

## NOTICE OF DECISION

**Case File:** T2-2019-12701

**Permit:** Administrative Decision by the Planning Director, Design Review (DR), and Lot of Record (LOR) Verification

**Applicant:** Kimberly Spongberg **Owners:** At time of Application: Clifton E. Hegstad Trust & BlackRock LLC  
Doreen F. Hegstad Trust  
Current: Doreen F. Hegstad Trust

**Location:** 29421 E Woodard Road, Troutdale  
Tax Lot 600, Section 31DB, Township 1 North, Range 4 East, W.M.  
Alternate Account #R944310660 Property ID #R322458

**Base Zone:** Multiple Use Agriculture (MUA-20) **Overlays:** None

**Proposal Summary:** The applicant is requesting an Administrative Decision by the Planning Director, Design Review and a Lot of Record verification in order to establish and construct a wireless communications facility (WCF) utilizing concealment technology (the tower will mimic an evergreen pine).

**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, September 3, 2020 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting the case planner. Copies of all documents are available at the rate of \$0.35/per page. For further information, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

**Issued by:**



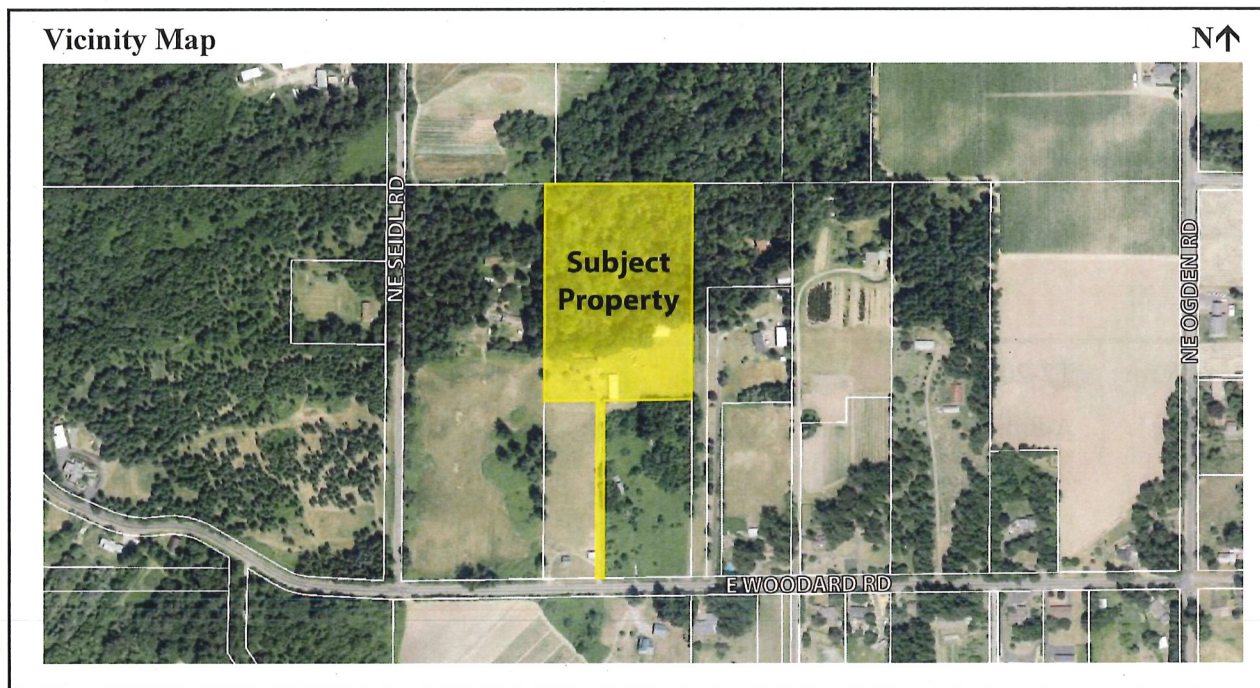
DN: cn=Rithy Khut, o=Multnomah  
County, ou=Land Use Planning  
Division,  
email=rithy.khut@multco.us, c=US

**By:** Rithy Khut, Planner

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

**Date:** Thursday, August 20, 2020

Instrument Number for Recording  
Purposes: #2020-030630



### **Applicable Approval Criteria:**

**For this application to be approved, the proposal will need to meet applicable approval criteria below:**

Multnomah County Code (MCC): Violations, Enforcement and Fines: MCC 39.1515 Code Compliance and Applications

Definitions: MCC 39.2000 Definitions

Lot of Record – General Provisions: MCC 39.3005 Lot of Record – Generally

Lot of Record Requirements Specific to Each Zone: MCC 39.3080 Lot of Record – Multiple Use Agriculture-20 (MUA-20)

Multiple Use Agriculture (MUA-20): MCC 39.4315(F) Review Uses, MCC 39.4325 Dimensional Requirements and Development Standards, MCC 39.4340 Off-Street parking and Loading, MCC 39.4345 Access

Parking, Loading, Circulation and Access: MCC 39.6505 General Provisions, MCC 39.6510 Continuing Obligation, MCC 39.6515 Plan Required, MCC 39.6520 Use of Space, MCC 39.6525 Location of Parking and Loading Spaces, MCC 39.6530 Improvements Required, MCC 39.6535 Change of Use, MCC 39.6540 Joint Parking or Loading Facilities, MCC 39.6555 Design Standards: Scope, MCC 39.6560 Access, MCC 39.6565 Dimensional Standards, MCC 39.6570 Improvements, MCC 39.6580 Design Standards: Setbacks, MCC 39.6585 Landscape and Screening Requirements, MCC 39.6590 Minimum Required Off-Street Parking Spaces, MCC 39.6595 Minimum Required Off-Street Loading Spaces

Exterior Lighting: MCC 39.6850 Dark Sky Lighting Standards

Wireless Communication Facilities: MCC 39.7710 Review Procedures Distinguished, MCC 39.7715 Definitions, MCC 39.7725 General Requirements, MCC 39.7735(B) Application Submittal Requirements, MCC 39.7740 Approval Criteria for Lands Not Zoned Exclusive Farm Use

Design Review: MCC 39.8010 Design Review Plan Approval Required, MCC 39.8020 Application of Regulations, MCC 39.8040(A)(1)(a) and (1)(c), (4) and (7)

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:  
**Chapter 39 - Zoning Code**

### **Conditions of Approval**

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

1. Permit Expiration – This land use permit shall expire as follows:
  - a. 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 final decision. [MCC 39.7725(H)]
2. Prior to land use sign-off for building plan check, the property owners or their representatives shall:
  - a. Record pages 1 through 7 and Exhibit A.15 (Sheet No. T-1, A-1, A-1.1, and A-2) of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be made prior to the issuance of any permits and shall be filed with the Land Use Planning Division. Recording shall be at the applicant's expense. [MCC 39.1175]
  - i. Exhibit A.15 shall be reduced to a size of 8.5" x 11" for recording purposes.

**Note:** Tax lot 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M., are described as a single parcel in the deed record and are one Lot of Record. It is recommended that the two (2) tax lots be consolidated into one tax lot to correspond with the Lot of Record. If you would like to consolidate tax lots, please contact the Division of Assessment, Recording, and Taxation: Parcel Management at (503) 988-9780 for questions about this process.

- b. Obtain an Erosion and Sediment Control permit for any ground disturbing activities associated with the construction and establishment of the wireless communications facility. [MCC 39.7740(A)(4)]
- c. Revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. Final design review plan shall contain the following, drawn to scale:
  - i. Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 39.8025, as appropriate;



- ii. Architectural drawings, indicating floor plans, sections, and elevations:
    1. Updated elevations shall include the labeling of the paint color of the tower, on-tower components, associated on-ground structures (i.e., vaults and equipment cabinets), and fence. A paint chip or sample shall be provided showing the proposed colors. The colors shall be either green or brown in a non-reflective flat dark earth tone or a non-reflective flat earth tone. [MCC 39.7740(B)(1)(b), MCC 39.7740(B)(5), MCC 39.7740(B)(6), MCC 39.8040(A)(1)(a)]
3. At the time of land use sign-off for building plan check, the property owner or their representative shall:
  - a. Obtain and secure all necessary approvals and permits, whether local, state, or federal. [MCC 39.7725]
  - b. Provide a Final Design Plan that demonstrates compliance with Condition of Approval #2.c. [MCC 39.8030]
4. During construction, the property owner(s) or their representative(s) shall:
  - a. Ensure that the exterior surfaces of the wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) are constructed of non-reflective materials. [MCC 39.7740(B)(4)]
  - b. Ensure that all structures, poles, towers, antenna supports, antennas, and other components of the wireless communications facility are painted according to the updated Elevation Plan provided during land use sign-off for building plan check. [MCC 39.7740(B)(1)(b), MCC 39.7740(B)(5), MCC 39.7740(B)(6), MCC 39.8040(A)(1)(a)]
  - c. Protect any retained trees, as shown in the Landscape Plan, in the vicinity of the WCF, along the access drive, and any power/telecommunication line routes from damage. [MCC 39.7740(B)(11) and MCC 39.8040(A)(4)]
5. Prior to issuance of the Certification of Occupancy, the property owner(s) or their representative(s) shall:
  - a. Ensure that the one required parking space is improved and placed in condition for use. [MCC 39.6530]
6. As an on-going condition, the property owner(s), applicant, co-applicant, tenant(s), service provider of the WCF, or their representative(s) shall:
  - a. Obtain a new permit for all modifications, not constituting maintenance [MCC 39.7725(F)]
  - b. Notify the Planning Director of the Land Use Planning Division 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. [MCC 39.7725(I)]



- c. 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, tenant/carrier or their representative(s) 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 property owner(s), applicant/co-applicant, tenant/carrier or their representative(s). [MCC 39.7750]
  - d. Ensure that no on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site. [MCC 39.7725(K)]
  - e. Not test the functionality of any back-up power generators located within the WCF between the hours of 8 PM and 8 AM. [MCC 39.7740(A)(3)]
  - f. Provide for and maintain off-street parking and loading facilities without charge to users. The required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration. [MCC 39.6510 and MCC 39.6520(A)]
  - g. Not park trucks, equipment, materials, structures or signs in any required parking space. The conducting of any business activity shall not be permitted in any required parking space. The storage or accumulation of equipment, material, or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations is not allowed. [MCC 39.6520(B) and (E)]
  - h. Ensure that any exterior lighting associated with the WCF that is not required by the Federal Aviation Administration or other governmental body shall meet the definition of Dark Sky Lighting pursuant to MCC 39.6850. [MCC 39.6850]
  - i. Be responsible for the proper maintenance and survival of any vegetation required to be retained. If any retrained trees become diseased, die, or are removed; a replacement tree that is of similar type shall be planted. If the replacement tree is an evergreen tree, a Douglas-fir or western redcedar that is a minimum height of 3 to 4 feet bare-root or of similar size shall be planted. If the replacement tree is a deciduous tree, the tree shall be a minimum planting height of 3 to 4 feet (2 gallon) or of similar size. [MCC 39.7740(B)(11)]
7. As an on-going condition, the service provider of the WCF, Verizon Wireless and their 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 39.7740(A)]

8. 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(s) who constructed the facility, the person(s) who operated the facility, the carrier, or the property owner(s) 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:
    - i. Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.
    - ii. Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.
    - iii. Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.
    - iv. 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 Condition #8.b fails to remove a WCF in accordance with this Condition of Approval, 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 Condition of Approval shall not become effective until all carriers/operators cease using the tower.
  - e. Failure to remove an abandoned facility as required by this Condition of Approval shall constitute a violation and be subject to the penalties prescribed in Multnomah County Zoning Code. [MCC 39.7755]

**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 by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at [row.permits@multco.us](mailto:row.permits@multco.us), or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any

other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.

3. Contact the City of Portland, Bureau of Development Services, On-site Sanitation at 503-823-6892 or e-mail [septic@portlandoregon.gov](mailto:septic@portlandoregon.gov) for information on how to complete the Septic Evaluation or Permit process for the proposed development. All existing and/or proposed septic system components (including septic tank and drainfield) must be accurately shown on the site plan.
4. Contact Rithy Khut, Planner, at 503-988-0176 or [rithy.khut@multco.us](mailto:rithy.khut@multco.us), for an appointment for review of the conditions of approval and to sign the building permit plans. Please ensure that any items required under, "At the time of land use sign-off for building plan check..." are ready for land use planning review. Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from 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 Administration Decision by the Planning Director to construct a 150-foot-tall monofir wireless communications (cell tower) facility. The application must comply with the applicable criteria for a Wireless Communications Facility and Design Review. The applicant also requests a Lot of Record Verification that the subject property was lawfully established in according with zoning and land division regulations at the time of its creation/reconfiguration.

### **2.00 Property Description & History:**

**Staff:** The subject application is for tax lot 600, Section 31DB, Township 1 North, Range 4 East, W.M. (subject property) located adjacent to E. Woodard Road. The subject property is located on the north side of E. Woodard Road within the Multiple Use Agricultural (MUA-20) zoning district in the East of Sandy River rural area. There are not environmental overlays, geologic hazards overlays, or areas of Special Flood Hazard on the property. As discussed in the Lot of Record findings below in Section 5.00, the entirety of the legal parcel is contained by both tax lots 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M. and is approximately 10.74 acres in size.

Multnomah County Division of Assessment, Recording, and Taxation (DART) data indicates that tax lot 600 is approximately 8.36 acres and is owned by the Doreen F. Hegstad Trust (Exhibit B.9 and B.10). At the time the application was submitted to the County, the subject property was jointly owned by the Clifton E. Hegstad Trust and the Doreen F. Hegstad Trust (Exhibit B.1). The subject property was deeded solely to the Doreen F. Hegstad Trust on March 13, 2020 (Exhibit B.9 and B.10).

According to DART records, the subject property contains a single-family dwelling with attached garage that was first assessed in 1964. DART records also indicates that there is a farm building. Aerial photo review from 2018 confirms the presence of the single-family dwelling with attached garage; however, the aerial photo image shows there are two accessory building on the subject property, one of which is accessory building (label by DART as a “farm building”) and another accessory building that is partly obscured by trees closer to the western property line (Exhibit B.3).

In reviewing the past permit history of the subject property, the property has not had an extensive permit history. Below are the land use and building permits that are on record:

<b>Permit Number</b>	<b>Year</b>	<b>Description</b>
30848	07/23/1963	Single-family dwelling with attached garage
741855	10/22/1974	60’ x 30’ Pole Barn
Zoning Review	07/10/1995	Agricultural Building
MCSAS 95-5113	09/21/1995	Residential Permit Inspection Record for Agricultural Building

The above referenced building permits in 1963 and 1974 reference tax lot 58, however based on the timeline of establishment, it appears that the buildings were built near the middle of tax lot 58 and then transferred to tax lot 66 (which is now tax lot 600). However, as later discussed in Section 5.00, tax lot 58 and 66 (which are now tax lot 500 and 600) are one Lot of Record.

### **3.00 Public Comment:**

#### **3.01 JoAnne Vincent, property owner located at 330 NE Seidl Road, provided voicemail and e-mail comments on July 7 and 9, 2020 (Exhibit D.1 and D.2)**

**Comment:** JoAnne provided concerns about the process and Opportunity to Comment timeline. JoAnne stated that application should have required a public information meeting and an extension of the comment period. They also felt that the comment period was too short as there is a public health emergency with the outbreak of COVID-19. They also had questions about why the 750' notice radius was not larger.

**Staff:** As required by MCC 39.1105, the public comment requirements are laid out in Multnomah County Zoning Code. The Opportunity to Comment was mailed on Tuesday, June 30, 2020 to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract (Exhibit C.4). The comment period ended on Tuesday, July 14, 2020, which would equal a comment period of 14 days. Further, the State Legislature did not amend ORS 215 to extend the comment period due to the pandemic emergency.

#### **3.02 Alison (did not provide last name) provided comment over the phone on July 9, 2020**

**Comment:** Alison provided comment about the cell tower proposed to be placed on a neighboring property. They stated that due process is not being served because the public hearing signage is not being placed and getting in touch with a planner is harder than expected.

**Staff:** As required by MCC 39.1105, the public comment requirements are laid out in Multnomah County Zoning Code. As this application is a Type 2 Decision, no public hearing or signage is required as part of the process. Additionally, the Opportunity to Comment was mailed on Tuesday, June 30, 2020 (Exhibit C.4). The comment period ended on Tuesday, July 14, 2020, which would equal a comment period of 14 days.

#### **3.03 Bonnie Knopf, property owner located at 1001 NE Ogden Road, provided voicemail comment on July 10, 2020**

**Comment:** Bonnie provided a voicemail message that discussed concerns about the Opportunity to Comment timeline. They felt that the comment period was too short as there is a public health emergency with the outbreak of COVID-19.

**Staff:** As required by MCC 39.1105, the public comment requirements are laid out in Multnomah County Zoning Code. As this application is a Type 2 Decision, no public hearing or signage is required as part of the process. Additionally, the Opportunity to Comment was mailed on Tuesday, June 30, 2020 (Exhibit C.4). The comment period ended on Tuesday, July 14, 2020, which would equal a comment period of 14 days. Further, the State Legislature did not amend ORS 215 to extend the comment period due to the pandemic emergency.

**3.04 Jasmine Zimmer-Stucky, property owner located at 30134 E Woodard Road, provided comment via e-mail on July 10, 2020 (Exhibit D.3)**

**Comment:** Jasmine requested the application documents and submitted a request that a conservation easement be extended to cover all of the currently forested area of the property. The current proposed easement extends just 100' and is insufficient for a WCF of this size. A larger conservation easement on the subject property will ensure that if neighboring properties choose to harvest their timber, the WCF will remain suitably concealed.

**Staff:** The approval criteria do not require that the applicant create a conservation easement. As the subject property is not within the any Significant Environmental Concern environmental overlays (i.e., protected State Land Use Planning Goal 5 resources), Staff is unable to make a finding requesting any type of conservation easement. Additionally, the subject property is not located within the Commercial Forest Use zoning district; therefore, there are no additional requirements for the retention of trees that align with Forest Practices Setbacks or Fire Safety Zones.

**3.05 Janet (did not provide last name) provided comment over the phone on July 10, 2020**

**Comment:** Janet had questions about the pre-application that was previously associated with an earlier proposal by the applicant. They expressed concerns from the pre-application meeting that were not addressed. The concerns included the effect of radio frequencies (RF) and Non-Ionizing Electromagnetic Radiation (NIER) on bees, the potential to seizures due to the Federal Aviation Administration requirement that a light be placed on the top of the tower, and impacts to Troutdale Airport.

**Staff:** The concerns above about bees are not specific to approval criteria for the Wireless Communications Facility. Multnomah County zoning code does not have requirements that address any potential impacts to bees or any other pollinator species as they related to RF or NIER. The approval criteria also do not discuss the potential of seizures due to the FAA lighting requirements. The approval criteria for lighting are discussed in Section 8.00 and 9.04.

The subject property is not located within the airport notification zone and the applicant included a letter from the Federal Aviation Administration and the Oregon Department of Aviation reviewing the tower height and found no concerns that could not be mitigated through the use of lighting (Exhibit A.30).

**3.06 Brian Vincent, property owner located at 330 NE Seidl Road, provided comments via e-mail on July 12, 2020 (Exhibit D.4)**

**Comment:** Brian provided a list of concerns which included:

1. Exposure to increase electromagnetic (EM) radiation and installation of 5G capability
2. Impacts of required Federal Aviation Administration required lighting
3. Potential impacts of generator noise exposure from 8:00 AM to 8:00 PM
4. Requirement of a new pre-application meeting



5. Insufficient justification of cellular gap and alternative site analysis
6. Impacts to real estate values
7. WCF is not visually subordinate
8. Insufficient landscape plan

**Staff:** Based on the list of comments, staff has found the following:

1. The applicant has submitted the required information concerning Non-Ionizing Electromagnetic Radiation (NIER) exposure and analysis. The report evaluated the effect of public exposure to radio frequency (RF) electromagnetic fields (EMFs) from the WCF for compliance with current Federal Communications Commission (FCC) and local guidelines (Exhibit A.22). The analysis found that the WCF not cause any occupancy or public area to exceed the FCC limits for human exposure to RF EMF and will comply with all FCC RF emissions safety standards.

Additionally, there is no indication from the applicant that 5G capabilities are proposed. The NIER exposure and analysis indicates that at most a 2.1 GHz frequency band will be utilized. Multnomah County zoning code also does not have provisions that regulate different cellular capabilities.

2. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards pursuant to MCC 39.6850(B)(9), which are designed to limit the impact of lighting on the night sky and surrounding neighbors.
3. As discussed in Section 9.04 under MCC 39.7740(A)(3), the applicant has included an Acoustical Report that discusses noise. The report was completed by Alan Burt, Professional Engineer (Exhibit A.26). The report indicated that the facility will not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Additionally, a condition will be required that no testing of back-up power generators shall occur between the hours of 8 PM and 8 AM; which ensures that the commenter will not be subject to noise from 8:00 AM to 8:00 PM.
4. The applicant originally submitted their application as land use case T3-2019-12029 on May 30, 2019. The application was submitted approximately one month after the pre-application meeting that occurred on April 25, 2019. After the application was submitted, the applicant elected to alter their proposal to utilize concealment technology, which converted the application from a Type III land use case to a Type II land use case. As the application was converted into the Type II land use case, it was not necessary to conduct a new pre-application conference meeting as the Planning Director has the discretion to waive the pre-application requirements as provided in MCC 39.1120(D).
5. The commenter did not provide any information to support the comment that there was insufficient justification of a cellular gap. The only information provided was evidence about their own cellular needs and reference to other potential sites. No addresses or locations of other towers were supplied as part of their comment.

Whereas, the applicant included a Search Ring Map, two reports on the Radio Frequency (RF) Usage and Facility Justification, and RF Engineering Review (Exhibit A.13, A.14, A.21, and A.41). Staff discussed those documents in Section 9.04 and found that there was a need to fill a cellular gap for persons inside buildings and inside cars that exist around the WCF and within Troutdale.

6. Multnomah County zoning code does not have applicable approval criteria that relate to the impact of real estate values.
7. The Multnomah County zoning code citation provided, MCC 39.7710 does not address visual subordination criteria. The code citation distinguishes the review procedures between the use of co-location, use of concealment technology, and non-use of concealment technology. As discussed in Section 9.04, the monopine meets the definition of using concealment technology as it is designed to mimic a pine tree. There are no approval criteria that require the monopine to be visually subordinate. Visual subordination is only required for a vegetatively, topographically, or structurally screened monopole that does not utilize concealment technology.
8. The applicant has provided a landscaping plan that meets the requirements of Section 9.03 and the approval criteria in Section 9.04 and 10.03. As the commenter stated, tree removal is to be minimized as required by Multnomah County zoning code. In total the applicant proposes to remove nine trees. A condition is required that if any retained trees are damaged that they need to be replaced.

**3.07 Mia Schreiner, property owner located at 28725 E Woodard Road, provided comments via email on July 12, 2020 (Exhibit D.5)**

**Comment:** Mia provided a list of concerns which included:

1. A new pre-application meeting is required pursuant to MCC 39.1120, as more than six months have passed since the original pre-application meeting occurred in April 2019
2. The alternative site analysis was insufficient as the applicant did not address the potential to co-locate at the Water Tower in the vicinity of Hurt Road
3. Insufficient justification of cellular gap
4. The WCF is not visually subordinate pursuant to MCC 39.7710 and violates Columbia River Gorge National Scenic Area scenic standards
5. Violation of Dark Sky Lighting requirements pursuant to MCC 39.6850

**Staff:** Based on the list of comments, staff has found the following:

1. The applicant originally submitted their application as land use case T3-2019-12029 on May 30, 2019. The application was submitted approximately one month after the pre-application meeting that occurred on April 25, 2019. After the application was submitted, the applicant elected to alter their proposal to utilize concealment technology, which converted the application from a Type III land use case to a Type II land use case. As the application was converted into the Type II land use case, it was not necessary to conduct a new pre-application conference meeting as the Planning

Director has the discretion to waive the pre-application requirements as provided in MCC 39.1120(D).

The applicant included two reports on the Radio Frequency (RF) Usage and Facility Justification (Exhibit A.14 and A.41). The original Radio Frequency (RF) Usage and Facility Justification report did not discuss the potential to collocate on a water tower located off of Hurt Road (Exhibit A.14). Subsequently, the applicant has provided an updated Radio Frequency (RF) Usage and Facility Justification report, which discussed the deficiencies of locating the antenna on top of the tank as the location did not meet the coverage objectives of Verizon (Exhibit A.41). Staff discussed those documents in detail in Section 9.04 and found it was not feasible to co-locate the antennas on the Cabbage Hill Water Tank.

2. The commenter did not provide any information to support the assertion that there was insufficient justification of a cellular gap. As provided by the applicant, the application included a Search Ring Map, a report on the Radio Frequency (RF) Usage and Facility Justification, and RF Engineering Review (Exhibit A.13, A.14, and A.21). Staff discussed those documents in Section 9.04 and found that there was a need to fill a cellular gap for persons inside buildings and inside cars that exist around the WCF and within Troutdale.
3. The Multnomah County zoning code citation provided, MCC 39.7710 does not address visual subordination criteria. The code citation distinguishes the review procedures between the use of co-location, use of concealment technology, and non-use of concealment technology. Additionally, as designed the monopine meets the definition of visually subordinate as the monopine does not noticeably contrast with the surrounding landscape and is only partially visible in relation to their surroundings as shown in the applicant's renderings (Exhibit A.19).

Lastly, the subject property is not located in the Columbia River Gorge National Scenic Area (CRGNSA); therefore, the scenic protection standards of the CRGNSA do not apply.

4. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards. As such the lights are exempted pursuant to MCC 39.6850(B)(9).

**3.08 Dave Flood, property owner located at 31780 NE Wand Road, provided comments via email on July 13, 2020 (Exhibit D.6)**

**Comment:** Dave Flood provided comment in support of the tower.

**3.09 Chris Winters, property owner located at 29446 E Woodard Road, provided comments via email on July 13, 2020 (Exhibit D.7)**

**Comment:** Chris had concerns that the WCF should be located in the urban growth boundary. Chris stated, "This Radio Tower or Cell Tower needs to be placed inside the urban growth boundary not outside with all the land use restrictions that have been placed upon us."



**Staff:** There is no Multnomah County zoning code requirement that WCF be located within the urban growth boundary (UGB). As discussed in this Decision, the applicable approval criteria are provided within this Decision. The commenter did not provide a criterion that would require that the WCF be located in the UGB.

**3.10 Donna Davis, property owner located at 29610 E Woodard Road, provided comments via email on July 13, 2020 (Exhibit D.8)**

**Comment:** Donna had concerns about the required lighting of the Wireless Communications Facility and questioned why the tower was not located in a more populous area of the County. Donna commented that, “the thought of having a blinking light almost across the street is not a welcome thought.”

**Staff:** As required by Section 9.04 and both the Federal Aviation Administration and the Oregon Aviation Department, the flashing light is a safety requirement for passing planes. The approval criteria, however do not discuss the aesthetic qualities to surrounding neighbors.

The applicant has also provided justification in Exhibits A.13 and A.14 concerning the need to locate a new wireless communications facility in this location. The approval criteria as found in Section 9.04 under MCC 39.7740(B)(1)(b). The applicant found that existing towers within Troutdale were insufficient in height to provide for the service demands of the applicant.

**3.11 George and Donna Knieriem, property owners located at 29735 E Woodard Road, provided comments via email on July 13, 2020 (Exhibit D.9)**

**Comment:** George and Donna had concerns about effect of the wireless communications facility on the “country living” and rural character of the area.

**Staff:** As the applicant is proposing to use concealment technology to disguise the monopole as a pine tree, the use is a Review Use as required in MCC 39.4315. The applicable approval criteria do not require that the applicant meet the Community Service Conditional Use approval criteria found in MCC 39.7515 that relate to character of the area and farm/forest practices.

**3.12 Mark and Alison Knieriem, property owners located at 29805 E Woodard Road, provided comments via email on July 13, 2020 (Exhibit D.10)**

**Comment:** Mark and Alison provided a list of concerns which included:

1. That conditional uses must be compatible with the character of the area
2. The WCF must be visually subordinate
3. The WCF does not meet Dark Sky Lighting Standards
4. The alternative site analysis was insufficient as the applicant did not address the potential to co-locate at the Water Tower in the vicinity of Hurt Road.

**Staff:** Based on the list of comments, staff has found the following:

1. As the applicant is proposing to use concealment technology to disguise the monopole as a pine tree, the use is a Review Use as required in MCC 39.4315. The applicable approval criteria do not require that the applicant meet the Community Service Conditional Use approval criteria found in MCC 39.7515 that relate to character of the area.
2. The Multnomah County zoning code citation provided, MCC 39.7710 does not address visual subordination criteria. The code citation distinguishes the review procedures between the use of co-location, use of concealment technology, and non-use of concealment technology. As discussed in Section 9.04, the monopine meets the definition of using concealment technology as it is designed to mimic a pine tree. There are no approval criteria that require the monopine to be visually subordinate. Visual subordination is only required for a vegetatively, topographically, or structurally screened monopole that does not utilize concealment technology.
3. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards.
4. The applicant included two reports on the Radio Frequency (RF) Usage and Facility Justification (Exhibit A.14 and A.41). The original Radio Frequency (RF) Usage and Facility Justification report did not discuss the potential to collocate on a water tower located off of Hurt Road (Exhibit A.14). Subsequently, the applicant has provided an updated Radio Frequency (RF) Usage and Facility Justification report, which discussed the deficiencies of locating the antenna on top of the water tank as the location did not meet the coverage objectives of Verizon (Exhibit A.41). Staff discussed those documents in detail in Section 9.04 and found it was not feasible to co-locate the antennas on the Cabbage Hill Water Tank.

**3.13 Pamela Teseniar, property owner located at 29635 E Woodard Road, provided comments via email on July 13, 2020 (Exhibit D.11)**

**Comment:** Pamela provided a list of concerns which included:

1. Dark Sky Lighting Standards and light impacts to bees, other pollinators, and Pamela's granddaughter
2. Electromagnetic radiation and 5G effects on insects

**Staff:** Based on the list of comments, staff has found the following:

1. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards.

The Dark Sky Lighting requirements do not contain criteria that relate to the light impacts to bees, other pollinators, or people. As there are no approval criteria that relate to those issues, the County cannot make findings that relate to those matters.

2. The applicant has submitted the required information concerning Non-Ionizing Electromagnetic Radiation (NIER) exposure and analysis. The report evaluated the effect of public exposure to radio frequency (RF) electromagnetic fields (EMFs) from the WCF for compliance with current Federal Communications Commission (FCC) and local guidelines (Exhibit A.22). The report and the approval criteria do not discuss the effects of NIER or RF EMF on insects. As there are no approval criteria that relate to those issues, the County cannot make findings that relate to those matters.

Lastly, there is no indication from the applicant that 5G capabilities are proposed. The NIER exposure and analysis indicates that at most a 2.1 GHz frequency band will be utilized. Multnomah County zoning code also does not have provisions that regulate different cellular capabilities.

### **3.14 Alyssa Denny, provided comments via email on July 13, 2020 (Exhibit D.12)**

**Comment:** Alyssa provided a list of concerns which included:

1. Impacts of the WCF to bees and other pollinator species, in addition to wildlife like small rodents, birds, coyotes, wolves, and cougars.
2. Health concerns relating to sensory integration disorder

**Staff:** Based on the list of comments, staff has found the following:

1. The concerns above about bees and other wildlife are not specific to approval criteria for the Wireless Communications Facility. Multnomah County zoning code does not have requirements that address any potential impacts to bees or any other pollinator species as they related to RF or NIER. Additionally, the approval criteria do not require that the applicant maintain the property for wildlife protection. The subject property is not within the any Significant Environmental Concern environmental overlays (i.e., protected State Land Use Planning Goal 5 resources), therefore Staff is unable to make a finding addressing any of the wildlife habitat concerns.
2. The applicant has submitted the required information concerning Non-Ionizing Electromagnetic Radiation (NIER) exposure and analysis. The report evaluated the effect of public exposure to radio frequency (RF) electromagnetic fields (EMFs) from the WCF for compliance with current Federal Communications Commission (FCC) and local guidelines (Exhibit A.22). The analysis found that the WCF not cause any occupancy or public area to exceed the FCC limits for human exposure to RF EMF and will comply with all FCC RF emissions safety standards.

### **3.15 JoAnne Vincent, property owner located at 330 NE Seidl Road, provided comments via email and in a letter on July 14, 2020 (Exhibit D.13)**

**Comment:** JoAnne provided a list of concerns which included:

1. Concerns about the process and Opportunity to Comment timeline
2. Impacts of domestic livestock
3. Impact on property values



4. The subject property is not in compliance with MCC 39.1515 Code Compliance and Applications
5. The subject property is not in compliance with MCC 39.6850 Dark Sky Lighting Standards
6. The subject property is not in compliance with MCC 39.7725 General Requirements
7. The subject property is not in compliance with MCC 39.7740(A)(3) that relates to noise
8. Concerns about NIER effects on animals, livestock, wildlife, and pollinator insects
9. Concerns that concealment technology is insufficient
10. Insufficient justification of cellular gap and alternative site analysis
11. Concerns about failure characteristics of the WCF tower
12. Insufficient landscape plan

**Staff:** Based on the list of comments, staff has found the following:

1. As required by MCC 39.1105, the public comment requirements are laid out in Multnomah County Zoning Code. The Opportunity to Comment was mailed on Tuesday, June 30, 2020 to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract (Exhibit C.4). The comment period ended on Tuesday, July 14, 2020, which would equal a comment period of 14 days.
2. As the applicant is proposing to use concealment technology to disguise the monopole as a pine tree, the use is a Review Use as required in MCC 39.4315. The applicable approval criteria do not require that the applicant meet the Community Service Conditional Use approval criteria found in MCC 39.7515 that relate to potential impacts to the character of the area and farm/forest practices.
3. Multnomah County zoning code does not have applicable approval criteria that relate to the impact of real estate values.
4. Criteria for MCC 39.1515 Code Compliance and Applications is discussed in Section 4.00
5. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards pursuant to MCC 39.6850(B)(9), which are designed to limit the impact of lighting on the night sky and surrounding neighbors.
6. No evidence has been provided that the applicant has undertaken site preparation prior to review of this permit. The applicant has also submitted an Erosion and Sediment Control permit, under land use case T1-2019-12031 that will be reviewed after the conclusion of this Decision.
7. As discussed in Section 9.04 under MCC 39.7740(A)(3), the applicant has included an Acoustical Report that discusses noise. The report was completed by Alan Burt, Professional Engineer (Exhibit A.26). The report indicated that the facility will not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Additionally, a condition will be required that no

testing of back-up power generators shall occur between the hours of 8 PM and 8 AM; which ensures that the commenter will not be subject to noise from 8:00 AM to 8:00 PM.

8. The concerns above about bees and other wildlife are not specific to approval criteria for the Wireless Communications Facility. Multnomah County zoning code does not have requirements that address any potential impacts to bees, other pollinator species or wildlife as they relate to RF or NIER.
9. The applicant has included the required materials as required in MCC 39.7735(B)(2) as discussed in Section 9.03. The applicant has met the approval criteria as required in MCC 39.7740(B)(1)(b) as discussed in Section 9.04.
10. As provided by the applicant, the application included a Search Ring Map, a report on the Radio Frequency (RF) Usage and Facility Justification, and RF Engineering Review (Exhibit A.13, A.14, and A.21). Staff discussed those documents in Section 9.04 and found that there was a need to fill a cellular gap for persons inside buildings and inside cars that exist around the WCF and within Troutdale.

The updated Radio Frequency (RF) Usage and Facility Justification report discussed the deficiencies of locating the antenna on top of the water tank known as Cabbage Hill and the water tank located near Mershon Road known as the Mershon Reservoir. Both locations did not meet the coverage objectives of Verizon (Exhibit A.41). Staff discussed those documents in detail in Section 9.04.

11. The applicant provided a structural integrity report which is contained in Exhibit A.23, discussed the failure characteristics of tower, which is contained in Exhibit A.39, and a discussion of ice hazards and mitigation measures, which is contained in Exhibit A.39. Further, the WCF tower is setback a distance greater than the height of the tower to any of the property lines of the subject property.
12. The applicant has provided a landscaping plan that meets the requirements of Section 9.03 and the approval criteria in Section 9.04 and 10.03. As the commenter stated, tree removal is to be minimized as required by Multnomah County zoning code. In total the applicant proposes to remove nine trees. A condition is required that if any retained trees are damaged that they need to be replaced.

**3.16 Gordon Fulks, PhD, property owner located at 28812 E Woodard Road, provided via email on July 14, 2020 (Exhibit D.14)**

**Comment:** Gordon provided a list of concerns which included:

1. That the Opportunity to Comment notification was not sent to the address at 28812 E Woodard Road
2. The WCF does not meet Dark Sky Lighting Standards
3. The WCF will impact wildlife
4. The suggestion of different locations on Corbett Water District property.

**Staff:** Based on the list of comments, staff has found the following:

1. As required by MCC 39.1105, the public comment requirements are laid out in Multnomah County Zoning Code. The Opportunity to Comment was mailed on Tuesday, June 30, 2020 to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract (Exhibit C.4). The mailing list indicates that the 28812 E Woodard Road is not located within 750 feet of the property subject to this application.
2. As discussed in Section 8.00, the WCF meets the Dark Sky Lighting requirements pursuant to MCC 39.6850. The proposed lights are required by the Federal Aviation Administration. As the lights are required by a federal, state, or local law or rule those lights are exempt from Dark Sky Lighting Standards. As such the lights are exempted pursuant to MCC 39.6850(B)(9).
3. The approval criteria do not require that the applicant maintain the property for wildlife protection. The subject property is not within the any Significant Environmental Concern environmental overlays (i.e., protected State Land Use Planning Goal 5 resources), therefore Staff is unable to make a finding requesting any type of maintenance of the property for wildlife habitat. Additionally, the subject property is not located within the Commercial Forest Use zoning district; therefore, there are no additional requirements for the retention of trees that align with Forest Practices Setbacks or Fire Safety Zones.
4. The updated Radio Frequency (RF) Usage and Facility Justification report discussed the deficiencies of locating the antenna on top of the water tank known as Cabbage Hill and the water tank located near Mershon Road known as the Mershon Reservoir. Both locations did not meet the coverage objectives of Verizon (Exhibit A.41). Staff discussed those documents in detail in Section 9.04.

**3.17 Janet Helus, property owner located at 29827 E Woodard Road, provided via email on July 14, 2020 (Exhibit D.15)**

**Comment:** Janet provided a list of concerns which included:

1. The WCF is not beneficial to the community or health of neighbors
2. The WCF will have negative impacts to beekeepers and bees
3. Housing prices will drop due to the WCF
4. Unanswered questions from the pre-application meeting that were not addressed in the applicant's narrative including:
  - a. How bright is the light?
  - b. How many times a minute does it blink?
  - c. What color is it?
  - d. What else would you install on the tower pole?
  - e. Why are you not going to a less populated area?
  - f. Why are not searching higher so the pole would not be so visible because of the tree line?
  - g. Can you discuss the surge protection for our houses from lightning?

- h. Why haven't you had a Troutdale Airport review?
- i. Are you installing another tower within 10 miles?

**Staff:** Based on the list of comments, staff has found the following:

1. The applicant has included in their application that required information to ensure that the tower meets the approval criteria. The approval criteria were last reviewed in 2001 and approved by the Board of County Commissioners under Ordinance 958. In the process of adopting the approval criteria, the County sought to balance the need for WCFs and their impacts. The Board found that WCF are beneficial to the community and sought to minimize potential health impact and visual impacts to the surrounding neighbors.
2. The concerns above about bees are not specific to approval criteria for the Wireless Communications Facility. Multnomah County zoning code does not have requirements that address any potential impacts to bees or any other pollinator species as they relate to RF or NIER.
3. The concerns above about housing prices are not specific to approval criteria for the Wireless Communications Facility. Multnomah County zoning code does not have requirements that address any potential impacts to housing prices as they related to WCFs.
4. For question a through c and d, the applicant included elevation plan documenting which type of light will be used and what is and could be installed on the tower pole. The light, L-864 and L-865 that are compliant with FAA requirements typically are between 2,000 and 140,000 candelas, either red or white LEDs, and flash between 20 and 40 flashes/minute (Exhibit A.29). For question e and f, the applicant has provided as part of the application a Search Ring Map, a report on the Radio Frequency (RF) Usage and Facility Justification, and RF Engineering Review (Exhibit A.13, A.14, and A.21). For question g, that question is not an approval criteria and was not discussed. For question h, the applicant has included a letter from the Federal Aviation Administration and the Oregon Department of Aviation reviewing the tower and found no concerns specific to the Troutdale airport (Exhibit A.27 and A.30). For the last question, question i, the applicant did not include any information about another tower being located within 10 miles. If a new tower is proposed, the applicant will need to show that the project meets the approval criteria at the time of that application.

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

##### **4.01 § 39.1515 CODE COMPLIANCE AND APPLICATIONS.**

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

**(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 Zoning 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:** Presently, the subject property does not have an open code compliance case. Additionally, as discussed in Section 5.00, as tax lot 500 and 600 are one Lot of Record, a review of compliance is needed for tax lot 500. Tax lot 500 does not have an open code compliance case associated with the property.

Planning staff reviewed DART information and historical aerial photos from 1974, 1977, and 1998 to determine the sequencing of permits and establishment of buildings on the Lot of Record. According to DART information, the single-family dwelling and accessory building on tax lot 500 were first assessed in 1919. The single-family dwelling on tax lot 600 was first assessed as a dwelling in 1964. Each of the single-family dwellings are visible on the 1974 aerial photo, but the 60' x 30' Pole Barn was not shown (Exhibit B.4). The 60' x 30' Pole Barn appears in the 1977 aerial photo, but the agricultural building was not shown (Exhibit B.5). The 1998 aerial photo shows all buildings, which match the stamped site plan that was reviewed on July 10, 1995 by Susan Muir, Land Use Planner for an agricultural/storage building that provided by the applicant (Exhibit A.11 and A.12).

The applicant is not proposing any changes to the "pole barn" and "agricultural building". As the buildings exist on the property, no information has been provided that they are not in compliance with permit approvals previously issued by the County. Therefore, the County is able to make a land use decision approving development for this property. However, as the buildings were established prior the most recent version of the Zoning Code of Multnomah County, the buildings are subject to the verification/alteration of non-conforming use provisions of the Zoning Code or alternatively need to be brought into conformance with the most recent version of Multnomah County code.

Further, as discussed below in Section 5.00, the two tax lots that comprise of tax lot 500 and 600 are considered as one Lot of Record. As a single Lot of Record, there are two dwellings on the Lot of Record. The most recent version of Multnomah County code only allows for a single-family dwelling to exist on a Lot of Record. Therefore, as the single-family dwellings were established prior the most recent version of the Zoning Code of Multnomah County, the single-family dwellings are subject to the verification/alteration of non-conforming use provisions of the Zoning Code or alternatively need to be brought into conformance with the most recent version of Multnomah County code.

*These criteria are met and the County can make a land use decision approving development.*

## **5.00 Lot of Record Criteria**

### **5.01 § 39.3005- LOT OF RECORD – GENERALLY.**

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

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

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

**Staff:** The applicant has provided multiple deeds to demonstrate that the subject property satisfied all applicable zoning laws. The earliest deed provided was a Warranty Deed located in Book 2139, Page 531 recorded on October 17, 1962 describing as one parcel, the properties now known as tax lot 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M. (Exhibit A.6). At that time in 1962, the subject property was zoned Agricultural District F-2, which required a minimum lot size of 2 acres (Exhibit B.6 and B.7). Therefore, as described in 1962, the two tax lots were 10.74 acres, which satisfied the minimum lot size. There were no dimensional standards or access requirements at that time.

The applicant also provided a more recent Statutory Warranty Deed. The Warranty Deed recorded as Instrument #2016-098955 on August 10, 2016 matches the description as described in the Warranty Deed located in Book 2139, Page 531 (Exhibit A.10). As the property has not changed configuration since that time, the two tax lots are one unit of land and continue to satisfy all applicable zoning laws.

*As one unit of land, tax lot 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M. satisfied all applicable zoning laws and are considered as one parcel.*

(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.)**

**Staff:** The applicant has provided multiple deeds to demonstrate that the subject property satisfied all applicable land division laws. The earliest deed provided was a Warranty Deed located in Book 2139, Page 531 recorded on October 17, 1962 describing as one parcel, the properties now known as tax lot 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M. (Exhibit A.6). As required above, the Warranty Deed was in recordable form and recorded with the County Recorder prior to October 19, 1978. Therefore, the applicable land division laws were satisfied.

*As one unit of land, tax lot 500 and 600, Section 31DB, Township 1 North, Range 4 East, W.M. satisfied all applicable land division laws and are considered as one parcel.*

**(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.**

**Staff:** The parcel subject to this land use application is not congruent with an “acknowledged unincorporated community” boundary, which intersects a Lot of Record. Additionally, the applicant is not requesting a partitioning of the Lot of Record along the boundary therefore this criterion is not applicable. *This criterion is not applicable.*

**5.02 § 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).**

**(A) In addition to the 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.**

**Staff:** Criterion (A) does not affect the determination on this case. *This criterion is not applicable.*

**(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.

**Staff:** The Lot of Record is approximately 10.74 acres. The minimum lot size to create a new parcel in the MUA-20 zone is 20 acres. The MUA-20 zone has a required 50-ft Front Lot Line length for the creation of new parcels. The front lot line of the subject property fronts onto the public right-of-way known as E Woodard Road and has a length of 200+/- feet. As the subject property was found to be a Lot of Record in findings 4.01, it may be used pursuant to the Allowed, Review and Conditional Uses provided in compliance with the uses approval criterion and any other permit. *This criterion is met.*

**(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.**

**Staff:** The applicant is not proposing the sale or conveyance of any portion of a lot; therefore, Criterion (C) does not affect the determination on this case and is not applicable. *This criterion is not applicable.*

**(D) The following shall not be deemed to be a Lot of Record:**

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

**Staff:** As discussed above, the two tax lots, tax lot 500 and 600 are described as one unit of land in a deed. As described by the Division of Assessment, Recording, and Taxation, the unit of land is described as two tax lots solely for assessment and taxation purposes. Those two tax lots are not deemed to be separate Lots of Record.

*Tax lot 500 and 600 are described as one unit of land and are deemed not to be separate Lots of Record. This criterion is met.*

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

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

**Staff:** As discussed above, the two tax lots, tax lot 500 and 600 are described as one unit of land in a deed. The unit of land is not an area of land created by the foreclosure of a security interest or an area of land created by court decree. *These criteria are met.*

## **6.00 Multiple Use Agriculture (MUA-20) Criteria**

### **6.01 § 39.4315 REVIEW USES.**

**(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.**

**Staff:** The subject application is for a wireless communication facility (WCF) that employs concealment technology as a tree. Through conditions of approval, the proposed WCF has met the approval criteria listed in MCC 39.7700 through MCC 39.7765. *This criterion is met.*

**6.02 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.**

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

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(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.

**Staff:** The subject application is for a wireless communication facility (WCF) and not for the creation of a new parcel or lot. As such, the criteria do not affect the determination of this case and are not applicable. *These criteria are not applicable.*

**(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.**

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 applicant has provided a site plan showing the location of the wireless communications facility (WCF). The WCF consist of a cell tower that mimics a pine tree, equipment cabinets, a diesel generator, and fencing (Exhibit A.15 - Sheet No. A-1.1). The yard dimensions are required to ensure that there is sufficient open space between buildings and

property lines to provide space, light, air circulation, and safety from fire hazards. Additionally, as required under criterion (D), minimum yard dimensions are required to be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The right-of-way adjacent to the subject property is Woodard Road, a rural collector road is required to be 60 feet. As indicated in DART assessment maps, right-of-way adjacent to the property is 60 feet wide, which is sufficient to serve the area. (Exhibit B.2). Therefore, the minimum yard dimensions do not need to be increased.

As shown in the Site Plan, the proposed exterior of the WCF is as described below:

**Table 1: Distance of WCF from Property Lines**

	<b>Yard Requirement</b>	<b>Distance of building to Property Line</b>
<b>Front (adjacent to Woodard Road)</b>	30'	975' ±
<b>Side (southern property line not adjacent to Woodard Road)</b>	10'	388' ±
<b>Side (east property line)</b>	10'	220' ±
<b>Side (west property line)</b>	10'	253' ±
<b>Rear (north property line)</b>	30'	276' ±

Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1

As the WCF is surrounded by fencing and no fencing is proposed to be located within the minimum yard requirements, the structures within the perimeter of the fencing exceed the minimum yard requirements.

*The perimeter fencing and all structures within the WCF meet and exceed the minimum yard dimensions.*

The applicant has also provided an elevation plan showing the height of all the structures that are part of the wireless communications facility. The top of the ice bridge is approximately 9 feet, the top of the cabinets is approximately 7 feet, and the top of the fence is 6 feet. All of these structures are less than the maximum height of 35 feet (Exhibit A.15 – Sheet No. A-2). As allowed in subsection (E) below and MCC 39.7740(B)(2) the top of the proposed monopine and the attached antennae are allowed to exceed the 35-foot height maximum. The monopine is 155 feet tall. *These criteria are 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 discussed previously in subsection (C), all of the structures except the monopine and antennae are less than 35 feet in height. The monopine and attached antennae are 150 feet in height. As shown in Table 1, the tower, which is located inside the WCF is more than 30 feet from any property line. *This criterion is met.*

\* \* \*

**(G) 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.**

**Staff:** The applicant has provided a Septic Review Certification. The Septic Review Certification was reviewed and approved by Nicole Blais, Registered Environmental Health Specialist on February 13, 2019 (Exhibit A.37). The approval stated, "proposed unmanned wireless telecom facility...pose no concerns to septic." *This criterion is met.*

**(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 applicant has provided a Storm Water Certificate that indicates that the stormwater system will utilize the natural drainage of the site to ensure that the rate of runoff from the lot for the 10-year/24-hour will be no greater than that before development. The storm water design for the project was reviewed and stamped by Harold Duncanson, Registered Professional Engineer on December 13, 2018 (Exhibit A.36). *This criterion is met.*

\* \* \*

**(I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.**

**Staff:** The applicant has provided a site plan showing the location of required parking and yard areas. As shown on the site plan, the parking and yard areas are provided on the same Lot of Record as the development being served (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). *This criterion is met.*

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

**Staff:** As required above, all exterior lighting shall comply with MCC 39.6850 as discussed in Section 8.00.

**6.03 § 39.4340 OFF-STREET PARKING AND LOADING.**

**Off-Street parking and loading shall be provided as required by MCC 39.6500 through 39.6600.**

**Staff:** As required above, all off-street parking and loading shall comply with MCC 39.6500 through 39.6600 as discussed in Section 7.00. The proposal will require one parking space.

**6.04 § 39.4345 ACCESS.**

**All lots and parcels in this base zone 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).

**Staff:** As required discussed previously in Section 5.00, the access requirement does not apply to pre-existing parcels that constitutes a Lot of Record. As the two tax lots constitute one Lot of Record, this criterion is not applicable. *This criterion is not applicable.*

## **7.00 Parking, Loading, Circulation and Access Criteria**

### **7.01 § 39.6505 GENERAL PROVISIONS.**

**In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking, loading and traffic circulation and access (whether pedestrian, vehicular or otherwise) shall be provided according to the requirements of this Section Subpart. For nonconforming uses, the objectives of this Subpart shall be evaluated under the criteria for the Alteration, Modification, and Expansion of Nonconforming Uses.**

**Staff:** The applicants are requesting a change of use of land to establish a wireless communications facility, which results in an intensification of use. The intensification of use will require one parking space and no loading spaces as discussed in Section 7.13 and 7.14. Additionally, as required the proposed use must be reviewed pursuant to MCC 39.6000 et al. as discussed below.

### **7.02 § 39.6510 CONTINUING OBLIGATION.**

**The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.**

**Staff:** The applicant has provided a site plan that demonstrates that the property will be developed with parking facilities. The site plan indicates that the parking areas will be located adjacent to the proposed wireless communications facility (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). As required above, a condition will be needed to ensure that the provision for and maintenance of the off-street parking facilities indicated on the site plan is provided without charge to users. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

\* \* \*

### **7.03 § 39.6520 USE OF SPACE.**

**(A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**

**Staff:** As required above, a condition will be needed to ensure that the required parking spaces are available for the parking of vehicles of customers, occupants, and employees without charge or other consideration. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

**(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

**Staff:** As required above, a condition will be needed to ensure that no trucks, equipment, materials, structures, or signs are parked in any of the required parking spaces. Additionally, no conducting of business activities is permitted in any required parking space. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

**(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**

**Staff:** As required above, a condition will be needed to ensure the required loading space(s) are available for the loading and unloading of vehicles concerned with the transportation of goods or services for the wireless communications facility use. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

**(D) Except for residential and local commercial base zones, loading areas shall not be used for any purpose other than loading or unloading.**

**Staff:** The subject property is not located in a residential or commercial base zone. The subject property is within the Multiple Use Agriculture (MUA-20) base zone. Therefore, as required above, a condition will be needed to ensure that loading areas shall not be used for any purpose other than loading or unloading. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

**(E) In any base zone, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.**

**Staff:** As required above, a condition will be needed to ensure that the property owner(s)/applicant(s) not store equipment, material, or goods in a loading space in a manner that would render such loading space temporarily or permanently incapable of immediate use for loading operations. Additionally, the property owner(s)/applicant(s) is not permitted to accumulate equipment, material, or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations. This condition will be a continuing obligation of the property owners or their representatives. *As conditioned, this criterion is met.*

#### **7.04 § 39.6525 LOCATION OF PARKING AND LOADING SPACES.**

**(A) Parking spaces required by this Subpart shall be provided on the lot of the use served by such spaces.**

**(B) Exception - The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:**

- (1) Parking use of the alternate site is permitted by this Chapter;**
- (2) The alternate site is within 350 feet of the use;**
- (3) There is a safe and convenient route for pedestrians between the parking area and the use;**
- (4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,**
- (5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.**

**(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.**

**Staff:** The applicant has provided a site plan that illustrates the parking spaces and loading spaces on the subject property. All of the parking and loading spaces shown on the site plan are located on the lot (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). The applicant’s narrative also discusses the parking area located adjacent to the wireless communications facility (Exhibit A.4). Lastly, the property owners(s)/applicant(s) have not requested an exception as described in MCC 39.6525(B). *This criterion is met.*

#### **7.05 § 39.6530 IMPROVEMENTS REQUIRED.**

**(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 29.014, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.**

**(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.**

**Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.**

**Staff:** As required above, a condition will be recommended to ensure that all required parking and loading areas are improved and placed in condition for use before the granting of a Certificate of Occupancy. *As conditioned, this criterion is met.*

\* \* \*

#### **7.06 § 39.6540 JOINT PARKING OR LOADING FACILITIES.**

**(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.**



**Staff:** As discussed in Section 7.13 and 7.14, the applicant is proposing multiple uses that occupy the same lot. Therefore, as required above, the total off-street parking and loading requirements are the sum of the requirements for each individual use.

**(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.**

**Staff:** The owner of the property does not own two or more of the adjoining uses, structures, or parcels of land; therefore, this criterion is not applicable. *This criterion is not applicable.*

\* \* \*

**7.07 § 39.6555 DESIGN STANDARDS: SCOPE.**

**(A) The design standards of this Subpart shall apply to all parking, loading, and maneuvering areas except those serving a single family dwelling on an individual lot in a rural base zone and except those serving a single family or a two-family dwelling in an urban base zone. Any non-residential use approved on a parcel containing a single family dwelling shall meet the design standards of MCC 39.6560 through 39.6580.**

**Staff:** As discussed in this Decision, the applicant is proposing a wireless communications facility. The unit of land also contains two single-family dwelling, which are not required to meet the design standards of this subpart. As such the WCF must meet the design standards of MCC 39.6560 through MCC 39.6580, which is discussed below.

**(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.**

**Staff:** The applicant has provided a site plan that illustrates the parking spaces and loading spaces on the subject property. All of the parking and loading areas for the turning, maneuvering, and parking of vehicles are on the lot (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). The site plan also does not indicate that any parking or loading space will require a vehicle to back into the right-of-way of a public street. *This criterion is met.*

**7.08 § 39.6560 ACCESS.**

**(A) Where a parking or loading area does not abut directly on a public street or private street approved under Part 9 of this Chapter, there shall be provided an unobstructed driveway not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.**

**Staff:** The parking and loading areas do not directly abut on a public street or private street. The site plan shows a driveway of approximately 981 feet with a variable width of between 10

feet and 20 feet to the parking area adjacent to the fenced area of the WCF. As described below the approval authority may permit and authorize a deviation from this standard, which is discussed below.

**(B) The Approval Authority may permit and authorize a deviation from the dimensional standard in paragraph (A) of this section upon finding that all the following standards in subparagraphs (1) through (4) are met:**

**(1) The authorized provider of structural fire service protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;**

**Staff:** The applicant has provided a Fire Service Agency Review form that discusses whether the deviation complies with such provider's fire apparatus access standards. The Fire Service Agency Review was completed by Dave Flood, Fire Chief (Exhibit A.31). The form indicates that, "the proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code Standards." *This criterion is met.*

**(2) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards;**

**Staff:** Multnomah County Transportation Division has reviewed the application and verified that the deviation complies with the County Road Rules through the issuance of an access permit. *This criterion is met.*

**(3) Application of the dimensional standard would present a practical difficulty or would subject the property owner to unnecessary hardship; and**

**Staff:** The requirement that the dimensional standard be applied to this proposal will result in a practical difficult and unnecessary hardship for the applicant. The widening of the driveway would result in additional widening of the driveway, which is over 900 feet long. This would likely require additional ground disturbance and potentially fill to level the ground for paving. Additionally, it would add substantial expense to the project.

Based on the information, it would appear that the application of the dimensional standard would present a practical difficulty, as it would require additional fill and increase surface run-off as the driveway would need to be widened. Additionally, there would be an added expense to alter the driveway, which would be an unnecessary hardship. *This criterion is met.*

**(4) Authorization of the proposed deviation would not:  
(a) be materially detrimental to the public welfare;**

**Staff:** The proposed deviation from the dimensional standard from a 20-foot driveway width to an approximately 12-foot driveway width will not be materially detrimental to the public welfare. The purpose of having a driveway width of 20-feet is to ensure that vehicles will not crash into each other as they enter and exit the property. As designed the driveway is approximately 981 feet from E Woodard Road to the parking area adjacent to the fenced area of the WCF (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). Additionally, as provided by the applicant there are clear sightlines from E Woodard Road to the parking area (Exhibit A.19).

This will ensure that vehicles traveling the length of the driveway will have clear visibility and ample time to maneuver out of the way of incoming cars. As designed, the driveway should not be materially detrimental to the public welfare as the public accesses the subject property and home occupation. *This criterion is met.*

**(b) be injurious to property in the vicinity or in the base zone in which the property is located; or**

**Staff:** As discussed previously, the proposed deviation from the dimensional standard from a 20-foot driveway width to an approximately 12-foot driveway width will not be materially detrimental to the public welfare. As designed, the driveway will also not be injurious to the property in the vicinity or in the base zone in which the property is located. The purpose of having a driveway width of 20-feet is to ensure that vehicles will not crash into each other as they enter and exit the property. As the driveway is designed, the driveway follows the eastern boundary of the unit of land and is approximately 981 feet from E Woodard Road to the parking area adjacent to the fenced area of the WCF (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). as provided by the applicant there are clear sightlines from E Woodard Road to the parking area (Exhibit A.19). As vehicles travel the length of the driveway there are clear sightlines so vehicles will have time either to wait until vehicles have accessed the site or have fully left the site. Additionally, the design of the WCF will ensure that very few individuals outside of the property owners will come or leave the site at one time. This will encourage vehicle traffic to travel in the same direction. In minimizing conflicts between vehicles entering and exiting the subject property, it will ensure that the length of the driveway will not be injurious to property in the vicinity or in the base zone in which the property is located. *This criterion is met.*

**(c) adversely affect the appropriate development of adjoining properties.**

**Staff:** As discussed previously, in the two criterion above, a deviation from the dimensional standard will also not adversely affect the appropriate development of adjoining properties. In leaving the driveway width of approximately 12 feet instead of increasing the width to 20 feet, the area of land on the property that could be potentially used as farmland is maintained. Further the driveway follows the eastern portion of the subject property and is approximately 981 feet from E Woodard Road to the parking area adjacent to the fenced area of the WCF (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). As the driveway will be located entirely on the subject property, the driveway should not adversely affect the appropriate development of adjoining properties. *This criterion is met.*

**(C) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this Subpart. Required spaces may be located in a private street when authorized in the approval of such private street.**

**Staff:** The applicant is not proposing any parking or loading spaces in a public street; therefore, this criterion is not applicable. *This criterion is not applicable.*

**7.09 § 39.6565 DIMENSIONAL STANDARDS.**

**(A) Parking spaces shall meet the following requirements:**

- (1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.
- (2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of six feet if such spaces are clearly marked for compact car use.
- (3) For parallel parking, the length of the parking space shall be 23 feet.
- (4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.
- (B) Aisle width shall be not less than:
  - (1) 25 feet for 90 degree parking,
  - (2) 20 feet for less than 90 degree parking, and
  - (3) 12 feet for parallel parking.
  - (4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.
- (C) Loading spaces shall meet the following requirements:
  - (1)

Base zone	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

- (2) Minimum vertical clearance shall be 13 feet.

**Staff:** As shown on the Site Plan, as Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1, the applicant proposes to locate one (1) parking space adjacent to the fenced area of the WCF. As discussed in Section 7.13 and 7.14, the proposal will require one (1) parking space that can also be utilized as a loading space. The minimum parking space dimensions are a minimum width of 9 feet and a length of 18 feet. The parking area adjacent to the fenced area of the WCF is 9 feet by 18 feet, which meets the minimum requirements. *This criterion is met.*

## 7.10 § 39.6570 IMPROVEMENTS.

### (A) Surfacing

- (1) Except as otherwise provided in this section, all areas used for parking, loading or maneuvering of vehicles, including the driveway, shall be surfaced with at least two inches of blacktop on a four inch crushed rock base or at least six inches of Portland cement, unless a design providing additional load capacity is required by the fire service provider.

**Staff:** As described below the approval authority may permit and authorize a deviation from this standard, which is discussed below.

- (2) The Approval Authority may permit and authorize a deviation from the surfacing standard in paragraph (A)(1) of this section and thereby authorize, alternate surfacing systems that provide a durable dustless surface, including gravel. A deviation under this paragraph may be permitted and authorized only upon finding that each parking area supporting the existing and the proposed development meets the following standards in subparagraphs (a) and (b) and, for parking areas of four or more required parking spaces, also meets the following standards in subparagraphs (c) and (d):

**Staff:** As allowed above, a deviation from the surfacing standard may be allowed if the applicant utilizes a durable dustless surface. The applicant is proposing to use a travel surfacing which is considered as a durable and dustless. As required, the applicant is required to meet the standards in subparagraphs (a) and (b) due to the single parking spot that is required.

**(a) The authorized provider of structural fire protection services verifies that the proposed deviation complies with such provider's fire apparatus access standards, or, if there is no such service provider, the building official verifies that the proposed deviation complies with the Oregon Fire Code;**

**Staff:** The applicant has provided a Fire Service Agency Review form that discusses whether the deviation complies with such provider's fire apparatus access standards. The Fire Service Agency Review was completed by Dave Flood, Fire Chief (Exhibit A.31). The form indicates that, "the proposed development is in compliance with the fire apparatus access standards of the Oregon Fire Code Standards." *This criterion is met.*

**(b) The County Engineer verifies that the proposed deviation complies with the County Road Rules and the County Design and Construction Manual Standards. Alternative surfacing can be considered for all areas used for parking, loading and maneuvering, including the driveway; however, approaches to paved public right-of-way shall be paved for a minimum of 21 feet from the fog line, or for a greater distance when required by the County Engineer;**

**Staff:** Multnomah County Transportation Division has reviewed the application and verified that the deviation complies with the County Road Rules through the issuance of an access permit. *This criterion is met.*

\* \* \*

**(3) Notwithstanding paragraph (A)(1) of this section, parking fields for intermittent uses such as special events associated with public parks, sporting events, and the like may be surfaced with gravel, grass or both and spaces may be unmarked if the parking of vehicles is supervised. Grass fields used for parking shall be maintained so that grass is kept short and watered to minimize fire risk and reduce dust.**

**Staff:** The applicant is not proposing any special events as the site is not associated with a public park, sporting event, and the like; therefore, this criterion is not applicable. *This criterion is not applicable.*

**(B) Curbs and Bumper Rails**

**(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.**

**(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence except as provided in (3) below.**

**(3) Except for development within the RC, BRC, SRC, PH-RC, OR, OCI and all CFU zones, the outer boundary of a parking or loading area with fewer than four required parking spaces may use a five foot wide landscape strip or yard planted with a near-continuous number of shrubs and/or trees. If the outer boundary of the parking area is within 50 feet of a dwelling on an adjacent parcel, the plant materials shall create a continuous screen of at least four feet in height except at vision clearance areas where it shall be maintained at three feet in height.**

**Staff:** As shown on the Site Plan, as Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1, the applicant proposes to locate one (1) parking space in the area near the WCF fence. The site plan does not indicate that curbs or bumper rails will be installed to delineate areas of parking and maneuvering of vehicles. The proposed location of the parking is separated from E Woodard Road by forested areas. The forest vegetation will prevent unchanneled motor vehicle access/egress; therefore, a bumper rail or curbing is not required to be installed. *These criteria are met.*

**(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 39.6515, and such marking shall be continually maintained. Except for development within the RC, BRC, SRC, PH-RC, OR, or OCI zones, a graveled parking area with fewer than four required parking spaces is exempt from this requirement.**

**Staff:** As shown on the Site Plan, as Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1, the applicant proposes to locate one (1) parking space in the area near the WCF fence. As such, the WCF is exempt from this requirement. *This criterion is met.*

**(D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.**

**Staff:** As shown on the Site Plan, as Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1, the applicant proposes an extensive drainage plan to ensure that the area is graded and drained for the disposal of surface water on the lot. The applicant has also provided a Storm Water Certificate that indicates that the stormwater system will utilize the natural drainage of the site to ensure that the rate of runoff from the lot for the 10-year/24-hour will be no greater than that before development. The storm water design for the project was reviewed and stamped by Harold Duncanson, Registered Professional Engineer on December 13, 2018 (Exhibit A.36). *This criterion is met.*

**(E) Covered Walkways - Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be provided. Such structures shall meet the setback, height and other requirements of the base zone which apply.**

**Staff:** The applicant is not proposing any covered walkways; therefore, this criterion is not applicable. *This criterion is not applicable.*

**7.11 § 39.6575 SIGNS.**

**Signs, pursuant to the provisions of this subpart shall also meet MCC 39.6780.**

**Staff:** The applicant is not proposing any signs outside of signed needed to meet regulatory requirements of the Federal Communication Commission (FCC). Additionally, the signs are exempt under MCC 39.6720(A), as the signs are not oriented or intended to be legible from a right of-way, private road or other private property. Therefore, this criterion is not applicable. *This criterion is not applicable.*

**7.12 § 39.6580 DESIGN STANDARDS: SETBACKS.**

**(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street perpendicularly.**

**(B) In the RC, BRC, SRC, PH-RC, OR and OCI base zones, off-street parking for new, replacement or expansion of existing commercial or industrial developments on a parcel less than 1 acre shall provide a minimum of 10 foot landscaped front yard or street side setback. All other minimum yard dimensions for parking shall be as required in this Subpart.**

**(C) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.**

**(D) Parking or loading areas on property located in the C-3, LM, or MR-4 base zones that adjoins any other base zone located in the Urban Planning Area and along the same street, shall not be located closer to the street property line than the required setback of the adjoining base zone for a distance of 50 feet from the boundary of any such base zone.**

**(E) Parking or loading areas on property located in the C-3, LM, or MR-4 base zones and across a street from any other base zone located in the Urban Planning Area, shall have a setback of not less than five feet from the street property line, and such five foot setback area shall be permanently landscaped and maintained.**

**Staff:** As shown on the Site Plan, as Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1, the applicant proposes to locate one (1) parking space in the area near the WCF. The site plan indicates that the parking area connecting the drive to the public street is approximately 981 feet from the front property line Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). The subject property is not located in RC, BRC, SRC, PH-RC, OR and OCI base zones or C-3, LM, or MR-4 base zones so MCC 39.6580(B), (D), and (E) are not applicable. The yard is currently unpaved and contains pasture and trees. *These criteria are met.*

**7.13 § 39.6590 MINIMUM REQUIRED OFF-STREET PARKING SPACES.**

**(F) Unspecified Uses. Any use not specifically listed above shall have the off-street parking space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.**

**Staff:** The applicant is proposing wireless communications facility. The WCF use is an unspecified use. As an unspecified use, the Planning Director is required to use a most nearly



equivalent based on the information provided. The applicant has proposed that one (1) parking space is sufficient for the use. As discussed in the applicant's narrative the facility will not be staffed on a regular basis. Instead, the facility will have one service technician that will visit the site on at most on a monthly basis. Further, the technician will likely be utilizing a car or standard truck to visit the site (Exhibit A.4). Based on this information it is reasonable to expect that only one parking space will be needed.

*The Unspecified Use, will require one (1) parking space.*

**7.14 § 39.6595 MINIMUM REQUIRED OFF-STREET LOADING SPACES.**

\* \* \*

**(G) Unspecified Uses.** Any use not specifically listed above shall have the loading space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

**Staff:** The applicant is proposing wireless communications facility. The WCF use is an unspecified use. As an unspecified use, the Planning Director is required to use a most nearly equivalent based on the information provided. The applicant has proposed that one (1) parking space is sufficient for the use. As discussed in the applicant's narrative the facility will not be staffed on a regular basis. Instead, the facility will have one service technician that will visit the site on at most on a monthly basis. Further, the technician will likely be utilizing a car or standard truck to visit the site (Exhibit A.4). Based on this information it is reasonable to expect that only one parking space will be needed and can be used both as a parking space and a loading space.

*The Unspecified Use, will require one (1) parking space, which can be used both as a parking space and a loading space.*

**8.00 Exterior Lighting Criteria**

**8.01 § 39.6850 DARK SKY LIGHTING STANDARDS.**

\* \* \*

**(B) The following exterior lighting is exempt from the requirements of paragraph (C) of this section:**

\* \* \*

**(9) 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.**

**Staff:** The applicant is multiple lights that are required by the Federal Aviation Administration. Those lights are exempt from Dark Sky Lighting Standards. However, if any lighting becomes necessary due to building code regulations, a condition of approval will be required that the light fixtures must comply with the County's Dark Sky Lighting Standards listed in MCC 39.6850. *As conditioned, this criterion is met.*

\* \* \*

## **9.00 Wireless Communications Facilities Criteria**

### **9.01 § 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.**

**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 Federal Aviation Administration and Oregon Department of Aviation (Exhibit A.27, A.28, and A30). After this approval, they will obtain building permits through the City of Gresham. A condition of approval has been included that the applicant obtain all necessary permits before the construction of the tower on the site. *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.15 – Site Plan: Sheet No. A-1 and A-1.1). *This criterion is met.*

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

**Staff:** At the time of the application, the property owners were Clifton E. Hegstad Trust and Doreen F. Hegstad Trust. During review of the application, the subject property was conveyed solely to Doreen F. Hegstad Trust. The licensed carrier is Verizon Wireless through their agent Konrad Hyle of BlackRock LLC; however, he has left the project to be replaced by Kimberly Spangberg (Exhibit A.4). *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:** As the project proposes the use of concealment technology, the Planning Director will make the initial decision has specified in MCC 39.7710(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 39.8000 through 39.8020.**

**Staff:** The applicant has applied for Design Review approval as part of the subject application, which is discussed in Section 10.00. *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. If approved and established according to this Decision, all further modifications, not constituting maintenance shall require a new permit. *As conditioned, 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 proposed tower will employ concealment technology as a monopine; therefore, this criterion is not applicable. *This criterion is not applicable.*

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

**Staff:** A condition of approval has been included above to inform the applicant of this requirement and to overriding the timelines listed for permits in MCC 39.1185. *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 MCC 39.7700 through 39.7765 within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 39.1510.**

**Staff:** A condition of approval has been included that 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. *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, ground disturbing activities, Flood Hazard, and Significant Environmental Concern.**

**Staff:** The applicant will comply with all Multnomah County codes and regulations. The applicant has applied for the approval of the WCF, Design Review and permits relating to ground disturbing activities. If approved of all permits, the applicant will have met this requirement.

**(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:** A condition of approval has been included that no on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site. *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 WCF will utilize a single monopole tower concealed as a tree. The facility will contain equipment and technology used by Verizon Wireless and therefore is not a speculation tower. *This criterion is met.*

**9.02 § 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.

**Staff:** The applicant working on behalf of Verizon Wireless has applied for the establishment of a new wireless communication facility on the subject property. As such Verizon is the registered wireless communication carrier registered for this facility. *This criterion is met.*

**9.03 § 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;**
- (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.**
- (3) The distance from the nearest WCF and nearest potential co-location 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.
- (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.
  - (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.
  - (7) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.
  - (8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.
  - (9) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.
  - (10) Documents demonstrating that any necessary easements have been obtained.
  - (11) Plans showing how vehicle access will be provided.
  - (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.
  - (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.
  - (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.
  - (15) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.
  - (16) Full response to the Approval Criteria for lands not zoned Exclusive Farm Use specified below as applicable.

**Staff:** The applicant has provided the following information:

- (1) The plans are labeled as Exhibit A.15
- (2) The Visual Study is labeled as Exhibit A.19
- (3) Verizon Wireless found no existing WCF that would serve as a co-location site as discussed in Exhibit A.13, A.14, and A.41

- (4) The information required in (B)(4)(a) through (e) is contained in Exhibit A.13, A.14, A.21, and A.41. The structural integrity report is contained in Exhibit A.23, failure characteristics of tower is contained in Exhibit A.39, and ice hazards and mitigation measures is contained in Exhibit A.39
- (5) The NIER report is labeled at Exhibit A.22
- (6) Co-Location Agreement is labeled as Exhibit A.24 and A.25
- (7) Verizon Wireless has committed to lease space on the proposed tower as discussed in Exhibit A.25
- (8) Landscape Plans can be found in Exhibit A.15
- (9) A Utility Coordination Report have been provided and is labeled as Exhibit A.17
- (10) No easements are needed for the development
- (11) The plans labeled as Exhibit A.15 show the proposed driveway from E Woodward Road to the lease area
- (12) The applicant has provided the property owners signatures in Exhibit A.2
- (13) The Noise Report is labeled as Exhibit A.26
- (14) This information is provided in Exhibit A.13
- (15) The FAA Report is labeled as Exhibit A.27 and A.28. The ODA information is provided as Exhibit A.30.
- (16) The applicant has provided narrative addressing the approval criteria. The narrative is labeled as Exhibit A.4. *This criterion is met.*

**9.04 § 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 their 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.24 and A.25). To ensure compliance with these criteria, a condition will be required that Verizon agree to these criteria. *As conditioned, this criterion is met.*

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

**Staff:** The applicant has included a Non-Ionizing Electromagnetic Exposure Analysis and Engineering Certification that discussed the applicable FCC RF emission standards. The analysis and certification was completed by Hatfield & Dawson Consulting Engineers (Exhibit A.22). The documentation indicates 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 applicant has included an Acoustical Report that discusses noise. The report was completed by Alan Burt, Professional Engineer (Exhibit A.26). The report indicates that the facility will not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. A condition will be required that no testing of back-up power generators shall occur between the hours of 8 PM and 8 AM. *As conditioned, 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 ground disturbing activities regulations of MCC 39.6200 through 39.6235 when applicable;
- (c) The facility shall comply with Flood Hazard regulations of MCC 39.5000 through 39.5055 when applicable; and
- (d) Alteration or disturbance of native vegetation and topography shall be minimized.

**Staff:** The proposed development area is not located within designated Significant Environmental Concern overlay or an area subject to Flood Hazard regulations. The applicant has also concurrently applied for a permit to authorize ground disturbing activities. A condition of approval has been included requiring that the Erosion and Sediment Control permit be obtained to demonstrate compliance with ground disturbing activities regulations. The Erosion, Sediment and Pollution Control Plan and the Landscaping Plan indicate that alteration of topography will be minimized and only nine trees will be removed (Exhibit A.15 – Site Plan: Sheet No. L-1 and L-2). *As conditioned, this criterion is 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:** The applicant has indicated that it is not feasible to co-locate the antenna(s) on an existing structure or tower. Verizon Wireless conducted a search for co-location sites within the Columbia River Gorge National Scenic Area (CRGNSA), East of the Sandy River rural area, and City of Troutdale. The initial search found an existing tower at Mt. Hood Community College and a tower at Cherry Park Presbyterian Church (Exhibit A.13 and A.14). In both instances, it was not feasible as both sites were too short and did not provide adequate coverage range. This justification was also supported by a RF Engineering Review completed by David J. Pinion, Registered Professional Engineer (Exhibit A.21). The report concluded on page 3 that:

“The information provided is internally consistent, and reasonable from an RF engineering perspective. The supplied material, taken as a whole, appears to present an accurate and complete depiction of the existing and proposed Verizon network service capacity in the areas near the proposed WCF. Verizon has provided sufficient evidence justifying the need for the proposed WCF at the proposed location and height.”

In a subsequent search, the applicant provided an updated RF Usage and Facility Justification, which is marked as Exhibit A.41. The updated search included the water tank on Cabbage Hill near Hurt Road, the water tank at the Mershon Road Reservoir, the water tank at the Loudon Road Reservoir, and the water tank at Larch Mountain Reservoir. In all instances, it was determined that that colocation was not feasible as the sites did not provide adequate coverage range based on service demands and poor line of sight due to topography.

Based on the information above, due to the limitations of co-location and coverage requirements, the applicant is proposing the use of concealment technology in the form of a pine tree monopole for the wireless communications facility (Exhibit A.15 – Site Plan: Sheet No. A-2). The location of the monopine is within a forested area of mature trees to provide a background of trees for the tower. The forested area contains trees that are approximately 114 feet in height. According to Oregon State University Extension Services, it is typical for a mature Douglas-fir to reach 175 feet tall and a ponderosa pine to reach 150 feet, which is similar to the height of the monopine WCF. The applicant has also provided renderings showing that the WCF tower will blend in with the surrounding landscape (Exhibit A.19).

Additionally, a condition of approval will require that the color of the tower 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 base zone, 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 proposed tower will utilize concealment technology as a tree within and adjacent to a forested area. The tower will have a height of 156 feet to its top of the FAA tower light. The monopole will be 150 feet. An additional five feet will be added for branches to extend above the top to make the monopine look more natural. As reviewed by David J. Pinion, Professional Engineer, the need for the 150-ft tower is required to provide significantly better coverage than if the tower was only 120 feet tall. This is supported by the Verizon coverage maps (Exhibit A.13). *This criterion is 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 zone, whichever 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 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 existing dwelling on the property is approximately 967 feet away from the 156 feet tall tower (Exhibit A.15 – Site Plan: Sheet No. A-1 and A-1.1). As discussed in Section 6.02, the WCF is approximately 388 feet from the closest southern property line, approximately 220 feet from the eastern property line, approximately 253 feet from the western property line, and 276 feet from the northern property line. The WCF is setback a distance that is greater than the total height (156 feet) of the tower and no reduction to the requirements in (a) through (c) is required to achieve visual subordination. *This criterion is 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 applicant is proposing to construct a 7.5-foot-tall equipment cabinets to house the auxiliary equipment for the tower (Exhibit A.15 – Site Plan: Sheet No. A-2). A condition of approval shall be required that the exterior surfaces of the cabinets be constructed using non-reflective materials. *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 applicant is proposing to paint the tower, other tower mounted facilities, and faux foliage a flat non-reflective dark green color. The cabinets are also proposed to be flat non-reflective color (Exhibit A.4). Two conditions of approval shall be required, the first condition will be that the applicant provide a paint chip or sample showing the paint color of the exterior surfaces and the second condition will be that the applicant is required to paint the structures, poles, towers, antenna supports, antennas, and other components of the WCF a "flat" muted tone as described in the narrative. *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 fence to enclose the WCF. As discussed in the applicant's narrative, the fence will be 6 feet in height, painted dark green with dark green privacy slats installed (Exhibit A.4 and A.15 – Site Plan: Sheet No. A-2). To ensure that this required above is met, a condition of approval will require that the chain link fence shall also be painted or coated with a non-reflective color. *As conditioned, this criterion is 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 is proposing is a fence to enclose the WCF. As discussed in the applicant's narrative, the fence will have barb wire at the top of the fence to reduce potential trespass and injury (Exhibit A.4). *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 is not proposing any lighting that is not necessary to comply with FAA or other applicable state and federal requirements. The WCF will have multiple lights on the

tower and there will be one pole mounted maintenance light on the ground for personnel who may need to access the facility. (Exhibit A.4). *This criterion is 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 is not proposing any signs that is not necessary to comply with FAA or other applicable state and federal requirements. The WCF will have multiple signs for warning and equipment information. (Exhibit A.15 – Site Plan: Sheet No. A-3). *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 Base zone.**

- (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:** As discussed in Section 7.00, the access driveway and parking areas are no longer or wider than necessary for the functioning of the WCF. A majority of the driveway is currently in existence and only a small parking area adjacent to the WCF will be constructed. The extension of the driveway will utilize a durable and dustless surface. *This criterion is 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 supplied a landscape plan that discusses existing vegetation and the potential requirement to remove of trees. The applicant proposes to remove nine trees and retain the remainder of the trees on the subject property. As required above 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. If any retrained trees become diseased, die, or are removed; a replacement tree that is of similar type shall be planted. If the replacement tree is an evergreen tree, a Douglas-fir or western redcedar that is a minimum height of 3 to 4 feet bare-root or of similar size shall be planted. If the replacement tree is a deciduous tree, the tree shall be a minimum planting height of 3 to 4 feet (2 gallon) or of similar size.

Further, the landscape plan is discussed in the Design Review process, which can be found in Section 10.00 below. *As conditioned, this criterion is met.*

**9.05 § 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.**

**(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:** To ensure that these criteria are met, conditions of approval will require that 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. Additionally, 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. *As conditioned, these criteria are met.*

**9.06 § 39.7755 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 section shall constitute a violation and be subject to the penalties prescribed in this Chapter.

**Staff:** To ensure that these criteria are met, conditions of approval will be required. *As conditioned, these criteria are met.*

## **10.00 Design Review Criteria**

### **10.01 § 39.8010 DESIGN REVIEW PLAN APPROVAL REQUIRED.**

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this Code.

**Staff:** The applicant has applied for Design Review as required by the wireless communication facilities requirement.

### **10.02 § 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 36.8040(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

**Staff:** Pursuant to MCC 39.7725(E), the wireless communication facility (WCF) regulations require that a new facility be reviewed through Design Review at the same time as it is reviewed for compliance with MCC 39.7700 through MCC 39.7765. The proposed WCF is located in the MUA-20 zone and will only need one parking space; therefore, the facility is only subject to MCC 39.8040(A)(1)(a) and (1)(c), (4) and (7), which is discussed below.

### **10.03 § 39.8030 FINAL DESIGN REVIEW PLAN.**

Prior to land use approval for building permit review or commencement of physical development where no additional permits are necessary, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. Final design review plan shall contain the following, drawn to scale:

- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 39.8025, as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations; and
- (C) Approved minor exceptions from yard, parking, and sign requirements.

**Staff:** As required above, prior to land use approval for building permit review, the applicant shall revise the plans to show compliance with the land use approvals granted, all conditions of approval and required modifications. *As conditioned, this criterion is met.*

#### 10.04 § 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.

**Staff:** The proposed tower will utilize concealment technology as a monopine to make it appear to be a tree in the nearby forest surrounding the facility. The location of the monopine is within a forested area of mature trees to provide a background of trees for the tower. The forested area contains trees that are approximately 114 feet in height. According to Oregon State University Extension Services, it is typical for a mature Douglas-fir to reach 175 feet tall and a ponderosa pine to reach 150 feet, which is similar to the height of the monopine WCF. The applicant has also provided renderings showing that the WCF tower will blend in with the surrounding landscape (Exhibit A.19). The applicant is also proposing the paint the tower a dark green galvanized steel finish that is flat and non-reflective (Exhibit A.4). To ensure that these elements are included in the final construction, a condition of approval will be required to ensure compliance. *As conditioned, this criterion is met.*

\* \* \*

(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 tower will use concealment technology as a monopine to make it appear like a tree. The applicant is also proposing to use a flat non-reflective dark green galvanize paint. Together, these elements will help ensure that the tower does not alter the human scale of the place. This is supported through the applicant's use of various rendering showing that the monopine tree will blend in harmoniously to the natural environment (Exhibit A.19). In using the concealment technology element, it will effectively, efficiently, and attractively serve its function to hide the WCF. *This criterion is 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 wireless communication facility (WCF) is located on terrain that is fairly flat. No significant change in the topography will be necessary to construct it or its driveway. The location of the WCF is within a forested area. The applicant has included a landscaping plan that illustrates the trees that will be removed as part of the construction of the WCF. A total of nine trees will be removed due to the construction of a driveway and WCF. A substantial amount of trees, however will be retained. As required, a condition of approval will be required that any retrained trees shall be protected during construction. *As conditioned, 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:** The wireless communication facility code requires that the facility's compound be screened with evergreen vegetation. The site already contains an ample amount of mature trees that will provide screening. No mail or refuse will be generated after the construction of the facility. Parking will occur adjacent to the enclosure and will be screened from neighboring properties. The utility wires will be undergrounded. The tower will utilize concealment technology to look like a tree and is not included within the list of accessory areas or structures as it is a primary use. *This criterion is met.*

## **11.0 Conclusion**

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



## 12.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

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 T2-2019-12701 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	11/19/2019
A.2	1	Letter of Authorization	11/19/2019
A.3	3	Cover Letter and Applicant Response	11/19/2019
A.4	23	Applicant Narrative	11/19/2019
A.5	3	Statutory Warranty Deed record as Instrument #2016-098955 on August 10, 2016	11/19/2019
A.6	2	Warranty Deed recorded in Book 2139, Page 531 on October 17, 1962	11/19/2019
A.7	1	Parcel Record – Cartographic Unit Card for 1N4E31DB - 00600	11/19/2019
A.8	1	Parcel Record – Cartographic Unit Card for 1N4E31DB - 00500	11/19/2019
A.9	1	Department of Assessment, Records and Taxation (DART): Map for 1N4E31DB – 00500 and 1N4E31DB – 00600 with notations from applicant	11/19/2019
A.10	3	Statutory Warranty Deed record as Instrument #2016-098955 on August 10, 2016 with notations from applicant	11/19/2019
A.11	1	Site Plan showing Multnomah County Zoning Approval for Agricultural Building dated on August 10, 1995	11/19/2019
A.12	1	Residential Building Permit Inspection Record dated August 21, 1995	11/19/2019
A.13	1	Search Ring Map	11/19/2019
A.14	10	RF Usage and Facility Justification	11/19/2019

A.15*	16	Site Plans (11" x 17") <ul style="list-style-type: none"> <li>• *Cover Sheet: Sheet No. T-1</li> <li>• General Notes and Symbols: Sheet No. T-2</li> <li>• Existing Site Survey: Sheet No. SV1</li> <li>• Existing Site Survey: Sheet No. SV2</li> <li>• Erosion, Sediment and Pollution Control Plan: Sheet No. C1</li> <li>• Road and Grading Plan: Sheet No. C2</li> <li>• Grading Details: Sheet No. C3</li> <li>• *Site Plan: Sheet No. A-1</li> <li>• *Proposed Compound and Equipment Plans: Sheet No. A-1.1</li> <li>• *Proposed Elevations: Sheet No. A-2</li> <li>• Construction Details: Sheet No. A-3</li> <li>• Generator Details: Sheet No. A-4</li> <li>• Generator Details: Sheet No. A-4.1</li> <li>• Proposed Antenna Configuration: Sheet No. RF-1</li> <li>• Plumbing Diagram: Sheet No. RF-2</li> <li>• Landscape Plan: Sheet No. L-1</li> <li>• Landscape Plan: Sheet No. L-2</li> </ul>	11/19/2019
A.16	10	Utility Report Site Plans (6.5" x 11") <ul style="list-style-type: none"> <li>• Title Sheet: Sheet No. T-1.0</li> <li>• Overall Site Plan: Sheet No. A-1.0</li> <li>• Photos: Sheet No. A-2.0</li> <li>• Photos: Sheet No. A-3.0</li> <li>• Photos: Sheet No. A-4.0</li> <li>• Photos: Sheet No. A-5.0</li> <li>• Photos: Sheet No. A-6.0</li> <li>• Photos: Sheet No. A-7.0</li> <li>• Photos: Sheet No. A-6.0</li> </ul>	11/19/2019
A.17	3	E-mail from Sydney Cox detailing PGE Preliminary Electrical Design	11/19/2019
A.18	1	Site Plan (8.5" x 11") <ul style="list-style-type: none"> <li>• Site Plan: Sheet No. A-1</li> </ul>	11/19/2019
A.19	5	Photo Simulations <ul style="list-style-type: none"> <li>• Locations</li> <li>• View 1: Looking north at 29421 E. Woodard Road</li> <li>• View 2: Looking northwest at 29853 E. Woodard Road</li> <li>• View 3: Looking northeast at E. Woodard Road and NE Seidl Road</li> <li>• View 4: Looking south on NE Lampert Road</li> </ul>	11/19/2019
A.20	1	Aerial Photo	11/19/2019

A.21	5	RF Engineering Review completed by David J. Pinion, Registered Professional Engineer	11/19/2019
A.22	6	Non-ionizing Electromagnetic Exposure Analysis and Engineering Certification completed by David J. Pinion, Registered Professional Engineer	11/19/2019
A.23	23	Structural Design Report	11/19/2019
A.24	1	Letter from Malissa Johnson, Real Estate Specialist concerning Future Facility Collocations	11/19/2019
A.25	12	Land Lease Agreement	11/19/2019
A.26	2	Acoustical Report completed by Alan Burt, Registered Professional Engineer	11/19/2019
A.27	8	Federal Aviation Administration Aeronautical Study	11/19/2019
A.28	2	Federal Aviation Administration Aeronautical Study Extension	11/19/2019
A.29	1	Medium-Intensity Dual Obstruction Light Standards Specification Sheet	11/19/2019
A.30	1	Oregon Department of Aviation Comments	11/19/2019
A.31	3	Fire Service Agency Review	11/19/2019
A.32	9	Pre-Application Conference Notes	11/19/2019
A.33	7	Transportation Planning Review (not reviewed by Transportation Division)	11/19/2019
A.34	7	Access Permit (not reviewed by Transportation Division)	11/19/2019
A.35	8	Grading and Erosion Control Worksheet	11/19/2019
A.36	5	Storm Water Certificate	11/19/2019
A.37	2	Septic Review Certification	11/19/2019
A.38	4	Lighting Specification Sheet for HLF1: High Lumen LED Flood Luminaire	11/19/2019
A.39	1	Letter from Robert E. Beacom, Registered Professional Engineer and Registered Structural Engineer concerning wind and ice hazards	11/19/2019
A.40	4	Applicant Response to Comments provided during Opportunity to Comment	08/11/2020
A.41	14	Updated RF Usage and Facility Justification	08/11/2020
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E31DB – 00600 (R944310660)	11/19/2019

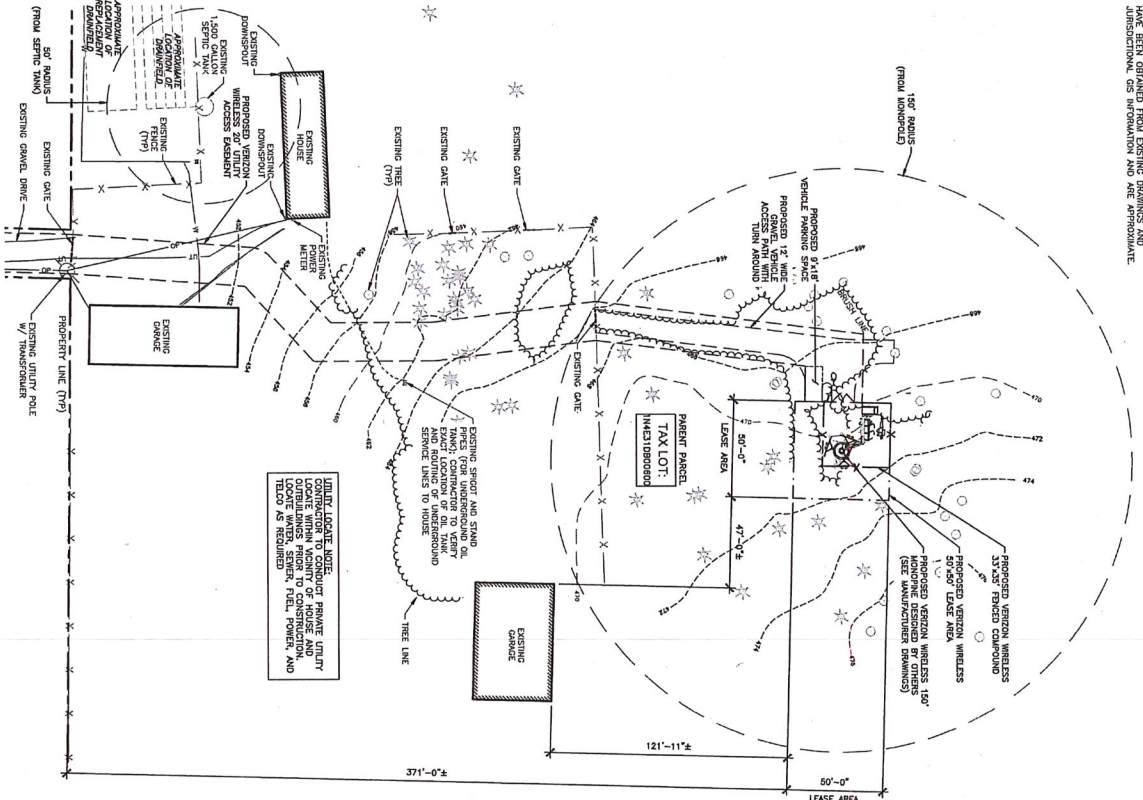
B.2	1	Department of Assessment, Records and Taxation (DART): Map with 1N4E31DB – 00600 (R944310660) Highlighted	11/19/2019
B.3	1	Aerial Photo from 2018	06/03/2020
B.4	1	Aerial Photo from 1974	06/03/2020
B.5	1	Aerial Photo from 1977	06/03/2020
B.6	1	Aerial Photo from 1998	06/03/2020
B.7	1	Zoning Map showing zoning over the subject property in 1962	06/03/2020
B.8	1	Zoning Code in effect in 1962	06/03/2020
B.9	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E31DB – 00600 (R944310660)	06/29/2020
B.10	2	Statutory Bargain and Sale Deed record as Instrument #2020-030630 on March 13, 2020	06/29/2020
'C'	#	Administration & Procedures	Date
C.1	6	Incomplete letter	12/17/2019
C.2	1	Applicant's acceptance of 180 day clock	12/20/2019
C.3	1	Complete letter (day 1)	03/10/2020
C.4	8	Opportunity to comment & mailing list	06/30/2020
C.5	1	Request for Extension of 150-day clock	07/13/2020
C.6	1	2 <sup>nd</sup> Request for Extension of 150-day clock	07/24/2020
C.7	58	Administrative decision & mailing list	08/20/2020
'D'	#	Comments	Date
D.1	2	JoAnne Vincent (330 NE Seidl Road) e-mail comments	07/07/2020
D.2	1	JoAnne Vincent (330 NE Seidl Road) e-mail comments	07/09/2020
D.3	1	Jasmine Zimmer-Stucky (30134 E Woodard Road) e-mail comments	07/10/2020
D.4	6	Brian Vincent (330 NE Seidl Road) e-mail and letter	07/12/2020
D.5	1	Mia Schreiner (28725 E Woodard Road) e-mail comments	07/12/2020
D.6	1	Dave Flood (31780 NE Wand Road) email comments	07/13/2020
D.7	2	Chris Winters (29446 E Woodard Road) e-mail and letter sent by Mark and Alison Knieriem	07/13/2020

D.8	2	Donna Davis (29610 E Woodard Road) e-mail and letter sent by Mark and Alison Knieriem	07/13/2020
D.9	2	George and Donna Knieriem (29735 E Woodard Road) e-mail and letter sent by Mark and Alison Knieriem	07/13/2020
D.10	4	Mark and Alison Knieriem (29805 E Woodard Road) e-mail and letter	07/13/2020
D.11	3	Pamela Teseniar (29635 E Woodard Road) e-mail and letter	07/13/2020
D.12	10	Alyssa Denny letter sent by Pamela Teseniar via e-mail	07/13/2020
D.13	28	JoAnne Vincent (330 NE Seidl Road) e-mail with attached and physical letter	07/14/2020
D.14	3	Gordon Fulks, PhD (28812 E Woodard Road e-mail and letter	07/14/2020
D.15	13	Janet Helus (29827 E Woodard Road) e-mail and letter sent by Mark and Alison Knieriem	07/14/2020

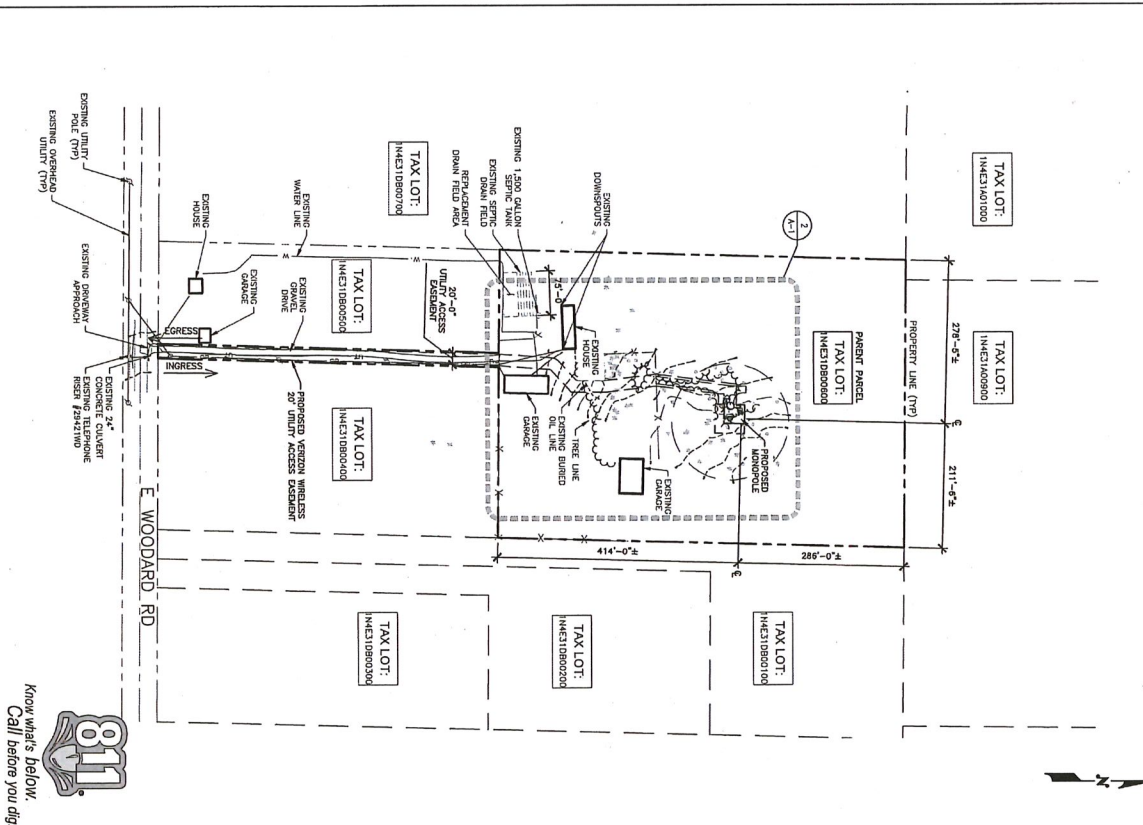
[illegible]



NOTE: THIS IS NOT A SURVEY. ALL INFORMATION AND TRUE NORTH ARE APPROXIMATE. THIS INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION IS NOT A SURVEY. ALL INFORMATION AND TRUE NORTH ARE APPROXIMATE.



ENLARGED SITE PLAN 2



SITE PLAN 1

DO NOT SCALE DIMENSIONS. CONSTRUCTION LINE SHALL BE USED FOR ALL DIMENSIONS. ALL DIMENSIONS SHALL BE TO THE CENTER OF THE ROAD OR RAILROAD. ALL DIMENSIONS SHALL BE TO THE CENTER OF THE ROAD OR RAILROAD. ALL DIMENSIONS SHALL BE TO THE CENTER OF THE ROAD OR RAILROAD. ALL DIMENSIONS SHALL BE TO THE CENTER OF THE ROAD OR RAILROAD.



03/01/2019

ZONING	
5	11/15/18 ADD MONROVIE & LAMSCAP
4	05/24/18 ADD L-810 LIGHTING
3	02/27/18 ISSUED FOR REVIEW
2	05/29/18 ISSUED FOR REVIEW
1	10/12/17 ISSUED FOR REVIEW
0	02/17/17 ISSUED FOR PERMIT
A	12/19/16 ISSUED FOR REVIEW



**MORRISON HERSHFIELD**  
600 STEWART ST. SUITE 200  
SEATTLE, WA 98101  
www.morrisonhershfield.com

**POR STINGER**  
29421 E WOODWARD RD  
TNO/DPLA, OR 97090

# SITE PLAN

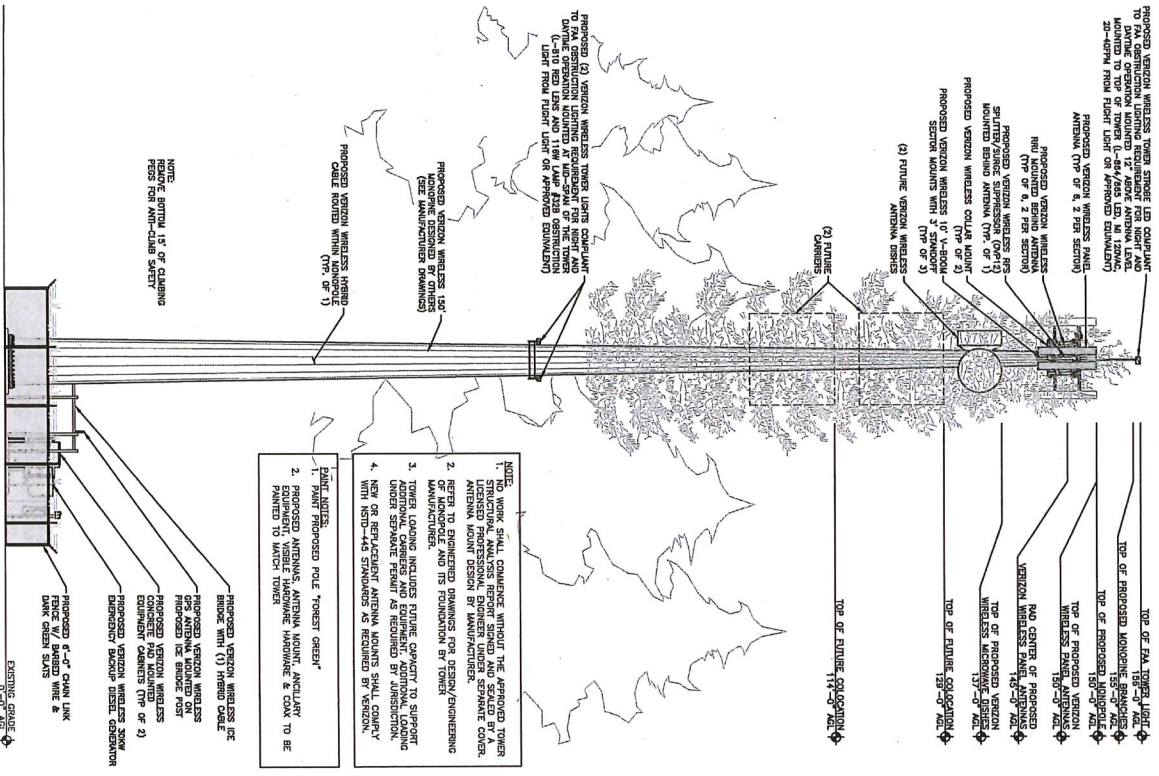
Project Number:	190001800	Sheet Date:	12/13/16
Project Manager:	JA	Designer:	RB
Project Manager:	JA	Professional of Record:	LC
Revision No:	5	Sheet No:	A-1







PROPOSED ELEVATION	1
--------------------	---



PROPOSED VERIZON WIRELESS TOWER STROBE LED COMPLIANT  
TO FAA OBSTRUCTION LIGHTING REQUIREMENT FOR NIGHT AND  
DAYTIME OPERATION MOUNTED 12' ABOVE ANTENNA LEVEL  
MOUNTED TO TOP OF TOWER (L-864/665 LED, IN 120VAC,  
20-40FPM FROM FLIGHT LIGHT OR APPROVED EQUIVALENT)

PROPOSED VERIZON WIRELESS PANEL ANTENNA (TYP OF 6, 2 PER SECTOR)

**PROPOSED VERIZON WIRELESS**

PROPOSED VERIZON WIRELESS RFS  
NMO MOUNTED BEHIND ANTENNA  
(TYP OF 0, 2 PER SECTOR)


SPLITTER/SURGE SUPPRESSOR (OWP12)  
MOUNTED BEHIND ANTENNA (MP. OF 1)

PROPOSED VERIZON WIRELESS 10' V-BOOM  
VERIZON WIRELESS COLLAR MOUNT  
(TYP OF 2)

SECTOR MOUNTS WITH 3" STANDOFF  
(TYP OF 3)

(2) FUTURE VERIZON WIRELESS  
ANTENNA DISHES

**(2) FUTURE CARRIERS**



2

WIRELESS TOWER LIGHTS COMPLIANT

LIGHTING REQUIREMENT FOR NIGHT AND MOUNTED AT MID-SPAN OF THE TOWER AND 116W LAMP #328 OBSTRUCTION

Light ON APPROVED EQUIPMENT

226

PROPOSED VERIZON WIRELESS  
MONOPOLY DESIGNED BY  
(SEE MANUFACTURER DATA)

7

PROPOSED VERIZON WIRELESS  
CABLE ROUTED WITHIN MOBILE  
TRP.

**NOTE:**  
**REMOVE BOTTOM 15' OF CR**

PEGS FOR ANTI-CLIMB SAFETY

---



6  
4  
1  
6  
6

**PROJECT INFORMATION**

Project Name: **PROPOSED STINGER ELEVATION**

Project Number: **28424 E WOODWARD RD TROBUE, OR 97140**

Project Location: **LC**

Project Manager: **RB**

Professional of Record: **LC**

Revision No: **5**

Sheet No: **A-2**

**PERMIT INFORMATION**

Permit Number: **15150AP**

Permit Date: **MAY 13, 2009**

Permit Type: **ENGINEERING**

Permit Status: **REGISTERED PROFESSIONAL**

Permit Holder: **LANCE COOKE**

Permit Address: **600 STEWART ST SUITE 200 SEATTLE WA 98101**

Permit Phone: **206.461.1000**

Permit Email: **lance@morrisonsherfield.com**

Permit Notes: **ISSUED FOR REVIEW**

**PROJECT DESCRIPTION**

Project Name: **PROPOSED STINGER ELEVATION**

Project Number: **28424 E WOODWARD RD TROBUE, OR 97140**

Project Location: **LC**

Project Manager: **RB**

Professional of Record: **LC**

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Sheet No: **A-2**

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Permit Phone: **206.461.1000**

Permit Email: **lance@morrisonsherfield.com**

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Professional of Record: **LC**

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Permit Phone: **206.461.1000**

Permit Email: **lance@morrisonsherfield.com**

Permit Notes: **ISSUED FOR REVIEW**

T2-2019-12701  
COVINGTON AUDREY  
29620 E WOODARD RD  
TROUTDALE OR 97060

Returned to sender

T2-2019-12701  
HAUCK SCOTT & CAMILE  
29629 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
HUTCHISON LONNY & SHERRI  
PO BOX 836  
TROUTDALE OR 97060

T2-2019-12701  
KNIERIEM MARK & ALISON  
29805 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
MC DANIEL JEFFREY & JAMIE  
29625 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
SHERMAN TIMOTHY & KATHLEEN  
29720 E WOODARD RD  
TROUTDALE OR 97060-9311

T2-2019-12701  
VINCENT BRIAN & JO ANNE  
330 NE SEIDL RD  
TROUTDALE OR 97060-9315

T2-2019-12701  
WINTERS MARVEN  
705 NE SEIDL RD  
TROUTDALE OR 97060-9315

T2-2019-12701  
NEMCCA  
ATTN: VICTORIA PURVINE  
PO BOX 125  
CORBETT OR 97019

T2-2019-12701  
FULKS GORDON  
28812 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
DAVIS DONNA  
29610 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
HEGSTAD DOREEN  
1334 SW NANCY CT  
GRESHAM OR 97080

T2-2019-12701  
IMES JERRY  
325 NE SEIDL RD  
TROUTDALE OR 97060-9315

T2-2019-12701  
KNOPF GREGORY & BONNIE  
1001 NE OGDEN RD  
TROUTDALE OR 97060-9338

T2-2019-12701  
RAGALIE DANIELA & NARCIS  
29622 E WOODARD RD  
TROUTDALE OR 97060-8314

T2-2019-12701  
SPONGBERG KIMBERLY  
BLACKROCK LLC  
13183 SW BRIANNE WY  
PORTLAND OR 97223

T2-2019-12701  
WINTERS CHRIS  
29446 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
CORBETT COMMUNITY ASSOC  
DALE BURKHOLDER  
PO BOX 305  
CORBETT OR 97019

T2-2019-12701  
ROW

T2-2019-12701  
ZIMMER-STUCKY JASMINE  
30134 E WOODARD RD  
TROUTDALE OR 907060

T2-2019-12701  
FAIRCHILD ROBERT  
29501 E WOODARD RD  
TROUTDALE OR 97060-8317

T2-2019-12701  
HELUS JANET  
PO BOX 505  
TROUTDALE OR 97060

T2-2019-12701  
KNIERIEM GEORGE & DONNA  
29735 E WOODARD RD  
TROUTDALE OR 97060-9313

T2-2019-12701  
LARSON FREDERICK  
525 NE OGDEN RD  
TROUTDALE OR 97060

T2-2019-12701  
SCHREINER CARL & MIA  
28725 E WOODARD RD  
TROUTDALE OR 97060

T2-2019-12701  
TESENIAR PAMELA  
29635 E WOODARD RD  
TROUTDALE OR 97060-9313

T2-2019-12701  
WINTERS HOWARD  
19108 NE HASSALO ST  
PORTLAND OR 97230

T2-2019-12701  
EMSWCD  
ATTN: ANDREW BROWN  
5211 N WILLIAMS AVE  
PORTLAND OR 97217

T2-2019-12701  
FLOOD DAVE  
31708 NE WAND RD  
TROUTDALE OR 97060