides for an express preference for certain technology (i.e., DAS, microcell, etc.).” 2): **Metro PCS v. City of San Francisco**, the 9th Circuit had clarified that the “least intrusive means” standard did not require a demonstration that the proposed site was the only feasible alternative, but rather required a good faith effort to identify and evaluate less intrusive alternatives. 3) Per **Sprint PCS v. Washington County, 42 OR LUBA 512**, The State of Oregon ruled that: A utility provider need not consider and disqualify as “reasonable alternatives” under State of Oregon Law (ORS 215.275(2)) alternatives that require reassessment of its fundamental technology or its business plan, or that involve sites or facilities that would fail to provide public services to the desired coverage area.

**Critical Infrastructure.** Wireless Communication facilities have been designated by Homeland security as critical infrastructure of the United States. During events such as natural disasters or acts of terrorism, cell reception has been critical for first responders and emergency personnel to have effective communications.

### **Benefits to the Community**

Wireless technology will provide many benefits to the residents, businesses, and motorists that travel or live near the proposed project site. These benefits include:

- Quick access to 911 Emergency, even in remote regions, allowing motorists to summon emergency aid and report dangerous situations. Cell Towers have been classified as Critical Infrastructure Facilities of the United States by the Department of Homeland Security.
- Support for emergency services by providing wireless communications access to paramedics, firefighters, and law enforcement agencies that use this technology.
- A backup system to the landline telephone services in the event of power outages, natural or man-made disasters.
- The ability to transmit data over the airwaves allowing for immediate access to vital information to emergency services.
- Provide quality wireless communications including voice, paging, and digital data capabilities for email, facsimile and Internet access.
- Enhance the communications systems of residents and business around the project coverage area.

## IV. LAND USE ISSUES AND APPLICABLE CODE CRITERIA

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### LOT OF RECORD VERIFICATION DOCUMENTATION.

#### **39.3005: Lot of Record Definition. (Applicable criteria for this application highlighted in bold)**

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 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:

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.)

**RESPONSE:** *The subject property satisfied all applicable zoning laws and all applicable land division laws at the time it was created. The subject property was conveyed to the current owners by a dated and signed warranty deed recorded on October 13, 1962, and therefore it satisfied all applicable land division laws pursuant to MCC 39.3005. The subject property was created prior to the MUA -20 zone ordinance of 10/6/77, and therefore the property acreage of 8.36 acres satisfied all applicable zoning laws and is a legal lot of record. The subject property is described in its current configuration to include 2 tax lots - 1N4E31DB 600 & 500 as per the original warranty deed dated October 13, 1962. The owners Clifton E. Hegstad and Doreen F. Hegstad executed a deed on August 5, 2016 to transfer the property into a trust. The 2016 Warranty Deed describes the current configuration of tax lot 600 as Parcel II in the legal description and this matches with the highlighted tax map and highlighted metes and bounds legal description shown in EXHIBIT C.*

*The legal description/configuration of the property did not change, except that the 2016 deed included additional property noted in the Deed exhibit (parcel I) that is not part of this application. The deeds and respective tax cards are included as EXHIBIT B. A highlighted tax map showing the highlighted metes and bounds legal description callout per the deed is included as EXHIBIT C.*

### **39.3080 LOT OF RECORD – MUA 20 ZONE**

(A) In addition to the Lot of Record definition standards in MCC 39.3005, for the purposes of the MUA-20 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, reenacted by Ord. 997.

(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 39.4345, 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 39.4330, 39.4335, and 39.5300 through 39.5350, 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

*RESPONSE: The property legal description per vesting deed and associated tax cards dated 10/13/62 was created prior to the MUA -20 zone ordinance of 10/6/77 therefore the property acreage of 8.36 acres is a legal lot of record. EXHIBIT B. The current 2016 Warranty Deed describes the current configuration of tax lot 600 as Parcel II in the legal description and this matches with the highlighted tax map and highlighted metes and bounds legal description shown in EXHIBIT C.*

*The legal description/configuration of the property did not change, except that the 2016 deed included additional property noted in the Deed exhibit (parcel I) this is not part of this application. The deeds and respective tax cards are included as EXHIBIT B. A highlighted tax map showing the highlighted metes and bounds legal description callout per the deed is included as EXHIBIT C. Also EXHIBIT D is permit that was stamped approved by Multnomah County zoning on July 10 1995 in the current configuration of lot 600 that matches the current Vesting Deed and therefore should classify this lot as a legal lot of record per County code.*

### **EXISTING BUILDINGS AND PERMITS**

*The pre-filing conference summary notes state that there are 3 existing buildings on tax lot 600. The County has documentation of existing permits for 2 of these: A single family dwelling with permit #30848 from July 23 1963 and a 60'x30' pole barn to SE of single family residence permit #741855 dated October 22 1974. The applicant has provided documentation of the permit for the 3<sup>rd</sup> structure that is approximately 200 feet northeast of the single family dwelling. The permit for this structure a 60' x 40'*

*pole barn is permit # MCSAS 95-5113 issued 8/1/1995 and is included as EXHIBIT D. This permit was stamped approved by Multnomah County zoning on July 10 1995 in the current configuration of lot 600 that matched the current Vesting Deed and therefore should classify this lot as a legal lot of record per County code.*

### **39.4315 REVIEW USES**

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

(F) Wireless communication 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.  
*RESPONSE: The proposed wireless communication facility will utilize concealment technology (monofir).*

### **39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C)	Side	Street	Rear
Minimu		Side	
m Yard			
Dimens			
ions -			
Feet			
Front			
30	10	30	30

*RESPONSE: The proposed tower location exceeds all the minimum setbacks as depicted on attached site plans. Proposed Setbacks: Front = 414 feet plus 586 feet of pipe stem portion from E. Woodard Road; closest side = 211 feet; Rear = 286 feet.*

(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.

*RESPONSE: The proposed tower location is greater than 30' from all property lines and the proposed height of 150 feet may exceed the height limit.*

### **39.4335 LOT SIZES FOR CONDITIONAL USES**

The minimum lot size for a Conditional Use permitted pursuant to MCC 39.4320, except subpart (C)(1) thereof, shall be based upon:

(A) The site size needs of the proposed use;



*RESPONSE: The site size of 8.36 acres is more than adequate to meet the needs of the proposed wireless facility as all improvements will be contained within a 2,500 square foot lease area and the total area of disturbance for the facility, improvement to access road and utilities is just over 10,000 square feet total.*

(B) The nature of the proposed use in relation to its impact on nearby properties;

*RESPONSE: The nature of the proposed use is compatible with the lot size as the larger lot size affords a larger setback so as to reduce any impact on nearby properties.*

(C) Consideration of the purposes of this district; and

*RESPONSE: The subject property and proposed facility is in the Multiple Use Agricultural District (MUA-20). Per MCC 39.4300 the purposes of the MUA-20 district are:*

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of nonagricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

*The proposed facility considers and respects the purposes of the district which include appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies. The proposed facility is designed and sited to minimize impacts upon the natural resource base and the character of the area.*

(D) A finding that the lot or parcel is at least two acres in area.

*RESPONSE: The lot is 8.36 acres – complies.*

#### **39.4340 and 39.6500-39.6600 OFF STREET PARKING AND LOADING**

*The code does list WCF's specifically as a use with a designated # of parking spaces. Since a Verizon technician in a car or standard truck will visit the site only approximately once a month, 1 parking space 9' x 18' (gravel) is proposed. The proposed parking space is shown on site plans and is adjacent to the tower site. The authorized provider of structural fire service protection has reviewed and approved the site plan with parking for access including width of access, driveway and parking area surfacing (gravel) including any deviations per standards. The proposed paving will have positive drainage onto nearby landscape areas for infiltration and the gravel will be designed for dust control and the proposed parking space is greater than 200 feet from any residence.*

#### **39.4345 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 Lot of Record described in MCC 39.3080(B).

*RESPONSE: The property is a legal lot of record; furthermore per the survey and tax map the property has a legal frontage of 25 feet on E. Woodard Road for the pipe-stem portion of tax lot 600 (where existing driveway access located). County Transportation Planning noted in pre-filing conference summary notes that no access permit was found. So a ROW Permit application to validate the existing driveway has been filled with the County. (EXHIBIT U – ROW Permit Application). The existing gravel access to the existing single family dwelling onsite is proposed to be extended approximately 330 feet to the tower site as per site plans.*

## **39.7700 WIRELESS COMMUNICATION FACILITIES**

### **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. *RESPONSE: The Applicant will obtain all necessary approvals and permits before constructing or operating the WCF in compliance with this standard.*

(B) No more than one ground mount shall be allowed per subject property. *RESPONSE: Only one ground mount support structure is proposed.*

(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property. *RESPONSE: Both the licensed carrier (Verizon) and landowner are included on the application. The landowners have signed a letter of Authorization for this application – EXHIBIT A.*

(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. *RESPONSE: The review is under a Planning Director Review for a Type II Process.*

(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. *RESPONSE: The Applicant is proposing a concurrent design review and addressed the relevant Design Review criteria below.*

(F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF. *RESPONSE: The Applicant will comply with this requirement.*

(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. *RESPONSE: Collocation is not viable as described under Alternate Site Analysis above. Concealment technology is proposed with this application.*

(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. *RESPONSE: The Applicant understands this requirement.*

(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. *RESPONSE: The Applicant understands this requirement.*

(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. *RESPONSE: The proposed WCF complies with all of the applicable Multnomah County codes and regulations.*

(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. *RESPONSE: No storage is proposed other than what is necessary for the operation and maintenance of the WCF.*

(L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone. *RESPONSE: The Applicant is not proposing a lattice tower. The Applicant is proposing a monopole design (monopole structure), which will be dark green to blend in amongst the surrounding mature trees for screening.*

**§ 39.7730 REGISTRATION OF WIRELESS COMMUNICATIONS CARRIERS AND PROVIDERS.**

(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. *RESPONSE: The Applicant will comply with this requirement.*

**39.7735 APPLICATION SUBMITTAL REQUIREMENTS.**

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

B) Construction of a New Tower. For an application for either a Planning Director Review or Community Service Review to be deemed complete the following information is required:

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

*RESPONSE: Site plans included as EXHIBIT G. Utility Report/Plans as EXHIBIT H.*

(2) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-application conference to ensure that various potential views are represented.

*RESPONSE: A Visual study and photosimulations consistent with this requirement are included as EXHIBIT I.*

(3) The distance from the nearest WCF and nearest potential co-location site.

*RESPONSE: An aerial map showing the location of nearest WCF is included as EXHIBIT J. The nearest WCF is a Crown Castle tower near MT Hood Community College 26000 Stark Street approximately 1.61 miles to the SW from proposed new tower site.*

(4) A report/analysis from a licensed professional engineer documenting the following:

(a) The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)

(b) The reason why the WCF must be constructed at the proposed height;

(c) Verification of good faith efforts made to locate or design the proposed WCF to qualify for an expedited review process. To this end, if an existing structure approved for co-location is within the area recommended by the engineers report, the reason for not co-locating shall be provided;

(d) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, an explanation for the failure to employ concealment technology if applicable;

(e) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

(f) Evidence of structural integrity of the tower structure as required by the Building Official;

(g) Failure characteristics of the tower;

and

(h) Ice hazards and mitigation measures which can be employed.

*RESPONSE: Items 4 a-d are addressed in Alternate Site Analysis portion of this Narrative above and in the Report by Hatfield and Dawson (EXHIBIT K) and The RF Report (EXHIBIT F). Items 4 e-h are addressed in EXHIBIT M - Tower structural report and in EXHIBIT AA - Sabre Letter. The total capacity of tower is estimated up to 36 large panel antennas and 1 microwave directional antenna with a reserve capacity between 7-12% even at that full loading. The structural design and integrity is as per the structural report. The tower is designed per the State Oregon building codes for failure characteristics and ice loading accounted for. Ice bridges are provided as required for mitigation. Also see EXHIBIT AA Sabre Industries Engineers letter that addresses failure characteristics and ice hazards and mitigation measures that can be employed. The tower area is also fenced with locked security fence to prevent unauthorized access and protection beyond tower area.*

(5) 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 radio frequency performance standards.

*RESPONSE: Included as EXHIBIT L.*

(6) A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.

*RESPONSE: Included as EXHIBIT N.*

(7) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.

*RESPONSE: Not applicable: The Applicant, Verizon Wireless, is a FCC licensed service provider.*

(8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

*RESPONSE: Proposed Landscape Plan is provided with the site plans. Substantial natural landscaping preserved on site that will screen the proposed facility. Existing trees within 100' of the tower have been identified on the plan as 100' is also the limits of a tree protective conservation easement that the applicant and land owners have agreed to. The existing trees and vegetation to be preserved are shown on the Landscape plan. The type, spacing and size of trees are shown on the landscape plan. The submitted site plans and visual study demonstrate that the proposed facility will be screened from views of any adjacent property due to distance, topography, mature preserved vegetation, and proposed opaque fencing around equipment compound.*

*The applicant has discussed with the land owners and they are amenable to recording a conservation easement on the property with a term coterminous with the Verizon lease agreement so as to preserve the existing mature vegetation adjacent to the facility.*

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

*RESPONSE: The Site plans included as EXHIBIT G and the Utility Report EXHIBIT H show utility route, connections, and information on ownership of utilities.*

*The access and utility route easement is granted in the Lease agreement SECTION 5 and shown in lease exhibits - EXHIBIT O. A Utility Permit Application (EXHIBIT V) is being submitted concurrently with this application.*

(10) Documents demonstrating that any necessary easements have been obtained.

*RESPONSE: The access and utility route easement is granted in the Lease agreement SECTION 5 - EXHIBIT O. No additional easements are required.*

(11) Plans showing how vehicle access will be provided.

*RESPONSE: The Site plans included as EXHIBIT G, show vehicle access route to public road.*

(12) Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.

*RESPONSE: EXHIBIT A – included- Land Owner Authorization.*

(13) 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.

*RESPONSE: Noise study included as Exhibit P demonstrating compliance.*

(14) 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.

*RESPONSE: There are no existing WCFs within 1000 feet of the proposed site. EXHIBIT F shows the approximate geographic limits of the "cell" to be created by the facility and adjacent sites in network.*

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

*RESPONSE: The FAA Determination of No Hazard to Air Navigation is included as EXHIBIT Q. Lighting is required as specified in the determination. To include a medium intensity dual system includes a flashing red light (nighttime) and flashing white light (daytime). The Oregon Aeronautics Division has reviewed the proposal and the latter is included as EXHIBIT R.*

(16) Full response to the Approval Criteria for Lands Not Zoned Exclusive Farm Use specified below as applicable.

**39.7740 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.

*The service provider of the proposed facility agrees with all the above requirements.*

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

*The Applicant will 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.

*A noise study – EXHIBIT P is included to demonstrate compliance. The backup generator will not have testing or maintenance schedule between hours of 8pm - 8am.*

(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;

*The project site is not within a SEC area. The Applicant will comply with the conditions of a SEC permit if such permit is required for the facility. No archaeological, historical, prehistorical, or anthropological materials have been identified on the subject property.*

(b) The facility shall comply with Grading and Erosion Control regulations of MCC 39.6200 through 39.6235 when applicable;

*The Applicant will comply with the Grading and Erosion Control regulations of MCC 39.6200 through 39.6235 when applicable; A grading and erosion control worksheet has been submitted (EXHIBIT W) that demonstrates conformance along with sheets C1-3 of the Site Plans. In addition, as the project entails adding less than 500 square feet of new impervious area storm water management is not required and this is documented in EXHIBIT X – Storm Water Certificate submitted by our civil engineer.*

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

*FEMA and County records indicate no flood hazards on the property. And therefore flood hazards will not apply. The Applicant will comply with the Flood Hazard regulations of MCC 39.5000 through 39.5055 if applicable.*

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

*The Applicant will take all efforts to minimize alteration or disturbance of native vegetation and topography.*

(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.



*Collocation is not viable as described under the Alternate Site Analysis section above and submitted Exhibits. Concealment technology is proposed as a monofir. The vegetation and topographic of the subject site will largely screen the monofir from the neighboring properties as demonstrated by photo simulations.*

(a) Co-location.

1. All co-located and multiple-user WCFs shall be designed to promote facility and site sharing. To this end wireless communications towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and storage facilities shall be shared by site users when in the determination of the Planning Director or Hearings Officer, as appropriate. This will minimize overall visual impact to the community.

*The Applicant is not proposing co-located or multiple users, but it will work with future users to share parking areas, access roads, utilities and storage facilities as appropriate. This will minimize overall visual impact to the community.*

2. Existing sites for potential co- location, may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for their WCF.

*As explained in the Alternate Site Analysis section above, no viable colocation sites are available.*

3. No commercial WCF operating at an effective radiated power (ERP) of more than 7 watts shall be located on any residential structure, including accessory buildings.

*This section is not applicable because the Applicant is not proposing to locate the WCF on a residential structure.*

(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.

*Concealment technology is proposed as a dark green colored monofir. The Monofir will be sited amongst a group of mature trees and colored a dark green color to blend to the surroundings. The design of a monofir will blend with the existing on site mature wooded area dominated by Douglas fir trees. The proposed antennas and other visible attachments to the tower will be colored to blend or utilize "colored antennas socks" so as to blend to the tower and faux foliage.*

(c) A vegetatively, topographically, or structurally screened monopole.

1. A WCF tower or monopole not employing concealment technology shall not be installed on a site unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be visually subordinate. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual subordination shall be under the control of the applicant/co-applicant or tenant.

*Not applicable concealment technology as a monofir is proposed.*

2. The facility shall make available un-utilized space for co-location of other telecommunication facilities, including space for these entities providing similar competing services.

*The Applicant will agree to this requirement.*

3. A proposal for a new wireless communication service tower shall not be approved unless the Approving authority finds that the wireless communications equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following reasons:

A. The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

*Not applicable as there are no existing or approved towers and structures within the applicant's search radius.*

B. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

*Not applicable as there are no existing or approved towers and structures within the applicant's search radius.*

C. Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

*Not applicable there are no existing or approved towers and structures within the applicant's search radius.*

D. The radiofrequency coverage objective cannot be adequately met.

*The applicant's coverage objective cannot be met by an existing or approved tower or structure as documented in the alternative site analysis in page 4 above and supporting Exhibits F and K.*

4. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional facilities if the tower is over 100 feet in height or for at least one additional facility if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

*The proposed 150' monofir is designed to accommodate 2 additional facilities as shown on site plans and structural report.*

5. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

*The tower is proposed in a location with extensive existing vegetative screening. Topography and distance also screen the tower from most properties in area. The applicant has discussed with the land owners and they are amenable to recording a 100' radius conservation easement on the property with a term coterminous with the Verizon lease agreement so as to preserve the existing mature vegetation adjacent to the facility.*

6. The County may require independent verification of the analysis at the applicant's expense.

(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

*Concealment technology – monofir is proposed. Per the RF justification report 150' is the minimum height required to provide the necessary service.*

2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.

*The applicant's RF justification – Exhibit F demonstrate that a height greater than 120 feet and at a minimum 150 feet is required to achieve the coverage and fulfill the significant gap in coverage.*

(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.

*Not applicable.*

(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, whichever is greater.

*The proposed tower will be located at least 290 feet from the existing dwelling on subject property; this exceeds the 156' tower height setback.*

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

*The proposed tower will be located at least 156 feet from any property line as shown on Exhibit G – page A-1 Site Plan. The closest property line to tower is over 211 feet setback to the east.*

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

*The outdoor equipment area exceeds the base zone setbacks of Front: 30' Side: 10' Rear: 30'*

(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.

*Not applicable.*

(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.

*Not applicable.*

(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.

*The equipment cabinets will be constructed with non-reflective materials. The equipment will also be located inside a chain link fence with dark colored privacy slats for screening. Due to existing vegetation, distance and topography from any offsite property or public street the equipment will not be visible.*

(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.

*The equipment cabinets will not exceed 15 feet in height and are treated to look like standard outdoor utility cabinets that are 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.

*The proposed tower and other tower mounted facilities are proposed to be painted a flat non-reflective dark green color to blend with the on-site vegetation. The additional branching and faux foliage will be a similar color to match.*

(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 area.

*A 6' height chain link security fence with dark green privacy slates will be installed around the tower and equipment area as shown on site plans.*

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

*Not applicable.*

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

*The chain link security fence will be dark green.*

(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.

*The fencing includes barb wire at top for anti-climbing.*

(8) Lighting.

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

*FAA lighting is required on the tower as shown on FAA determination and site plans. The FAA lighting will be an FAA Style E1 lighting system which consists of a top mounted medium intensity dual red & white flashing light and 2 single red flashing lights mid-way up on tower. The FAA Determination and lighting specifications are shown in Exhibit Q.*

*Additionally, one pole mounted maintenance light on the ground equipment (inside fenced compound and reflected downward) is proposed as shown on site plans – sheet A 1.1. This is required to comply with cell site safety standards for personnel who may need to access the facility during nighttime emergency situations. EXHIBIT Z.*

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

*No other exterior lighting is proposed.*

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

*The Applicant will comply with this requirement. Only warning and compliance signs will be installed.*

(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.

*12' wide gravel access drive extension has been reviewed and approved by rural fire district 14 - Exhibit S.*

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

*The existing driveway on site is used for access.*

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

*The proposed parking can be shared.*

(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.

*The 1 proposed parking space of 9' x 18' will be designed to meet this standard.*

(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 (4½') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

*A Landscape Plan is provided with the site plans. Substantial natural landscaping preserved on site that will screen the proposed facility. Existing trees within 100' of the tower have been identified on the plan as 100' is also the limits of a tree protective conservation easement that the applicant and land owners have agreed to. The existing trees and vegetation to be preserved are shown on the Landscape plan. The type, spacing and size of trees are shown on the landscape plan. The applicant has discussed with the land owners and they are amenable to recording a conservation easement on the property with a term coterminous with the Verizon lease agreement so as to preserve the existing mature vegetation adjacent to the facility.*

(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.

*Existing trees required to be removed for access road and utilities are shown on the landscape plan. Erosion control /silt fence will be installed adjacent to the 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. This is demonstrated in the GEC worksheet and submitted site plans.*

#### **§ 39.7750 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.

*The Applicant will comply with this requirement.*

(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.

*The Applicant understands this requirement.*

#### **DESIGN REVIEW.**

##### **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.**

*RESPONSE: The proposal is not located in a RC, BRC, OR, OCI, PH-RC or SRC zone district and only 1 parking space is required and proposed, therefore only code sections MCC 39.8040(A)(1)(a) and (1)(c), (4) and (7), apply to this application.*

#### **§ 39.8040 DESIGN REVIEW CRITERIA**

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

(1) 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.

*The tower and attached facilities are designed at the minimum height to achieve the objective and will minimize the number of trees that need to be removed. The tower facility will be a dark green color to blend harmoniously with the natural wooded environment.*

(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.

*The facility is designed for efficiency to accommodate the required use at minimum height and footprint as designed.*

(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.

*The tower is located amongst a group of trees to offer the greatest possible visual mitigation available from nearby residences and public streets. Trees to be preserved or removed are shown on the landscape plan. The tower design is a slim style single monofir to reduce visual impact and colored dark green color to blend with surroundings. The ground equipment will be screened from view by a chain link fence with privacy slats and due to setbacks, location on the property, existing trees to be saved, and topography, the ground equipment and the majority of the tower will not be visible or barely visible from most nearby residences or Public Street. Minimal grading is required to install the facility as the existing topography at the tower site is relatively flat. The applicant has discussed with the land owners and they are amenable to recording a conservation easement on the property with a term coterminous with the Verizon lease agreement so as to preserve the existing mature vegetation adjacent to the facility.*

(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.



*The tower is located amongst a group of trees to offer the greatest possible visual mitigation available from nearby residences and public streets. The tower design is a slim style single monofir to reduce visual impact and colored dark green color to blend with surroundings. The ground equipment will be screened from view by a chain link fence with slats and due to setbacks, location on the property, existing trees to be saved, and topography, the ground equipment and the majority of the tower will not be visible or barely visible from most nearby residences or Public Street.*

## **V. RESPONSE TO PRE-APP MEETING COMMENTS**

A pre-application meeting was held on 4/25/19 and several neighbors attended and there were a few issues raised outside of the code issues which are addressed here.

1. Dark Sky Ordinance. The required FAA lighting is exempt per Section 11.15.9205 (B) (9) of the ordinance: Lighting required by a federal, state, or local law or rule, when such lighting cannot comply with both the law or rule and the standards in paragraph (C) of this section. The compound lighting complies as it will be fully shielded and directed downward per section C of the ordinance.
2. Noise emissions – A noise report is submitted as Exhibit P of the application.
3. Long term tree preservation adjacent to the facility. The applicant has discussed with the land owners and they are amenable to recording a conservation easement on the property with a term coterminous with the Verizon lease agreement.
4. Coverage Objective. One neighbor mentioned she talked to someone (unidentified) who mentioned the coverage objective is to the north across river into Vancouver. This is not the case. The coverage objective is west and south of the subject property as shown in Exhibit F.
5. Real Estate Values. The issue of impact to real estate values as brought up at the pre-application meeting. No evidence was submitted to demonstrate a negative impact to property values based on the proximity to wireless facilities. Based on the applicant's experience in the industry and numerous reports available there is no evidence that wireless facilities have a negative impact on real estate values.

## **VI. CONCLUSION**

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Based on the information provided in and with this document the request of Verizon Wireless should be approved. The site proposed herein has been designed as a slim style Monopole design and will have minimal impact on the surrounding area and abutting parcels and complies with the applicable criteria. Further, the proposal shall enhance basic community functions and provide an essential community service. All applicable approval criteria have been met. In addition, the Applicant also pursued all potential co-location opportunities for the facility, but was unable to find an existing tower tall enough and appropriately located for the antenna(s) to effectively provide the desired service for the proposed site. As such, the Applicant's proposal to locate the proposed facility is consistent with Multnomah County Code and applicable State Law and, therefore, should be approved.