

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

<http://www.multco.us/landuse>

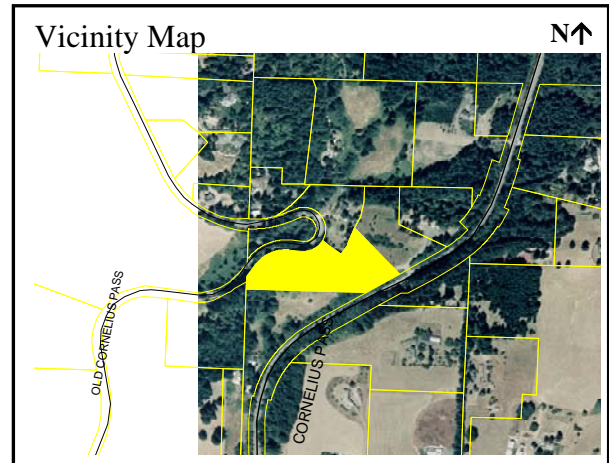
NOTICE OF DECISION

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

Case File: T2-2011-1484

Permit: Administrative Decision By the Planning Director for a Wireless Communications Facility, Significant Environmental Concern for Habitat (SEC-h), Design Review, and Hillside Development Permit

Location: 10509 NW Cornelius Pass Road
Tax Lot 1600, Section 1 North,
Township 1 West, Range 06B, W.M.
#R961060080



Applicant: AT&T Mobility Corporation
C/O Noah Grodzin, Site Acquisition Specialist, Cascadia P.M., LLC

Property Owners: Deborah & Terrell Brown

Base Zone: Rural Residential (RR)

Overlays: Slope Hazard (HD), Significant Environmental Concern – Habitat (SEC-h)

Summary: Construct a 120-foot tall wireless communications tower with a stealth mono-fir design.

Decision: Approved With Conditions

Unless appealed, this decision is effective Friday, August 5, 2011, at 4:00 PM.

Issued by:

By: _____
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Friday, July 22, 2011

Instrument Number for Recording Purposes: #97190400

Opportunity to Review the Record: A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, August 5, 2011 at 4:00 pm.

NOTICE OF POTENTIAL APPEAL HEARING
CASE FILE T2-2011-1484

If an appeal of this decision is filed, a public hearing will be held on August 12, 2011. The hearing will begin at 1:00 PM or soon thereafter.

The hearing will take place in Room 103 at the Land Use Planning Division office located at 1600 SE 190th Avenue, Portland, OR 97233. If no appeal is filed, a notice canceling this hearing will be posted on the outside of the Yeon Annex Building doors. You can also call the receptionist at 503-988-5050 option '0' to inquire on the status of the hearing.

The Hearing shall be regarding the application for an Administrative Decision by the Planning Director, Design Review, Significant Environmental Concern permit, and Hillside Development Permit for a proposed wireless communications tower on property known as 10509 NW Cornelius Pass Road. Applicable criteria are listed in the Staff Decision.

Any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing.

This Decision serves as the staff report available at the hearing pursuant to MCC 37.0620(D). Copies of the referenced Multnomah County Code sections and staff report can be obtained by contacting our office at 503-988-3043.

Any issue that is intended to provide a basis for an appeal to the Land Use Board of Appeals (LUBA) must be raised prior the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the County and all parties an opportunity to respond to the issue.

The application and all supporting materials and evidence submitted in regard to the application may be inspected at no charge, and copies may be obtained at cost, at the Multnomah County Land Use Planning Division during normal business hours.

A public hearing to consider any appeal will be conducted before one of the following County Hearings Officer's:

Joan Chambers or Liz Fancher

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): MCC 33.0005, Definitions; MCC 33.6100 – MCC 33.6188, Transmission Towers; MCC 33.6175, Wireless Communications Facilities; MCC 33.0005, Lot of Record; MCC 33.3125(H), Review Use; MCC 33.3155, Dimensional Standards; MCC 33.3171, Lot of Record; MCC 33.3185 Access; MCC 33.4520, Application for SEC Permit; MCC 33.4570, SEC-h Approval Criteria; MCC 33.4575, SEC-s Approval Criteria; MCC 33.5500 – MCC 33.5525, Hillside Development and Erosion Control; MCC 33.7030, Design Review Plan Contents; MCC 33.7040, Final Design Review Plan; MCC 33.7050, Design Review Criteria; MCC 33.7055, Required Minimum Standards; MCC Chapter 37, Administrative Procedures. Multnomah County Road Rules (MCRR): MCRR 1.000 – 8.000 and 18.000.

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **After the decision is final and prior to building permit sign-off, the property owner shall record the Notice of Decision cover sheet through the conditions of approval 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 a copy filed with Land Use Planning. Recording shall be at the applicant's expense [MCC 37.0670].**
2. **This decision becomes null and void and non-renewable unless the facility is constructed and in service within two-years of the date of this decision becoming final [MCC 33.6180(H)].**
3. **The owner of the wireless communications facility shall respond in a timely, comprehensive manner to any 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. The owner shall also negotiate in good faith for shared use of the tower. [MCC 33.6183(A)(1)(a)].**
4. **The owner of the tower shall comply with all applicable FCC RF emissions standards (FCC Guidelines) [MCC 33.6183(A)(2)].**
5. **Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 PM and 8 AM.[MCC 33.6183(A)(3)].**

6. The exterior of the equipment shed for the tower shall not be made of metal or any other reflective material unless covered with concrete, hardiplank, or a similar siding. The facility shall be designed to resemble a typical rural outbuilding found in the area [MCC 33.6183(B)(4)(a) and 33.6183(B)(4)(b)].
7. Prior to land use sign-off for building permits, the tower owner shall provide Land Use Planning with the chosen color sample chip for the equipment shed, fence and tower. The color shall be located on the dark earth tone color rows A, B, or C of Page 18-19 within the National Scenic Area design handbook (Exhibit B.5). The paint shall have a Flat or Egg-Shell finish [MCC 33.6183(B)(5) and (B)(6)(c)].
8. No exterior lighting is permitted on the tower or the equipment shed [MCC 33.6183(B)(8)].
9. No signs are permitted on the tower or in the leased area except for warning or equipment information signs [MCC 33.6183(B)(9)].
10. The development area, which for the purposes of this condition of approval is considered the leased area and a 10-foot buffer around the leased area, shall be maintained free of the nuisance plants listed in MCC 33.4575(B)(7).
11. Construction of the development pad, cell tower and anchor pier, foundation and equipment shed shall follow the recommendations of Adept Engineering, Daniel Watkins P.E., G.E. and K.V. Lew, P. Eng as discussed in the Geotechnical Report and accompanying HDP Form-1 and HDP Worksheet (Exhibit A.15) [MCC 33.5515 and MCC 33.5520].
12. The cell tower owner shall implement and maintain the landscaping plan submitted as Exhibit A.25 consisting of a 2-foot wide planting strip along the perimeter of the fenced leased area. Within the 2-foot planting strip, the tower owner shall keep the existing trees and plant native evergreen plants and shrubs that grow between 4-feet tall and 10+ feet-tall at maturation in between the trees. The tower owner is required to maintain the landscaping in good health and if one of the landscaping plants/bushes/trees dies, it shall be replaced in-kind [MCC 33.7055(C)].
13. Any Modification to the access on to NW Cornelius Pass Road shall require an Access Permit. For information, contact Alan Young at 503-988-3582 [MCC 33.2885].

Note: Once this decision is final, application for building permits may be made with the City of Portland. When ready to have building permits signed off, the applicant shall call the Staff Planner, Don Kienholz, at (503) 988-3043 ext. 29270, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Portland. Five (5) 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 of \$53.00 will be collected. In addition, an erosion control inspection fee of \$77.00 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 seeking approval to locate a 120-foot tall wireless communications facility on the subject property. The design of the new facility will utilize stealth technology in the form of a fir tree, or a ‘mono-fir’ as described by the application.

2.00 Property Description & History

Staff: The subject property is located between NW Cornelius Pass Road and NW Rock Creek Road in the northwest hills of Multnomah County, with access taken from Cornelius Pass Road. The western property line is along the border between Multnomah County and Washington County. The property has several overlays on it that affect development standards. Those overlays consist of the Significant Environmental Concern Overlay for Streams (SEC-s), Habitat (SEC-h) and Slope Hazard. The only previous County land use permit on the property was a Property Line Adjustment from 1999, case PLA 22-99.

3.00 Public Comment

MCC 37.0530(B) Summary Of Decision Making Processes.

...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...

Staff: An Opportunity to Comment was mailed out to property owners and recognized neighborhood associations within 750-feet of the subject property. During the 14-day comment period, over 30 comments were received. The majority were in opposition to the wireless communication facilities being proposed. Most of the comments were emailed by supporters of the Bhaktivedanta Society, Inc., which owns adjacent land to the south of the subject property and in Washington County. The recognized Neighborhood Association also provided a letter of comment regarding the desire to have existing trees retained to help visually balance out the Mono-Fir toner so it did not stand alone.

In general, the comments opposing the development discussed the intent, atmosphere and spiritual nature of the community that congregates at the Bhaktivedanta Society and the basic conflict with cell towers. Concerns were raised over electromagnetic fields, suspected health risks associated with proximity to cell towers, availability of land lines and thus the lack of a need for cell coverage, impact on property values, ability to use other properties in other zones and emission standards.

For comments relating to applicable code criteria, staff made findings in the appropriate sections on how the approval criteria were, or were not, met. While the concerns of commenter’s are real and important to the individuals who took the time to comment, staff can base the decision only on the applicable code provisions of the Multnomah County Code. Staff cannot base a decision on comments or issues outside the scope of the approval criteria.

4.00 Rural Residential Zone

A. MCC 33.3125 Review Uses

(H) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

Staff: Wireless communication facilities, also known as cell towers, are allowed in the district as a review use subject to the approval criteria noted above as well as those associated with the overlay districts.

B. MCC 33.3155 DIMENSIONAL REQUIREMENTS

1. **(A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).**

Staff: No new lots or parcels are being proposed.

Criterion not applicable.

2. **(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: No new lots or parcels are being proposed.

Criterion not applicable.

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

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: Yard dimensions are superseded by the Wireless Communications Facilities code of MCC 33.6175 et. seq which has larger yard requirements. Findings addressing those development standards are found later on in this staff report. Cell towers are also not subject to height limitations under this provision. See Finding 4(B)(5) below.

4. **(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 right-of-way along the subject property ranges from 115 to 130-feet. The required right-of-way for Cornelius Pass Road is 70-feet. Therefore, the yard requirement is satisfied and does not need to be increased.

Criterion met.

5. **(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: Cell towers are in the same category as the structures listed above and are not subject to the zones height limitations. Height restrictions for cell towers are found in MCC 33.6183(B)(2).

C. **MCC 33.3185 ACCESS**

All lots and parcels in this district shall abut a street or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2870(B).

Staff: The property is accessed off of NW Cornelius Pass Road via a shared driveway with the property to the north. Any modification to the access shall require an access permit.

Criterion met.

5.00 Wireless Communication Facility Approval Criteria.

A. **MCC 33.6180 GENERAL REQUIREMENTS.**

1. **(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: Building permits shall not be issued until all necessary approvals are secured, including the subject land use reviews.

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

Staff: Only one ground mount is being proposed for the subject property.

Criterion met.

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

Staff: The land owners signed the General Application Form (Exhibit A.1) granting consent to move forward with the application. Noah Grodzin, a representative of AT&T has signed the application form as the applicant.

Criterion met.

4. **(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: Building permits are required to begin actual construction of the cell tower structure. The cell tower was reviewed under a Type 2 Planning Director Review pursuant to MCC 33.6177(B).

Criterion met.

5. **(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 33.7000 through 33.7020.**

Staff: Design Review has been applied for by the applicant and is reviewed under Finding 7.

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

Staff: Future actions are regulated by the zoning code, including the provisions of MCC 33.6177.

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

Staff: The applicant is proposing a tower using concealment technology in the form of a faux-Fir tree.

Criterion met.

8. **(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: This decision is null and void two years from the date the decision becomes final if the facility is not constructed and in service.

9. **(I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 33.0910.**

Staff: Any change to a permit must undergo review pursuant to Chapter 37 Administration and Procedures.

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

Staff: The proposal is subject to the Significant Environmental Concern, Hillside Development and Design Review Codes and has been reviewed accordingly.

Criterion met.

11. **(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: No other material or equipment other than the equipment shed necessary to power and run the cell tower are proposed.

Criterion met.

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

Staff: The applicant is proposing concealment technology as part of the proposal. This criterion is not applicable.

B. MCC 33.6182 APPLICATION SUBMITTAL REQUIREMENTS

(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:

Staff: The application has been deemed complete and contains all the required materials.

Criterion met.

C. MCC 33.6183 APPROVAL CRITERIA FOR LANDS NOT ZONED EXCLUSIVE FARM USE

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

1. (A) General and Operating Requirements

- a. **(1) The service provider of the WCF and his or her successors and assigns shall agree to:**

(a) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

**(b) Negotiate in good faith for shared use of the WCF by third parties;
and**

**(c) Allow shared use of the WCF if an applicant agrees in writing to
pay reasonable charges for co-location**

Staff: A condition of approval will require the service provider of the WCF to respond to other carriers of potential co-locations, negotiate in good faith and allowed shared use of the tower.

Criterion met.

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

Staff: This standard can be met with a condition of approval.

Criterion met.

- c. **(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: This shall be a condition of approval.

Criterion met.

- d. **(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:**

1. **(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, pre-historical or anthropological nature;**

Staff: The tower is subject to the SEC-h overlay and the applicant has addressed the approval criteria in Finding XX.

Criterion met.

2. **(b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.330 through 29.345 when applicable;**

Staff: The tower and accessory facilities do not disturb enough area to trigger the requirement for a Grading and Erosion Control Permit. However,

because the development takes place within an identified Slope Hazard Area, a Hillside Development Permit is required and addressed under Finding #6.

3. **(c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and**

Staff: The location of the tower is not within the regulatory 100-year flood plain. No flood hazard permit is required.

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

Staff: The applicant's site plan indicates the proposed development area is to be cleared of the existing trees. Because the entire site is either mature vegetation, planted trees of the tree farm or dedicated to the residence on the property, there is no true alternative that is entirely cleared that would meet the development standards of the overlay zones. Locating the cell tower and equipment facilities in the proposed spot will not disturb any more native vegetation than another other location on the property. Given the proposed site's close proximity to the access road, less area will be disturbed than locating elsewhere on the property.

Criterion met.

2. **(B) Siting Requirements.**

- a. **(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: In the immediate area, there are no existing wireless communication facilities. The closest one within Multnomah County is off of Sheltered Nook Road which serves the northern slope of the west hills off of Cornelius Pass Road. The subject site is located on the southern slope and a significant distance below the ridgeline that runs roughly parallel with Skyline Boulevard. As seen on the applicant's Before Coverage map (Exhibit A.8), there is a significant area lacking coverage in the immediate vicinity of the proposed site.

The subject proposal includes use of concealment technology in the form of a Fir Tree monopole for the wireless communications facility. The location of the monopole is within an area of replanted trees and adjacent to an established grove of mature trees to provide a background of trees for the tower to blend into. The color of the tower, accessory equipment shed and fence shall be dark earth tone colors as conditioned to provide additional compatibility with the natural area.

Criterion met.

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

1. **(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.

Staff: The tower is proposed to be 120-feet tall and will use concealment technology.

Criterion met.

2. **(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 tower is a separate structure not attached to any other structure.

Criterion met.

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

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

Staff: The proposed development site is roughly 175-feet from the dwelling located on site as measured on the applicant's site plan page C1 (Exhibit A.22 – C1).

Criterion met.

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

Staff: As seen and measured on the applicant's site plan page C1, the cell tower is 122-feet from the two nearest property lines. Since the tower is proposed to be 120-feet tall, the setback requirements are met.

Criterion met.

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

Staff: The proposed equipment shed is over 100-feet from any property line.

Criterion met.

4. **(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.**

Staff: The applicant is not seeking a reduction in the setback and yard requirements.

d. **(4) Storage.**

1. **(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.**

Staff: A condition of approval shall require the tower owner to provide detailed information on the exterior materials of the equipment shelter at the time of building permits and prohibit metal as the exterior of the structure.

Criterion met with condition of approval.

2. **(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 has proposed the equipment shed to be 7-feet in height in the submitted narrative. The structure shall also be required to look like a rural outbuilding and not an equipment shed.

Criterion met with condition of approval.

- f. **(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 mono-pole will use concealment technology to resemble a large, mature fir tree. As such, the pole will be painted a dark green to accurately reflect a conifer tree. A condition of approval will require the equipment shed to be painted a color shown row A, B, or C of the Dark Earth Tone Colors section on pages 18-19 of the National Scenic Area guide book “Building In The Scenic Area” and be a ‘flat’ or ‘eggshell’ paint.

Criterion met with condition of approval.

g. **(6) Fences.**

1. **(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.**

Staff: The applicant is proposing a chain link fence with slats to obscure the visibility of the equipment area.

Criterion met.

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

Staff: This criterion is addressing the equipment shed. Nonetheless, none of the proposed development will be located in the right-of-way.

Criterion met.

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

Staff: A condition of approval will require the fence to be painted a non-reflective color that is shown in row A, B, or C of the Dark Earth Tone Colors section on pages 18-19 of the National Scenic Area guide book “Building In The Scenic Area.”

Criterion met.

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

Staff: The applicant’s design for the equipment shed will take into account anti-climbing measures, including height of the fence.

Criterion met.

i. **(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: A letter from the Oregon Department of Aviation (Exhibit A.12) notes that no lighting is required on the tower. No lights are permitted on the tower, equipment shed or fence.

Criteria met.

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

Staff: A condition of approval shall implement this criterion.

Criterion met.

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

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

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

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

Staff: The development site is immediately adjacent to the existing driveway on site. The only improvements necessary for the proposed development is access to the leased area. A letter from Tualatin Valley Fire & Rescue lists out the requirements for the development. Email discussions between the applicant and Fire District demonstrate the proposed design meets the districts requirements (Exhibit A.11).

Criterion met.

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

(a) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. Planted vegetation shall be of the evergreen variety and placed outside of the fence. The landscape plan shall be subject to review and approval of the Design Review process. All trees, larger than four inches (4") in diameter and four and a half feet high (4½') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(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 shown on the submitted site plans (Exhibits 22) the existing vegetation on site, including that vegetation which will remain and help screen the development area. As noted by the applicant and seen from air photos, the site and area is heavily vegetated which will provide screening as seen from public roads. The applicant has also submitted a Design Review Application, which is reviewed under Finding 6.

Criterion met.

6.00 Significant Environmental Concern – Wildlife Habitat

MCC 33.4570 Criteria for Approval of SEC-h Permit -Wildlife Habitat

(B) Development standards:

- A. (1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The subject property is identified as part of a Christmas Tree Farm. Multnomah County Assessment and Taxation does not list the property as being in Forest Deferral, which signals the property is being associated with a Forest Practices Act permit. Staff contacted the Columbia Unit of the Oregon Department of Forestry and verified that no Forest Practice Act permit has been issued on the property within the last couple years. As such, all areas that do not meet the definition of "forested" in the SEC code are considered cleared. The proposed development site is not within an area that is forested and thus is in a "non-forested cleared" area.

Criterion met.

- B. (2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Staff: As seen on the submitted site plan C1 (Exhibit A.22 – C1), the development area is within 120-feet of NW Cornelius Pass Road, which serves as the access to the site.

Criterion met.

- C. **(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.**

Staff: The driveway serving the property is an existing driveway. The distance from the development to the access onto the public road is roughly 225-feet in length.

Criterion met.

- D. **(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:**

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

Staff: No new accesses or driveway approaches are proposed as part of the development. The subject property and the house located on the property are served by an existing driveway that shares its access onto NW Cornelius Pass Road with the property to the north.

Criterion met.

- E. **(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.**

Staff: As seen and measured on County air photo maps, none of the adjacent properties have buildings within 200-feet of a shared property line. However, the property to the north has a driveway, which is development by definition, that is shared with the subject property. As such, the proposed development is within 300-feet of the northern property which has development within 200-feet of the shared property line.

Criterion met.

- F. **(6) Fencing within a required setback from a public road shall meet the following criteria:**

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

Staff: The fencing is located outside of the front yard setback and thus is not subject to these requirements.

Criteria met.

G. (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning-glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning-glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. Except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water-weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium roberianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry

Scientific Name	Common Name
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrachoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
<i>various genera</i>	Bamboo sp.

Staff: A condition of approval will require the development site be maintained free of the above noted plants.

Criterion met.

7.00 Hillside Development Permit

A. MCC 33.5515 APPLICATION INFORMATION REQUIRED

Staff: The applicant submitted the Hillside Development Permit Worksheet, a geotechnical report prepared by Daniel Watkins, P.E., G.E., and a HDP Form-1 (Exhibit A.15) as required by the code.

B. MCC 33.5520 GRADING AND EROSION CONTROL STANDARDS

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

- (a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;**
- (b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;**
- (c) Cuts and fills shall not endanger or disturb adjoining property;**
- (d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;**
- (e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;**

(2) Erosion Control Standards

- (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland**

Stormwater Quality Facilities, A Design Guidance Manual (1995)". Land-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.

(b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

(c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)" and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary

or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(j) All drainage provisions shall be de-signed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to re-duce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas.

(m) Disposed spoil material or stock-piled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(o) On sites within the Balch Creek Drainage Basin, erosion and stormwater control features shall be designed to perform as effectively as those pre-scribed in the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)". All land disturbing activities within the basin shall be confined to the period between May first and October first of any year. All permanent vegetation or a winter cover crop shall be seeded or planted by October first the same year the development was begun; all soil not covered by buildings or other impervious surfaces must be completely vegetated by December first the same year the development was begun.

Staff: The small development site for the building pad, tower and equipment shed comprises of roughly 3,000 square feet. In order to level out the building area, roughly 87 cubic yards of earth material will need to be cut and 175 cubic yards will be used as fill. The overall slope of the immediate area is around 20% so the cut and fill is necessary to level the development site. As noted by the stormwater certificate (Exhibit A.14) signed by Harold Duncanson, Professional Engineer, there will be minimal stormwater runoff and the runoff that is generated will not enter a creek or adjacent property with a 10-year/24-hour storm event. The soil of the area, particularly

down to roughly 8-feet sub grade is made up of medium stiff clayey silt with some fine sand that changes to a more stiff and silty clay up to 25-feet below grade. As such, the engineer does not foresee much risk of erosion and sedimentation. Nonetheless, the engineer has recommended covering exposed soils during the duration of construction. The construction window will most likely be short lived as the project will only encompass a roughly 5,000 square foot area consisting of the tower, with an anchor/pier extending a minimum 15-feet below the ground surface, a slab on grade foundation and an equipment shed and leveling around the building pad – a relatively small project.

The applicant, Adept Engineering and the Geotechnical Engineer have addressed slope stability, stormwater run off, cut and fill methodology and appropriate construction design. After reviewing the HDP Worksheet, HDP Form-1, and accompanying Geotechnical report, staff finds that the erosion and control standards are met if constructed as recommended by Daniel Watkins, P.E, G.E. and the Senior Geotechnical Engineer and Senior Reviewer, K.V. Lew, P.Eng.

Criteria met.

8.00 Design Review

MCC 33.7050 DESIGN REVIEW CRITERIA

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

1. (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.

(b) The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.

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

Staff: The proposed development is relatively small in the scope of projects typically reviewed under design review. Most applications review commercial businesses or public projects and spaces such as schools or water districts and their towers. That said, the proposal's key component is a cell tower using concealment technology in the form of a mono pole cell tower that resembles a large Fir tree as seen in the applicant's photo simulations (Exhibit A.17) and elevation plans (Exhibit A.22 – A-3). The mono pole Fir tree replicates native vegetation in the area and relates harmoniously with the natural environment.

Additionally, the screening fence for the leased area will contain dark green privacy slats that will help blend the structures in with the surrounding landscape colors of the property. The fence will also help keep noise generated from the equipment shed within the leased area and reduce noise towards the property lines. Given that the project site is over 120-

feet from the public road, there will be little, if any ability of the public to truly view the development site. Such a restriction to the general public limits the impact of the structure on the public from a visual perspective.

Criteria met.

2. **(2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.**

Staff: The development site is not intended to be accessible by the general public. The equipment shed and tower will be over 120-feet from the public road and off a private driveway. The fenced area will also keep the interior leased area private by preventing the public and trespassers from entering. No transition to public space is necessary as the development will be entirely surrounded by private property and a residential use.

Criterion met.

3. **(3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheel-chairs and braille signs.**

Staff: The proposed use is not a use for the general public. Only employees of the cell tower companies that own and lease space on the tower will have access to the leased area and equipment shed. While the structures are required to meet building code, additional requirements are not necessary due to the nature of limited access and security surrounding cell tower facilities.

Criterion met.

4. **(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 development site has slopes up to 20%, which cannot accommodate the proposed development without augmentation to flatten the development site. The grading activity will be confined to the development site and immediate area which will affect roughly 5,000 square feet of total ground area. The proposed grading will provide the 60 foot by 40 foot leasing area necessary to locate the cell tower, equipment shed, and associated working area for the development. The Christmas tree farm will not be impacted other than a few trees that will need to be removed for the development. New landscaping shall be planted as discussed under the Design Review Plan that will mitigate the loss of the trees.

Criterion met.

5. **(5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas**

in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

Staff: The proposed use is not a public use. Additionally, the tower and equipment shed do not have employees or personnel on site as they are unmanned except for maintenance. As such, pedestrian and vehicular circulation are not applicable standards to the use. Parking requirements are not applicable as the proposal is for an unmanned use. However, there is room for one vehicle to park in the access apron from the leased area to the private driveway. Use of the apron for temporary parking will not adversely affect the maintenance employee's ability to access the site.

Criterion met.

6. **(6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.**

Staff: A stormwater certificate has been submitted demonstrating that drainage will be adequately handled on site for a 10-year/24-hour storm event without affecting neighboring properties or the right-of-way.

Criterion met.

7. **(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: A landscaping plan is required as a condition of approval that will provide screening and buffering for the development. Considering the development will be 122-feet to the closest property line, the tower will resemble a native fir tree, the landscaping plan, and the slatted fence, there will be no adverse visual impacts to neighboring properties. No mail, refuse, recycling or other bins are proposed as part of the application.

Criterion met.

8. **(8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.**

Staff: The proposed use, a cell tower and associated equipment is itself a utility. The development site consisting of the leased area is located in the interior of the subject property. To ensure minimization of adverse impacts to adjacent properties, the cell tower is located at least 120-feet away from any property lines. This would prevent a collapsing tower from encroaching onto adjacent property or the public right-of-way in the case of a tower failure. The visual impact of the cell tower, which is often considered as an 'adverse' impact will be minimized by utilizing stealth technology and having the tower resemble a native fir tree.

Several comments were received during the opportunity to comment period by members and supporters of the Bhaktivedanta Society, who owns the adjacent property to the south as well as additional property in Washington County, that were concerned of the tower's impact on the Society's property and community. As proposed, the new tower would be roughly 200-feet to the southern property line shared with the Bhaktivedanta Society and roughly 850-feet to the nearest structure on the Bhaktivedanta Society property. The adverse impacts to the property to the south are minimized by the distance of the proposed location of the development site from the southern property as well as the intervening vegetation and screening. No comments were received by other adjacent property owners.

Criterion met.

9. **(9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.**

Staff: No signs are proposed as part of the application.

Criterion met.

B. MCC 33.7055 REQUIRED MINIMUM STANDARDS

1. **(A) Private and Shared Outdoor Recreation Areas in Residential Developments:**

(1) Private Areas – Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.

(2) Shared Areas – Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:

(a) One or two-bedroom units: 200 square feet per unit.

(b) Three or more bed-room units: 300 square feet per unit.

Staff: The proposal does not include any residential development.

Criterion met.

2. **(B) Storage**

Residential Developments – Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

Staff: The proposal does not include any residential development.

Criterion met.

3. **(C) Required Landscape Areas**

The following landscape requirements are established for developments subject to design review plan approval:

- a. **(1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.**

Staff: The applicant only has control over the area that they lease with an agreement from the property owner. For consideration of this approval criterion, the area of control is considered the 'lot area.' The leased area the applicant has for the tower and accessory facilities is roughly 2,400 square feet. 15% of 2,400 square feet is 360 square feet.

The applicant proposed a landscaping plan of a two-foot buffer around the leased area (Exhibit A.25) which comprises 400 square feet. The 400-square feet of landscaping meets the 15% threshold. The applicant will keep the existing trees within the landscaping strip and add evergreen plants and shrubs in between to provide a variation in heights and texture. The tower owner shall be responsible for the maintenance and upkeep of the required landscaping.

Criterion met.

- b. **(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

Staff: The leased area for the tower and equipment shed is the only area subject to the design review standards. The remainder of the parcel is residential use and a tree farm which are not subject to the Design Review Standards.

Criterion met.

- c. **(3) The following landscape requirements shall apply to parking and loading areas:**

(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

- 1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;**
- 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and**
- 3. Vegetative ground cover.**

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or load-ing area.

(e) A parking landscape area shall have a width of not less than 5 feet.

(4) Provision shall be made for watering planting areas where such care is required.

(5) Required landscaping shall be continuously maintained.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

Staff: Only one parking spot is required for the proposed use since the use is an unmanned cell tower. Intermittent maintenance will occur with one or two employees visiting the site on an occasional basis. That required parking spot will fit within the apron area off of the driveway to the leased area. The parking spot is outside of any required yard setback and will not impact travel along the private driveway. The parking area is already separated from the public road by roughly 120-feet of yard. A condition of approval will require the tower owner to maintain the required landscaping.

Criteria met.

9.00 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 for a Wireless Communication Facility, Design Review, Significant Environmental Concern Permit for Wildlife Habitat and a Hillside Development Permit in the Rural Residential zone. This approval is subject to the conditions of approval established in this report.

10.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2011-1484 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	1	General Application Form
A.2	1	Assessment and Taxation Property Information Sheet
A.3	4	Applicant’s Copy of Pre-Filing Notes PF 2010-1265
A.4	1	Applicant Summary Statement
A.5	2	Applicant General Property Information
A.6	7	Applicant’s Site Plans and Development Plans (Superseded)
A.7	23	Applicant’s Narrative
A.8	4	RF Coverage Maps – Before and After and Engineering Certification By an FCC Licensee
A.9	1	RF Justification Letter by Ken Seymour, PNW
A.10	1	Agreement to Co-Location Letter
A.11	5	Fire District Correspondence and Review By Tualatin Valley Fire & Rescue
A.12	1	Oregon Department of Aviation Review Letter
A.13	11	Significant Environmental Concern Habitat Worksheet
A.14	1	Stormwater Certificate Signed by Harold Duncanson
A.15	32	Grading and Erosion Control Plan, Hillside Development Permit Worksheet, HDP Form-1 Reconnaissance Study, and Geotechnical Report Performed by Adapt Engineering.
A.16	3	Geotechnical Memorandum and Air Photo
A.17	7	Applicant Photo Simulations Of Tower
A.18	22	Title Report for Subject Property
A.19	2	Uncompleted Certification of On-Site Sewage Disposal Form and Accompanying Emails
A.20	4	Acoustic Documentation
A.21	2	Antenna Search Documentation
A.22*	9	Site Plans Dated April 7, 2011 Consisting of: <ul style="list-style-type: none"> • General Location Map T-1.0 • Survey Reference Map SV1 • *Site Detail Showing Existing Vegetation SV2 • *Property Topographic Map C1 • Driveway and Utility Detail C2 • Erosion Control Details C3 • *Overall Site Plan A-1 • *Leased Area Site Plan A-2.0 • *Elevation Plan A-3
A.23	1	Applicant’s Incompleteness Response
A.24	1	Approved Certification of On-Site Sewage Disposal Form
A.25*	1	July 22, 2011 Landscaping Plan

'B'	#	Staff Exhibits
B.1	2	April 1, 2011 Incomplete Letter
B.2	1	April 6, 2011 Complete Letter
B.3	12	Opportunity to Comment, Mailing List, Map Showing Properties Within 750-feet
B.4	4	Email Showing Notice of Potential Appeal Hearing For August 12, 2011
B.5	2	Recommended Color Chart Pages 18-19 of " <i>Building in the Scenic Area</i> " Design Handbook, Including Dark Earth Tone Colors of Row A, B, and C
'C'	#	Comments Received
C.1		32 Opportunity to Comment Letters and Emails Received