

**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: T2-2013-2981

Permit: Administrative Decision by the Planning Director and Design Review

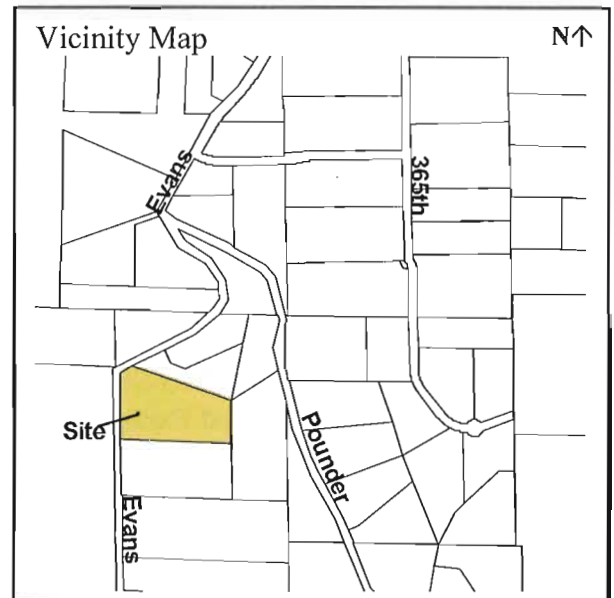
Location: 324 NE Evans Rd, Corbett
Tax Lot 700, Section 34D
Township 1 North, Range 4 East, W.M.
Tax Account #R944340670

Applicants: Verizon Wireless
c/o Jim Barta

Owners: David & Karen Stefonek

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: n/a



Summary: Applicant is proposing to develop a wireless communications facility on the subject property that will consist of a 132-foot tall stealth monopine and associated ground equipment located in a fenced 30-foot by 30-foot lease area.

Decision: Approved with Conditions

Unless appealed, this decision is effective Tuesday, November 12, 2013, at 4:00 PM.

Issued by:

By: 
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Tuesday, October 29, 2013

Instrument Number for Recording Purposes: # BP28071806

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 Lisa Estrin, Staff Planner at 503-988-3043, ext. 22597.

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 Tuesday, November 12, 2013 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): *Multiple Use Agriculture – 20:* MCC 35.2855 Dimensional Requirements, MCC 35.2870 Lot of Record, MCC 35.2880 Off-Street Parking and Loading, MCC 35.2885 Access.

Community Service – Wireless Communication Facility: MCC 35.6178 Definitions, MCC 35.6180 General Requirements, MCC 35.6182 Application Submittal Requirements, MCC 35.6183 Approval Criteria for Lands Not Zoned Exclusive Farm Use.

Design Review: MCC 35.7050 Design Review Criteria, MCC 35.7055 Required Minimum Standards.

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.
2. **This land use permit expires two (2) years from the date the decision is final if the building permit for the wireless communication facility has not been issued; the facility constructed and placed into service. No extensions may be authorized via MCC 37.0700. [MCC 35. 6180(H)]**

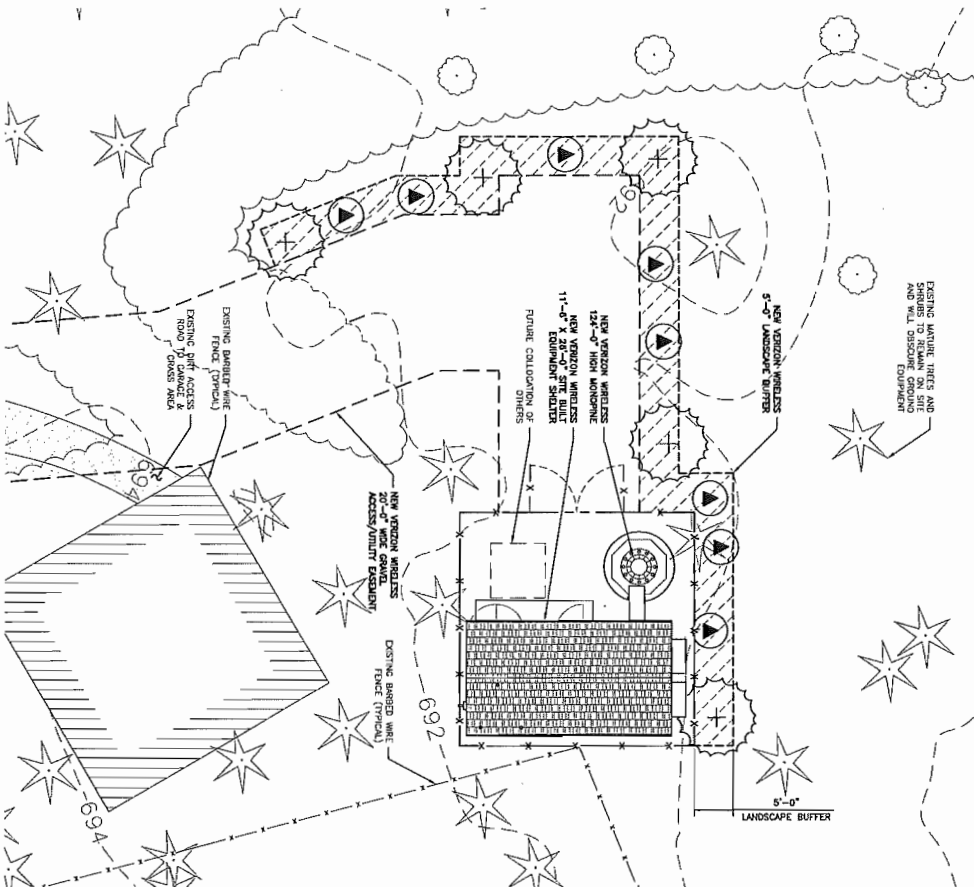
Conditions of Approval

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. Prior to land use approval of the building permit, the property owners shall record pages 1-4 of this decision with the County Recorder. The Notice of Decision shall run with the land and the conditions shall be met by the current and all future property owners unless amended through a later decision by the authorized authority. Proof of recording shall be submitted to Multnomah County Land Use Planning prior to land use review for signing off the building permit. Recording shall be at the applicant's expense. [37.0670]

PLANTING NOTES

- [illegible]



13 JUL 12 PM 2:00

LANDSCAPE LEGEND				
SYMBOL	# OF EXISTING PLANTS	# OF NEW PLANTS RECD	DESCRIPTION	SIZE/COMMENTS
⊙	0	3	OLIVEGREEN INCENSES/ INCENSE SHOPS	6-8" HT., SPECIFIC QUALITY, BAB
⊙	0	0	POUNCE LUSINESS/ PERFECT LUSINESS	24-30" HT., BAB, FULL & BUSHY

NOTE: ALL SPECIES SELECTED ARE DROUGHT TOLERANT AND DEMAND LOW WATER USAGE.

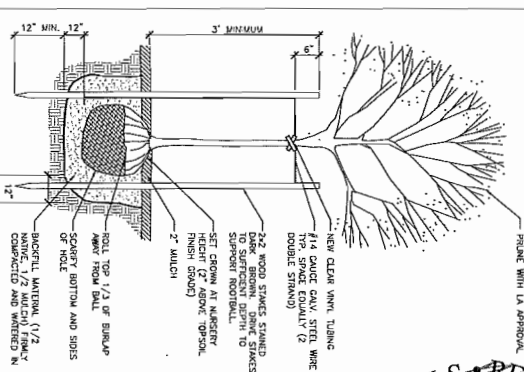
LANDSCAPE LEGEND

LANDSCAPE LEGEND				
SYMBOL	# OF EXISTING PLANTS	# OF NEW PLANTS RECD	DESCRIPTION	SIZE/COMMENTS
⊙	0	3	OLIVEGREEN INCENSES/ INCENSE STOPS	6-8" HT., SPECIFIC QUALITY, BAB
⊙	0	0	POINIS LUSITANICA/ PERPETUAL LABEL	24-30" HT., BAB, FULL & BUSHY

NOTE: ALL SPECIES SELECTED ARE DROUGHT TOLERANT AND DEMAND LOW WATER USAGE.

NOTE: ALL SPECIES SELECTED ARE DROUGHT TOLERANT AND DEMAND LOW WATER USAGE

TREE PLANTING DETAIL



PROVA

KENNETH D. CAMP
DENVER, COLORADO

ARCHITECTS, ENGINEERS, P.C.
4720 200TH STREET SW SUITE 200
LYNNWOOD, WA 98036
PHONE: 425.674.8861
FAX: 425.674.8862
WWW.AECPC.COM

KDC

PLANS PREPARED BY



PLANS PREPARED FOR:

PROJECTS

POB-

324 NE EVANS ROAD

**Exhibit
A.16.k**

SOUTH ELEVATION

AL



SSC

**Exhibit
A.16.a**

REVISIONS		DATE	NO.
BY	DESCRIPTION		

FOR CORRECTIONAL ALLOCATION


D. CREW: JAR/CRR
D. BOOK: 230/20
DRAWN BY: JAR/MAC
JOB #: 99544.476
DATE: 1/22/10

1 OF 1
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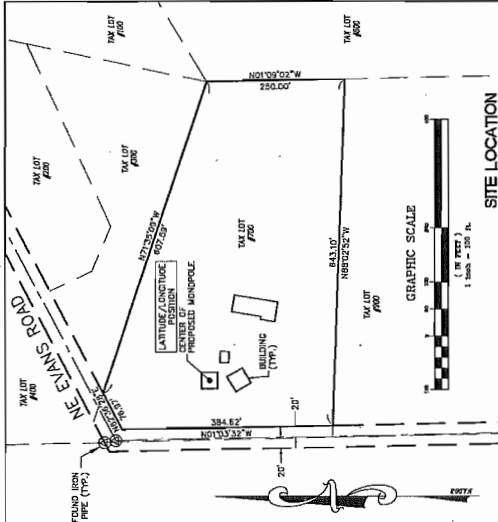
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EASEMENTS

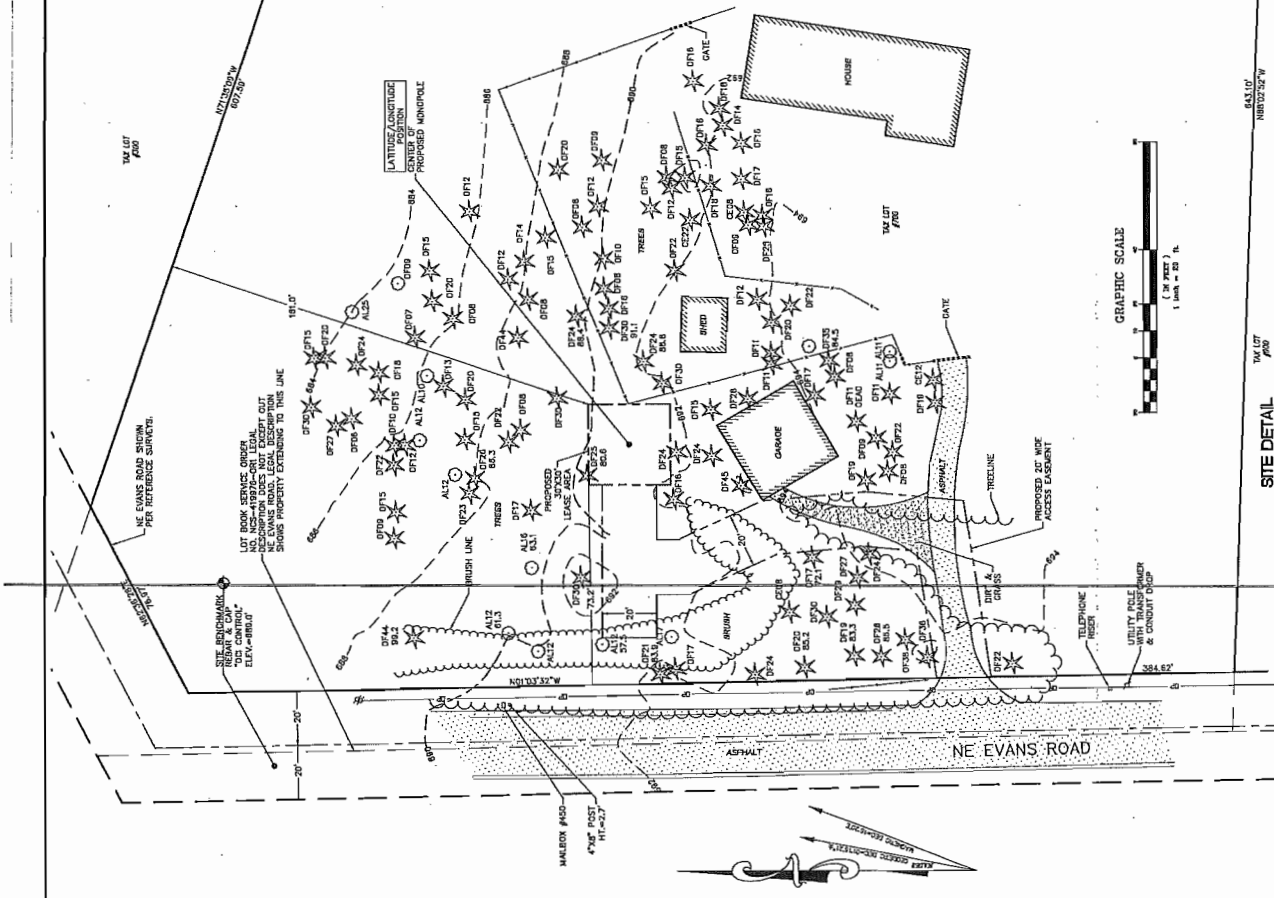
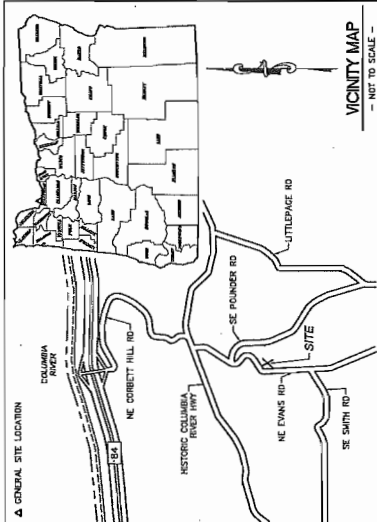
 LOT BOOK SERVICE DOES NOT INCLUDE ANY EASEMENT RESEARCH.

NOTES

- LEGAL DESCRIPTION PER LOT BOOK SERVICE ORDER NO. NCS-448074-0R1, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED 11/20/2009.



SITE LOCATION



2. Prior to land use sign-off of the building permit and any ground disturbance for the proposed development, the property owners or their representatives shall demonstrate compliance with the County's Grading and Erosion Control ordinance. [MCC 35.6180(J)]
3. Prior to land use sign-off of the building permit, the applicant shall submit a color chip for the roof color and siding. Paint or stain used on the siding and tower shall have a "flat" finish. The Equipment Shelter shall use the materials and colors specified on the plans (Exhibit A.16.a. through m.) and within the applicants narrative (Exhibit A.3). [MCC 35.6138(B)(5) & MCC 35.6183(B)(4)]
4. Prior to land use sign-off of the building permit, the applicant shall alter the proposed Portugal Laurel shrubbery to an evergreen tree or native evergreen shrub that will find the habitat suitable. Plant materials utilized shall not be an invasive species. The incense cedars or any other evergreen trees installed shall be a minimum of 5 ft in height at the time of planting. Shrubby shall be a minimum of 30 to 36" high at time of planting. The mature height of the vegetation shall be a minimum of 15 feet tall. Landscaping shall be continuously maintained. If existing or required landscaping becomes diseased or dies, it shall be replaced with a suitable evergreen species for the area. [MCC 35.7050(A)(7)]
5. Prior to land use sign-off of the building permit, the applicant shall demonstrate that the equipment information signage meets the County's Sign ordinance contained in MCC 35.7400 *et al.* A sign permit will be necessary. [MCC 35.7410]
6. Prior to installation of the proposed wireless communication facility on the subject site, the property owners or their representatives shall obtain all necessary building permits for the development. [MCC 35.6180(J)]
7. During construction of the wireless communication facility, Verizon Wireless and its contractors shall protect the trees and shrubs to be maintained on the site. Installation of the underground utilities to the facility shall minimize the amount of root damage to the trees by maintaining all trenching at the drip-lines of the trees when feasible. No trenching shall occur along the base of any evergreen trees. Any tree removed during the construction of the facility or dies within 3 years of construction of the facility shall be replaced with an evergreen tree a minimum of 8 ft in height. The trees shown within 80 ft of the wireless communication facility shall be maintained by the property owner so that the monopine remains in a forested setting. [MCC 35.7050(A)(4), MCC 35.6183(A)(4)(d) & MCC 35.6183(B)(1)(b)1.]
8. Within 30 days of the wireless communication facility commencing operation, a second acoustical study shall be completed to verify that the facility does not exceed 55 dBA Sound Pressure Level (SPL) at the shared property lines with adjacent properties. A copy of the second acoustical study shall be submitted to Land Use Planning within 30 days of its completion. [MCC 35.6183(A)(4)(b)]
9. The property owners and/or wireless communication facility tenants shall notify the Planning Director of all changes in tenants within 90 days of a change of occupancy. Failure to provide written notice shall constitute a violation of the original permit approval and be processed pursuant to 35.0910. [MCC 35.6180(I)]
10. No on-premises storage of material or equipment associated with the provision of wireless communications shall be allowed other than that used in the operation and maintenance of the WCF site. [MCC 35.6180(K)]
11. Noise levels for the wireless communication facility shall not exceed 55 dBA Sound Pressure Level (SPL) at the shared property lines with 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 35.6183(A) (3)]

12. No lighting shall be allowed on the monopine tower. No exterior lighting shall be installed within the chain link enclosure or on the equipment shelter unless required by other applicable state or federal requirements. [MCC 35.6183(B)(8)]
13. The wireless communication facility leaseholders and/or the property owners shall maintain the Wireless Communication Facility in compliance with this permit. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping. [MCC 35.6185(A)].
14. At such time that the wireless communication carrier/leaseholder (carrier) plans to abandon or discontinue, or is required to discontinue, the operation of this wireless communication facility, 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.
 - a. In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.
 - b. Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the wireless communication facility 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 wireless communication facility to its pre-construction condition, except any remaining landscaping and grading.
 - (4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.
 - c. If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.
 - d. If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.
 - e. Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter. [MCC 35.6186]

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off, the applicant shall call the Staff Planner, Lisa Estrin, at (503) 988-3043 ext. 22597, for an appointment for review and approval of the conditions and to sign the building permit plans. Please note, Multnomah County must review and sign off the building permits before the applicant submits building plans to the City of Gresham. Three 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 \$61.00 will be collected. In addition, an erosion control inspection fee of \$82.00 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: Verizon Wireless proposes to construct an unmanned wireless telecommunications facility consisting of a 132- foot tall monopole that will be built to simulate the surrounding evergreen trees in the area. This will be referred to throughout the report as the ‘monopine’. The monopine and associated ground equipment will be located within a 30 ft by 30 ft fenced lease area on the subject property. Landscaping will be installed on the outside of the fencing to screen the ground level activity from Evans Road. The monopine will be able to handle three levels of antennas. Verizon Wireless will install two sets of antenna arrays at 110 ft and 120 ft elevation (centerline of antennas) of the 132 ft tall monopine. The third level at 85 ft will be available for another carrier. Use of the third level will require a co-location permit for the third set of antennas. The ground-mounted radio equipment and emergency generator would be placed in a 11.5-foot by 26-foot equipment shelter located on a concrete pad.

2.00 Property Description & History:

Staff: The subject property is approximately 5 acres. It is irregularly shaped and slopes from west to east. The property contains a home, a garage and storage shed. The site has significant vegetation with a mixture of evergreen trees, shrubs and ground cover over the western quarter and over the eastern half of the property. The area of the home is mostly in lawn and shrubs. The proposed wireless communication facility will be within the western half of the property.

In November 2010, the subject property was approved for a construction of a wireless communication facility very similar to the one proposed. Verizon Wireless did not utilize that decision in a timely fashion and the permit expired 2 years after the final decision in December 20, 2012. Verizon Wireless has resubmitted to gain a new approval to construct a wireless communication facility in the same area and at a similar height.

3.00 Comments

Staff: During the initial comment period, the County received various comments (Exhibits D.1 through D.3) from nearby property owners and the Oregon Department of Fish & Wildlife regarding the proposed project. Concerns expressed have been condensed into the following categories:

- **Harmful Health Effects**

Federal regulations prevent the County from considering possible health effects from wireless communication facilities. The FCC has determined that the technology is safe to the general health and welfare of individuals living near or adjacent to these facilities.

- **Reduction in Property Values**

The Multiple Use Agricultural (MUA-20) zone has various permissible Allowed, Review and Conditional Uses. Wireless communication facilities utilizing concealment technology are allowed in the MUA-20 zone provided they meet the applicable approval criteria. Planning staff is unable to consider economic variables when reviewing a land use application. Please see section 4.01

- **Visual Impacts**

Wireless communication facilities must achieve *visual subordination* in order to be approved. The applicant has provided a *Photo Simulation* study (Exhibit A.7) demonstrating the visual

effect the monopine will have from various locations. Please see sections 6.05, 6.08, 6.10 & 6.11 for additional findings. The monopine will not have exterior lighting (blinking red light).

- **Noise Levels**

The generator will be located within the equipment shelter. A noise study has been submitted indicating that the facility will not exceed 40 dBA at the property lines. A second noise study has been required at the commencement of operation to verify the facility meets the 55 dBA requirement listed in MCC 35.6183(A)(3). Please see section 6.03 for additional findings.

- **Osprey Nesting**

Oregon Department of Fish and Wildlife (ODFW) is concerned about the construction of the monopine as Osprey could be attracted to the monopine for nesting habitat. ODFW recommends that a separate osprey nesting platform adjacent to or attached to the monopine to avoid nesting season problems. Federal law prohibits the disturbance of active nests with eggs or nestlings. ODFW is concern with conflict between maintenance workers and the Osprey.

4.00 Multiple Use Agriculture - 20 Criteria:

4.01 MCC 35.2825 Review Uses

(H) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

Staff: The applicant has applied for a wireless communication facility that employs concealment technology. Subject to compliance with the approval criteria listed in MCC 35.6175 through 35.6188, the proposed development is allowed through the Type II review process.

4.02 MCC 35.2855 Dimensional Requirements

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

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

(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: The subject property fronts onto the public right-of-way known as Evans Road. Evans Road is designated a *Rural Collector* on the County’s Functional Classification of Trafficways. The standard right-of-way width for a *Rural Collector* is 60 feet. Review of the County’s Assessment & Taxation map shows the road right-of-way width for Evans along the subject property’s frontage is 40 feet. An additional 10 feet of land would come from this property

through a dedication process. Since additional land is required to meet the right-of-way needs for the area, the minimum front yard setback is increased to 40 feet.

The distance from the front property line adjacent to Evans Road and the fenced lease area is 73 feet. The enclosure is 161 feet from the northern property line, approximately 185 feet from the southern property line and 530 feet from the east property line. The above yard requirements have been satisfied. Pursuant to MCC 35.2855(E), the wireless communication tower is exempt from the 35 feet maximum structure height. The proposed equipment storage building will be between 12 and 14 feet in height. *These criteria are satisfied.*

4.03 MCC 35.2870 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 35.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**
- (6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A lot of record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 35.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The applicant has provided a warranty deed describing the subject property in its current configuration from October 1967. The current property is 4.98 acres. In 1967, the property was zoned F-2 (Agricultural District). The F-2 district had a minimum lot size of 2 acres. The subject property met the minimum lot size at the time of its creation. *The subject property is a Lot of Record.*

4.04 MCC 35.2880 Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC 35.4100 through 35.4220.

Staff: Pursuant to MCC 35.4205(E), the number of off-street parking spaces required for the proposed wireless communication facility is two spaces. Two parking spaces will be available adjacent to the fenced facility (Exhibit A.16.b. and A.16.c.). The graveled parking area will be 18 feet wide and 45 feet long. This is sufficient for parking (one space = 9 feet wide by 18 feet long) and vehicle movement area (25 feet back-up area). Since trips generated to the site will be limited after construction to one vehicle trip per carrier a month, the use of gravel for this intermittent use is permissible via MCC 35.4180(A)(2). The standards of MCC 35.4100 through MCC 35.4220 have been met. *Criterion met.*

4.05 MCC 35.2885 Access

All lots and parcels in this district shall abut a street or shall have other access determined 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 35.2870(B).

Staff: The subject parcel fronts onto the public right-of-way known as Evans Road. The proposed wireless communication facility is a new use to the site. Multnomah County Road Rules requires all new uses to obtain an Access Permit from the Transportation section to authorize driveway cuts onto the public road. Verizon Wireless obtained the access permit on January 19, 2011. *Criterion met.*

5.00 Wireless Communication Facility Criteria:

5.01 MCC 35.6180 General Requirements.

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

Staff: The applicant has applied for the necessary land use permits to establish a wireless communication facility in Multnomah County. Documentation has been provided that FAA & Oregon Department of Aviation requirements have been satisfied (Exhibit A.8). *Criterion met.*

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

Staff: The subject site does not currently contain a wireless communication facility. If this application is approved, only one ground mount tower will be constructed on the site (Exhibit A.16.a and A.16.b). *Criterion met.*

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

Staff: The property owner, David & Karen Stefonek have authorized the land use application (Exhibit A.1 & A.18). The applicant on this project is Verizon Wireless, a licensed carrier (Exhibit A.1). *Criterion met.*

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

Staff: The subject application is being reviewed through an Administrative Decision by the Planning Director. *Criterion met.*

5.05 (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 35.7000 through 35.7020.

Staff: The applicant has applied for Design Review as part of this application (Exhibit A.1). *This criterion is satisfied.*

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

Staff: The subject application is to install a new wireless communication facility on the subject site (Exhibit A.1 & A.16.a). No modifications to an existing facility are proposed. *Criterion met.*

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

Staff: The applicant has proposed the use of concealment technology for the wireless communication tower (Exhibit A.16.e). The tower will be constructed to look like a pine tree. *Criterion met.*

- 5.08 (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: The Scope of Approval has been modified to address this criterion. *Criterion met.*

- 5.09 (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 35.0910.**

Staff: A condition of approval has been included as part of this decision to remind the property owner and tenants of this requirement. *As conditioned, criterion is satisfied.*

- 5.10 (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: A condition of approval has been included requiring a building permit be obtained and that the Grading and Erosion Control ordinance be met prior to construction. The subject site is not located within designated floodplain or Significant Environmental Concern overlay. *As conditioned, criterion is satisfied.*

- 5.11 (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: A condition of approval has been included as part of this decision to remind the property owner and tenants of this requirement. *As conditioned, criterion is satisfied.*

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

Staff: The proposed wireless communication facility will utilize a single monopole tower concealed as a tree. The facility will be occupied by Verizon Wireless technology (Exhibit A.1 & A.3) as such it does not qualify as a speculation tower. *Criterion satisfied.*

6.00 MCC 35.6183 Approval Criteria for Lands Not Zoned Exclusive Farm Use

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

(A) General and Operating Requirements

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

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

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

Staff: Verizon Wireless has agreed in writing (Exhibit A.7) to the above requirements for co-location. *Criterion satisfied.*

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

Staff: The NEIR report (Exhibit A.9), stamped and signed by the registered professional engineer, David J. Pinion, P.E. of Hatfield & Dawson Consulting Engineers, has provided documentation that the facility will meet the Federal Communications Commission Radio-Frequency (RF) emission standards. *Criterion satisfied.*

6.03 (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 completed an acoustical report (Exhibit A.10) to determine the ambient noise level of the area. Based on the report, the proposed development may not exceed the 55 dBA (SPL) at all property lines. The acoustical consultant Erik Miller-Klein indicates that the noise level at all property line with operation of the equipment will not exceed 40 dBA. To verify the wireless communication facility meets these standards, a condition of approval has been included requiring a second acoustical study be completed after the construction of the facility. *As conditioned, criterion satisfied.*

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

- (a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;**
- (b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.330 through 29.345 when applicable;**
- (c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and**
- (d) Alteration or disturbance of native vegetation and topography shall be minimized.**

Staff: The subject site is outside of any Significant Environmental Concern overlays and areas of Special Flood Hazard. A condition of approval has been included requiring that the project show compliance with the Grading and Erosion Control ordinance prior to land use sign-off of the building permit. The applicant's site plan (Exhibit A.16.b) and narrative (Exhibit A.3) indicate that no trees will be removed. The narrative indicates some shrubs and ground cover vegetation will be removed to install the facility. Reviewing the site plan, it is possible that two trees adjacent to the fenced area may need to be removed. If these trees are removed they will

need to be replaced. Condition No. 7 requires care be taken during construction of the tower and that any tree removed or damaged shall be replaced. The location of the facility is in the flatter portion of the site, so limited topographic modification will be necessary to establish the facility. Grading will be limited to removing the vegetation for the gravel access drive, parking area and 30 ft by 30 ft fenced lease area (Exhibit A.16.b, A.16.c, and A.16.k). *As conditioned, criteria satisfied.*

6.05 (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: Verizon Wireless has indicated that the Corbett area is deficient for serving their customers' voice and data needs (Exhibit A.5). They conducted a search for co-location sites within Corbett and considered the Corbett Fire Station site as it has larger structures than are often found in a rural area (Exhibit A.5). The Corbett Fire Station is located in the National Scenic Area and permitting issues would have likely restricted the construction or height of a wireless communication facility. After considering property availability and terrain restrictions for providing wireless communication services, Verizon Wireless found that co-location was not feasible and that construction of a new tower was necessary. The proposed new facility will utilize concealment technology by constructing a tower that looks like a pine tree. *Criterion satisfied.*

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

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

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

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

Staff: The proposed wireless communication facility will have a tower that looks like a pine tree (monopine) (Exhibit A.4 and A.16.e). The tower at its highest point will be 132 feet (top of monopine branches). The top set of antennas will not exceed 124 feet. The antennas will not be co-located on a building or other structure. *Criterion satisfied.*

6.07

(3) Setback/Yard.

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

Staff: The monopine will be a total of 132 ft in height (Exhibit A.16.e). The proposed distance shown on the site plan (Exhibit A.16.b) is 140+/- feet between the tower and the existing dwelling on the property. *Criterion satisfied.*

6.08

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

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

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

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

Staff: The site plan shows that the tower will be 180 feet from the northern property line, 550 feet from the eastern property line, 227 feet from the southern property line and approximately 73.08 feet from the western property line (Exhibit A.16.b). The total height of the tower is 132 feet. A 50% reduction of the tower setback would be 66 feet. The reduction of the WCF setback to the front property line is 45%. MCC 35.6178 defines *Visual Subordination* as “*The relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly subordinate facilities may be partially visible, but not visually dominate in relation to their surroundings.*” The monopine has been positioned in a forested area (Exhibit A.16.b). Its location helps the monopine blend with the surrounding vegetation and achieve visual subordination from the 6 areas identified for the photo simulation study (Exhibit A.4). Based on the findings in section 3.02 above, the equipment shelter meets the yard requirement of the MUA-20 zone. *Criterion satisfied.*

6.09

(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.

Staff: The exterior siding for the equipment shelter will be cast concrete with a finish to match T-111 siding, and T-111 siding on the gable ends. The siding will be painted dark brown (Exhibit A.16.f). The roof will be dark brown composition shingles (Exhibit A.16.f). These materials are non-reflective. *Criterion satisfied.*

- 6.10** (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 equipment shelter will be building will be 13 feet tall from finished grade to the top of the roof ridge. The building will look like a medium sized accessory building with no windows but a gable roof line. *Criterion satisfied.*

- 6.11** (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 monopole will be painted to simulate the color and appearance of the bark on surrounding mature evergreen trees. A condition of approval has been included that the paint used on the monopole shall have a "flat" style finish. *As conditioned, criterion satisfied.*

- 6.12** (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.**

(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 has indicated that the bottom 40 feet of the monopine will not contain any simulated branches to allow climbing of the structure. In addition, a six foot tall chain link fence will be constructed around the monopine and equipment shelter. The chain link fence will have a galvanized coating to make it non-reflective. *Criteria satisfied.*

- 6.13** (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 has indicated that no lighting will be installed on the monopine or equipment shelter (Exhibit A.3). *Criterion satisfied.*

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

Staff: The applicant has indicated that no signage, other than equipment information signs as required by law, are proposed (Exhibit A.3). *Criterion satisfied.*

- 6.15** (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 fifty (350) square feet.

Staff: Access from Evans Road to the new wireless communication facility will start from the existing driveway for the property. The existing driveway is paved with asphalt. The existing driveway will be widened to 20 feet. After entering the site for 45 feet, an existing dirt and grass driveway branches off for access to an existing garage. The wireless communication facility will utilize this driveway branch and then extend it to the lease area. The driveway will be widened to 20 feet and a parking area constructed to the west of the wireless communication facility. This driveway branch will be graveled to achieve a durable and dustless surface and to be able to support a wheel load of 4,000 pounds. The fire district finds that the proposed access improvements are in compliance with the Oregon Fire Code (Exhibit A.14.c]. *Criterion satisfied.*

6.16

(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 is proposing to plant five incense cedar and eight Portugal laurel (Exhibit A.16.k). Portugal laurel is an invasive species in Oregon. The applicant needs to alter the proposed shrubbery to an evergreen tree or native evergreen shrub that will find the habitat suitable. The applicant has indicated that no trees will be removed to develop the monopine facility. There are two trees near the enclosed facility that may be damage or need to be removed. If it is determined during construction they must be removed, new trees will need to be planted in addition to the ones proposed by the applicant. Condition No. 7 covers the situation. Conditions of approval have been included requiring protection of the trees' root zones during construction. *As conditioned, criterion satisfied.*

6.17 MCC 35.6185 Maintenance.

(A) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance

shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

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

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

6.18 MCC 35.6186 Abandonment.

(A) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify Multnomah County Land Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

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

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

(1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.

(2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.

(3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.

(4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

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

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

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

Staff: A condition of approval has been included to require the facility owner and property owner to remove the tower if it is abandoned in the future.

7.00 Design Review Criteria

7.01 § 35.7020 APPLICATION OF REGULATIONS

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 34.4205 shall only be subject to the following Design Review approval criteria: MCC 34.7050(A)(1)(a) and (1)(c), (4) and (7), except when located in the RC zone districts.

Staff: The 350 square foot parking area can accommodate two parked vehicles. The proposed project is only subject to the Design Review criteria listed in (B).

7.02 MCC 35.7050 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.

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

Staff: The proposed wireless communication facility will utilize concealment technology to blend in with the surrounding environment. The area where the wireless communication facility will be located is heavily treed (Exhibit A.16.a, A.16.b and A.16.l.) and has significant shrub and ground cover. The monopole will be camouflaged as a pine tree. The pole will be painted to match the surrounding tree trunks and artificial tree branches installed so that from a distance it will resemble a tree. The equipment building will utilize concrete siding with a treatment to look like T-111. The roof will be composition shingles in the dark brown tone. The chain link enclosure will be shielded from Evans Road by existing shrubs and trees which will be enhanced by additional landscaping on the west and northern side of the facility (Exhibit A.16.l).

The proposed wireless communication facility will be located in an area with significant tree cover that can be supplemented with evergreen shrubs and trees to support the proposed concealment choice of a monopine. The equipment building will house the facilities equipment and generator. It is similar in size to a medium sized accessory building. The entire facility will fit within a 30 ft by 30 ft chain link compound which will be screened from Evans Road by existing and proposed vegetation. *Criteria satisfied.*

7.03 (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 applicant has indicated that no trees need to be removed to install the wireless communication facility. There are two trees located immediately adjacent to the fenced facility that may need to be removed during the construction (Exhibit A.16.l). Pursuant to Condition No. 7, if they are removed they must be replaced in a timely fashion. The location of the facility is in an area with limited slope and grading will be minimized. A condition of approval has been included reminding the applicant of the need to protect the trees and shrubs during

construction of the facility. *As conditioned, criterion satisfied.*

7.04 (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 applicant has indicated that the area of the site where the facility will be installed is heavily treed and has significant brush between Evans Road and the facility. The applicant is proposing to screen the facility from Evans Road with five Incense Cedars and eight Portugal/Portuguese Laurels. Portugal Laurels are invasive plants and are not a suitable plant material to utilize. A condition of approval has been included requiring that a different evergreen tree or shrub be used that is evergreen and not a nuisance species. A condition of approval has been included requiring a change in the type of landscaping plants used to screen the facility from Evans Road. *As conditioned, criterion satisfied.*

8.00 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 and Design Review application to establish a wireless communication facility in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘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 T2-2013-2981 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	7.12.2013
A.2	1	Right of Entry Form	7.12.2013
A.3	22	Application for Design Review and Planning Director Review Narrative	7.12.2013
A.4	8	Exhibit A – Photo Simulations	7.12.2013
A.5	11	Exhibit B – Engineering Study and Coverage Maps	7.12.2013
A.6	16	Exhibit C – Tower Engineering	7.12.2013
A.7	2	Exhibit D – Co-location Authorization Letter	7.12.2013
A.8	4	Exhibit E – FAA/ODA Verification	7.12.2013
A.9	7	Exhibit F – NIER Report	7.12.2013
A.10	3	Exhibit G – Acoustic Report	7.12.2013
A.11	2	Exhibit H – Lot of Record Document	7.12.2013

A.12	3	Exhibit I – Existing Accessory Structure Final Permit Verification	7.12.2013
A.13	2	Exhibit J – Tower Failure and Ice Hazard Report	7.12.2013
A.14	5	Exhibit K – Service Provider Documents a. Certification of On-Site Sewage Disposal – 2 pages b. Police Services Review – 1 page c. Fire District Review (non-residential) – 1 page	7.12.2013
A.15	2	Exhibit L – Storm Water Certificate	7.12.2013
A.16		Cover Sheet – Sheet T-1 of Plans (1 page) a. Existing Site Survey – Sheet C1 (1 page) b. Overall Site Plan – Sheet A-1 (1 page) c. Enlarged Site Plan – Sheet A.1.1 (1 page) d. Equipment Layout Plan – Sheet A.2 (1 page) e. South & West Elevation for Monopine– Sheet A-3 (1 page) f. Equipment Shelter Elevations – Sheet A-4 (1 page) g. Construction Plans – Sheets A-4.1, A-5, A-7, A-8, E-1 (5 page) h. Electrical/Fiber Site Plan – Sheet E-2 (1 page) i. Grounding Plan – Sheet E-3 (1 page) j. General Plan Details – Sheet E-4 (1 page) k. Landscape Plan – Sheet L-1(1 page) l. Notes – Sheet N-1 (1 page) m. Grading and Erosion Control Plan – Sheet C-2 (1 page)	7.12.2013
A.17	2	Response Letter to Request for Additional Information	8.13.2013
A.18	2	Signed General Application Form – Attachment 1	8.13.2013
A.19	2	Email from County Planning – Attachment 2	8.13.2013
A.20	3	Highlighted Engineering Document – Attachment 3	8.13.2013
A.21	2	Updated Tower Failure Report – Attachment 4	8.13.2013
A.22	10	Updated Engineering Report – Attachment 5 (3 pages) a. POR Corbett RF Justification document dated July 3, 2013 (7 pages)	8.13.2013
A.23	3	Updated Fire District Review Form – Attachment 6	8.13.2013
'B'	#	Staff Exhibits	Date
B.1	2	A&T Property Information for 1N4E34D – 00700	7.12.2013

'C'	#	Administration & Procedures	Date
C.1	2	Incomplete Letter	8.07.2013
C.2	1	Applicant's Acceptance of 180 Day Clock	8.07.2013
C.3	1	Complete Letter (Day 1 – 8.13.2013)	8.19.2013
C.4	6	Opportunity to Comment	8.28.2013
C.5	19	Administrative Decision	10.29.2013
'D'	#	Comments Received (if needed)	Date
D.1	1	Oregon Dept of Fish & Wildlife Comments regarding Osprey and Wireless Communication Facilities	9.09.2013
D.2	5	Boileau Written Comments	9.10.2013
D.3	20	Wyckoff & Boom Written Comments	9.11.2013