



**MULTNOMAH COUNTY**  
**LAND USE PLANNING DIVISION**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
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## **DECISION OF THE PLANNING DIRECTOR**

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### **DESIGN REVIEW**

**Case File No.: DR 8-99**

**January 10, 2000**

**Proposal:** Application for a Design Review (DR) permit for a cellular telephone communications 160-foot monopole (including antennas) site on the subject parcel. The applicant obtained approval for the Community Service application, CS 1-97, under the Board of County Commissioner's Board Order, issued on February 3, 1998. The Design Review application is required for all Community Service use applications.

**Location:** 14443 NW Charlton Road  
Tax Lot 7, Section 16, T2N, R1W, WM.  
R#97116-0070.

<b>Applicants:</b>	Eero Tantuu	Donald Larson
	C.A. Simon & Associates	American Tower Corp.
	9331 NE Colfax, Suite 201	6613 S. 192 <sup>nd</sup> Place, Suite K-102
	Portland, OR 97220	Kent, WA 98032

**Property Owner:** Sauvie Island Grange #840  
18143 NW Reeder Road  
Portland, OR 97231

**Zoning:** Multiple Use Agriculture (MUA-20).

### **Planning Director's Decision:**

**Approved with Conditions,** the request for Design Review approval for the 160-foot monopole and antennas on the subject parcel. The applicant's proposal for the cellular communications tower received Community Service use approval under case file CS 1-97 with the Board of County Commissioner's Board Order issued on February 3, 19998.

**APPROVAL CRITERIA:** The applicable approval Criteria for this decision include the following Multnomah County Code (MCC) provisions: MCC 11.15.2122 et seq., Multiple Use Agriculture (MUA-20); MCC 11.15.6100 - .6148, Off-Street Parking and Loading (OP); and MCC 11.15.7805 - .7870, Design Review (DR).

## **CONDITIONS OF APPROVAL:**

1. The applicant shall obtain a sign permit for any sign proposed for the site. The Multnomah County Code provides criteria for signs in Section .7902 to .7982.
2. The applicant and/or property owner shall obtain approval of a Grading and Erosion Control permit (GEC), prior to issuance of building permits, for any disturbance of soil or earth materials - including but not limited to cutting, stripping, filling, stockpiling, or any combination thereof - that exceeds 50 cubic yards.
3. The applicant shall paint the monopole in accordance with the provisions of MCC 11.15.7035 (B)(7)(a) except as modified by this condition. The tower shall be painted brown from base to treeline, with the remainder painted silver or given a galvanized finish.
4. 25-foot vegetation buffer: Section .7035 (B)(11) requires the installation of "At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart" in addition to the previously stated vegetative requirements in the Conditions of Approval from CS 1-97.
5. Condition of Approval #10 from CS 1-97 requires two parking spaces on the site for the cellular communications tower. The applicant site plan attached as Exhibit #2 (site plan sheet A1) illustrates two (2) parking spaces for the site. The parking spaces shall be in compliance with the MCC parking standards and thus shall be 9 feet wide and 18 feet in length. The applicant site plan illustrates compliance with the requirement. Section .6106, Continuing Obligation, requires the applicant to maintain and retain the required number of parking spaces on the site.
6. The applicant is required to provide documentation to Multnomah County Land Use Planning that the gravelled driveway provides "a durable and dustless surface capable of carrying a wheel base load of 4,000 pounds" in accordance with MCC 11.15.6132. This documentation shall be provided to the County within 60 days of construction of the driveway.
7. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating documents. The applicant shall be responsible for implementing the development plan as presented and approved. The applicant shall comply with the conditions set forth in the prior related case, **CS 1-97**, and in this case, **DR 8-99**, except as may be modified by this decision and related decisions.
8. No additional land use action and/ or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been **paid in full**.
9. All work approved under this decision, **DR 8-99**, **CS 1-97**, and related decisions, is contingent upon the Decision of the Planning Director for a Determination of Substantial Construction with CS 1-97 or an appropriately filed request for a time extension (MCC 11.15.7010 (B)) on the project. With case file MC 0-1, the applicant has requested the Planning Director determine if substantial construction or development has taken place under CS 1-97 in accordance with MCC 11.15. 7010 (C)(3) and based on the applicant's

submitted evidence. Failure to obtain approval for MC 0-1 or a time extension on CS 1-97 shall result in expiration of the approval of CS 1-97 and render DR 8-99 non-applicable.

## **Summary**

### **Applicant:**

*Narrative statement from the General Land Use Application Form.*

This is an application to build a mobile telephone receiving/ transmission site with a 150' monopole. The plans incorporate the Hearings Officers conditions of case CS 1-97.

### **Staff:**

The subject parcel is zoned Multiple Use Agriculture (MUA-20). The site is directly accessed via NW Charlton Road. The property owner of the subject parcel (R#97116-0010) is the Sauvie Island Grange. There are existing buildings on the site; the location of these buildings is illustrated on site plan sheet C1, attached as Exhibit #2.

The applicant narrative and site plan materials describe a 160-foot monopole, including antennas, to be constructed on the site. The site will also contain the following structures as shown on site plan sheet A1: the light control panel rack and load center, the "power/ telco" distribution center pedestal, two future equipment shelters (12' x 24') and two pcs pads (10' x 15').

The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in MCC 11.15.6100 for Off-Street Parking and Loading (OP) and in MCC 11.15.7805 for Design Review (DR). Section .7010 (F) of the Community Service provisions requires Community Service applicants to obtain Design Review approval. The applicant received approval with conditions for a Community Service use, CS 1-97, on February 3, 1998 under the Board of County Commissioner's Final Order for the 160-foot cellular communications monopole with antennas and related facilities. The BCC's Final Order upheld the Hearings Officer's decision that was issued on December 31, 1997.

Condition of Approval #8 from the Hearings Officer decision on CS 1-97 stated, "The approval of this Community Service Use shall expire two years from the date of the issuance of the Board Order in the matter, or two years from the date of the final resolution of subsequent appeals, whichever date is later, unless the project is completed as approved or the Planning Director determines that substantial construction or development has taken place."

The applicant has submitted a request for a Determination of Substantial Construction, identified as case file MC 0-1, of the CS 1-97 approval. The applicant submitted the request on January 3, 2000. A determination of substantial construction or development is required when development approved in a Conditional Use or Community Service permit has not been completed within two years of the approval. As stated earlier, the Board of County Commissioners signed the Final Order for CS 1-97 on February 3, 1998.

The Hearings Officer's decision issued on December 31, 1997 for CS 1-97, in Condition of Approval #10, required two parking spaces on the site for the cellular communications tower. Site plan sheet A1, attached as Exhibit #2, illustrates the location of the parking spaces.

Based on a January 3, 2000 conversation with the applicant representative, Donald Larson of American Tower, over 50 cubic yards of earth material will be moved to accommodate the monopole and the six associated structures illustrated on site plan sheet A1. The applicant is required to obtain a Grading and Erosion Control permit and this is identified as Condition of Approval #2. The site plan sheet A1, attached as Exhibit #2, shows the following structures on the site for the telecommunications system: the monopole (not to exceed 160 feet in height), the light control panel rack and load center, the "power/telco" distribution center pedestal, the two future equipment shelter pads (12' x 24'), and the two future pcs pads (10' x 15').

The provisions of MCC 11.15.7035 (B)(7)(a) state "Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish." The Hearings Officer decision dated December 31, 1997 includes a discussion of what color the tower should be painted. The Hearings Officer stated, "...within a stand of trees, brown rather than green is a color that blends well with the trees. The applicant will work with the County during Design Review to select the most appropriate color for the facility as both the pole and the antenna can be painted any color without affecting the operation of the facility." In addition, the Hearings Officer stated, "Compliance with the colors set forth in the Code, green within the tree line and silver above, will be adhered to by the applicant, unless alternative colors are approved in design review." Under Condition of Approval #3, Staff has established the color of the monopole as brown from base to tree line. Above the tree line, the monopole shall be of a galvanized finish (non-reflective) to blend with the sky.

The applicant narrative, submitted December 8, 1999, states that "no exterior signs, graphics, or other information features" are proposed for the site.

The application for Design Review, DR 8-99, was submitted on December 8, 1999 and deemed complete on January 7, 2000. Staff visited the site on January 4, 2000.

Exhibits:

- 1) Reduced copy of the applicant's site plan.
- 2) Reduced copy of the applicant's detailed site plan.
- 3) Reduced copy of the applicant's landscape plan.
- 4) Reduced copy of the elevation drawing of the cellular communications monopole and the fence.

**Multnomah County Code**

**Multiple Use Agriculture (MUA-20)**

**11.15.2122 Purposes**

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

#### **11.15.2124 Area Affected**

**MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.**

**Staff:** The subject parcel is zoned MUA-20 according to the zoning maps on file at the Multnomah County Land Use Planning office.

#### **11.15.2126 Uses**

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.**

**Staff:** Under Section .2132, the provisions of subsection (A) in the MUA-20 zone list "Community Service Uses pursuant to the provisions of MCC .7105 through .7041" as a Conditional Use. The applicant received approval for the use of the site as a cellular communications tower under the Community Service listing in Section .7020 (A) (15) for "radio and television transmission towers".

#### **11.15.2132 Conditional Uses**

**The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:**

- (A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;**  
*[Amended 1982, Ord. 330 § 2]*

**Staff:** See comments in Section .2126 above.

#### **11.15.2134 Accessory Uses**

- (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982.** *[Amended 1986, Ord. 543 § 2]*  
**(B) Off-street parking and loading;**

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- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and**

**Staff:** The applicant states that no signage will put on the site. The applicant site plans indicate the monopole will share the site with a light control panel rack and load center, a "power/ telco" distribution center pedestal, two future equipment shelters (12' x 24'), and two future pcs pads (10' x 15'). Site plan sheet A1 also indicates the two parking spaces on the driveway to the cell tower site. The site plan sheet A1 is attached as Exhibit #2.

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#### **11.15.2138 Dimensional Requirements**

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.**

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

(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.**

*[Amended 1984, Ord. 428 § 2]*

- (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 Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

- (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.

- (F) *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

**Staff:** The proposed monopole and the related structures, as shown on the applicant's submitted site plans, meet the front, rear, and side yard setback requirements of the MUA-20 zone. The structure exceeds the height limit of the zone.

**11.15.2142      Lot of Record**

- (A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.

**Staff:** The subject parcel's size and shape was altered after October 6, 1977 by a Lot of Exception case, LE 7-95, as noted on the 1989 land use map on file at Multnomah County.

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

**Staff:** The subject parcel contains 3.54 acres according to the Multnomah County Assessment and Taxation records. The area of the subject parcel is less than the required 20-acre minimum lot size of the MUA-20 zone. Case file LE 7-95 granted approval for the smaller than required lot. The subject parcel exceeds the front lot line minimum requirement. The application meets the criterion.

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- (D) Except as otherwise provided by MCC .2140, .2144, .6256 and .7720, no sale or

conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

**Staff:** This criterion is included for informational purposes.

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#### **11.15.2146 Off-Street Parking and Loading**

**Off-Street parking and loading shall be provided as required by MCC .6100 through .6148.**

**Staff:** The applicant site plan illustrates the subject parcel will contain two (2) parking spaces for the cellular communications tower site. The applicant narrative states the "site is un-manned". In addition, the applicant states "It will require maintenance visits, on the order of once a month, by a technician. There is adequate space within the site for the parking of a service vehicle." Condition of Approval #10 from the Hearings Officer's decision from December 31, 1997 contained the following statement, "The applicant shall be required to provide two parking spaces on the site." The application meets the criterion for required parking spaces. For additional analysis, please see the Off-Street Parking and Loading requirements below.

#### **11.15.2148 Access**

**Any lot 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.**

**Staff:** The subject parcel (R#97116-0070) is accessed via NW Charlton Road. The applicant site plan shows that the applicant will use a portion of the existing driveway on the subject parcel and will extend that driveway to access the cell tower site. The application meets the criterion.

### **Off-Street Parking and Loading (OP)**

#### **11.15.6100 Purposes**

**The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.**

#### **11.15.6102 General Provisions**

**In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.**

**Staff:** The applicant received approval under the Hearings Officer decision for CS 1-97 issued on December 31, 1997 for the use of the site for a cellular communications facility (the 160-foot monopole and accessory structures). The BCC upheld an appeal of the Hearings Officer's decision and the Final Order for CS 1-97 was issued on February 3, 1998. The applicant/ property owners are hence required to meet the parking standards of the Multnomah County Code as described herein.

#### **11.15.6106 Continuing Obligation**

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

**Staff:** The applicant/ property owners shall maintain the required level of parking on the site. The applicant site plan illustrates a total of two (2) parking spaces as required by the Hearings Officer's decision in Condition of Approval #10 and under Section .7035(B)(9). The application meets the criterion.

#### **11.15.6108 Plan Required**

**A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.**

**Staff:** The applicant has submitted detailed site plans showing the required items: location of the proposed structures, parcel dimensions, access to the site, circulation layout for vehicles and pedestrians, space markings, setbacks, site elevations, abutting uses, and landscaping. The site plans were submitted on December 8, 1999 and show the required parking spaces on the subject parcel and the buffer requirements. Revised site plans were submitted by the applicant on January 7, 2000. Attached to this decision are Exhibits #1, #2, #3; these are reduced copies of site plans submitted by the applicant. The application meets the criterion.

#### **11.15.6110 Use of Space**

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

**Staff:** The on-site parking spaces will be provided as required under Condition of Approval #10 in the Hearings Officer's decision issued on December 31, 1997. The number of required spaces is determined under Section .7035 (B)(9). The applicant describes the site as un-manned and that the site will have a technician visit the site one time per month. The application meets the criterion.

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#### **11.15.6112 Location of Parking and Loading Spaces**

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

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

**Staff:** The applicant site can and will accommodate the required parking and maneuvering areas. The application meets the criterion of subsection (A) and (C).

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#### **11.15.6116 Change of Use**

- (A) **Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.**
- (B) **In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.**

**Staff:** The applicant is required to install the appropriate number of required parking spaces for the cellular communications facility on the site, as previously discussed. See also the Conditions of Approval. The applicant shall submit for the appropriate and required applications as applicable at the time of future activity on the site.

#### **11.15.6126 Design Standards: Scope**

- (A) **The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**
- (B) **All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.**

**Staff:** The applicant is required to comply with the parking standards as described by the Multnomah County Code and included herein the decision for DR 8-99. This criterion is included for informational purposes.

#### **11.15.6130 Dimensional Standards**

- (A) **Parking spaces shall meet the following requirements:**
- (I) **At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**

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**(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.**

**Staff:** The applicant site plan illustrates the location of the two parking spaces on the site. Based on the scale of the submitted site plan, the applicant proposes to construct the two required parking spaces in accordance with the requirements. The application meets the criterion.

**11.15.6132 Improvements**

**(A) Surfacing**

- (I) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.**

**Staff:** The applicant site plan illustrates the driveway will be a 12" wide, gravelled driveway with "paving to match that of the compound". The applicant is required to provide documentation to Multnomah County Land Use Planning that the gravelled driveway provides "a durable and dustless surface capable of carrying a wheel base load of 4,000 pounds." Condition of Approval #6 requires this documentation be provided within 60 days of construction of the driveway. The application meets the criterion for having a durable parking surface at the site.

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**(B) Curbs and Bumper Rails**

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

**Staff:** The cellular communications tower site is enclosed by a 6-foot high chain link fence with 12" high, 3-strand, barbwire top, according to the site plan attached as Exhibit #2. In addition, maple trees border the subject property on two sides. The applicant will also provide a 25-foot wide landscape buffer along NW Charlton Road. The application meets the criterion.

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

**Staff:** Staff did not review drainage calculations for the site with this application. Drainage calculations will be reviewed under the Grading and Erosion Control permit. The applicant is required to meet the standard.

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**11.15.6134 Lighting**

**Any artificial lighting which may be provided shall be shielded or deflected so as to not**

**shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.**

**Staff:** The applicant has provided a copy of the utility plan for the site; the sheet is identified as sheet E2 in the submitted plan set. Therefore, based on information provided by the applicant, Staff finds the application meets the criterion.

#### **11.15.6136 Signs**

**Signs, pursuant to the provisions of 11.15.7964.**

**Staff:** Pursuant to the applicant statement in MCC 11.15.7850(A)(1)(a)(9), no signs will be established on the site. Staff has established a Condition of Approval requiring the applicant to obtain a sign permit if a sign is proposed for the site in the future.

#### **11.15.6138 Design Standards: Setbacks**

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

**Staff:** The applicant driveway connects directly to NW Charlton Road, a public street. The driveway and parking area are not within the required yard setback. Staff finds the application meets the criterion.

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#### **11.15.6140 Landscape and Screening Requirements**

- (A) The landscaped areas requirements of MCC .7855(C)(3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC .6126(A).**

**Staff:** The applicant site plan illustrates the requirements of Section .7855 (C)(3) to (7). See the Staff comments under those provisions. The application meets the criterion.

- (B) Parking or loading spaces located within 50 feet of a property line of a lot in a residential or other district listed in MCC .2002 through MCC .2966 shall be separated from such property line by a sight-obscuring fence with height and materials suitable to meet the requirements of subsection MCC .7850(A)(7).**

**Staff:** The applicant states that a fence will be constructed around the cellular communications tower portion of the subject parcel. In addition, the site plan illustrates the vegetative buffer along NW Charlton Road, and between the subject property and the abutting Sauvie Island school property. The application meets the criterion.

#### **11.15.6142 Minimum Required Off-Street Parking Spaces**

*See Section .7035 (B)(9), Radio and Television Transmission Towers.*

- (B) Approval criteria for new transmission towers in urban residential districts. New**

transmission towers in urban residential districts permitted under MCC .7020(15)(a) may be allowed, based on findings by the approval authority that the following approval criteria are met.

- (9) **Parking** – A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel.

**Staff:** The applicant site plans, attached as Exhibit #1 and Exhibit #2, illustrate the location of the two (2) required parking spaces as established under Condition of Approval #10 from the December 31, 1997 Hearings Officer decision. The application meets the criterion.

### **Design Review (DR)**

#### **11.15.7805 Purposes**

**MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.**

**Staff:** As has already been established, the applicant/ property owners are required to submit the Design Review application pursuant to Condition of Approval #11 under the Hearings Officer decision issued December 31, 1997 for CS 1-97. In addition, Section .7010 (F) requires all Community Service uses to obtain Design Review approval.

#### **11.15.7810 Elements of Design Review Plan**

**The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.**

**Staff:** The required items have been illustrated on the applicant's submitted site plans. Cut and fill areas will be illustrated on the applicant's plans for the Grading and Erosion Control permit. The application meets the criterion.

#### **11.15.7830 Design Review Plan Contents and Procedure**

**(F) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:**

- (1) Access to site from adjacent rights-of-way, streets, and arterials;**
- (2) Parking and circulation areas;**
- (3) Location and design of buildings and signs;**
- (4) Orientation of windows and doors;**

- (5) Entrances and exits;
- (6) Private and shared outdoor recreation spaces;
- (7) Pedestrian circulation;
- (8) Outdoor play areas;
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
- (10) Areas to be landscaped;
- (11) Exterior lighting;
- (12) Special provisions for handicapped persons; and
- (13) Other site elements and spaces which will assist in the evaluation of site development.

**Staff:** See Section .7840 (A) for Staff comments.

#### **11.15.7840 Final Design Review Plan**

**Following receipt by the applicant of the summary findings and conclusions under MCC .7835, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:**

- (A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC .7830(F) and (G), as appropriate;**

**Staff:** The applicant has identified the size and the species of the existing vegetation on the site and the vegetation that will be planted. Not all of the applicant's submitted site plans are attached to this decision as exhibits. The complete set of submitted site plans is located in case file DR 8-99. The application meets the criterion of Section .7830(F) and (G).

- (B) Architectural drawings, indicating floor plans, sections, and elevations; and**

**Staff:** The applicant has submitted elevation drawings and floor plans of the subject monopole and antennas. The applicant has provided the site plans illustrating the location of the related accessory structures: the light control panel rack and load center, the "power/ telco" distribution center pedestal, the two equipment shelter pads (12' x 24') and the two pcs pads (10' x 15'). The applicant will provide additional elevation drawings of the proposed structures at the time of issuance of building permits. The application meets the criterion.

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#### **11.15.7850 Design Review Criteria**

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

**(I) Relation of Design Review Plan Elements to Environment.**

- (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.**

**Applicant:** The elements of the design review plan, namely, the tower and the proposed future shelters, are designed and arranged so as to fit well in the natural environment. The shelters, although they are not specifically designed at this time, will be of standard low, single-story profile, and typically constructed with pre-cast concrete walls in earth tone colors. They will be well screened in the proposed location by existing vegetation. The antenna tower is a monopole structure, of a height and diameter similar to the trunks of the surrounding Douglas Fir trees, which will provide screening for all but the very top of the tower and its antennas.

**Staff:** The applicant will maintain the landscaping as illustrated on the site plan submitted December 8, 1999 and revised January 7, 2000. The application met the criterion under CS 1-97, as described in the Hearings Officer decision issued on December 31, 1997, and thus the Design Review application, DR 8-99, meets this criterion for harmonious relationships to the existing natural and built environment in the area.

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

**Applicant:** The proposed antenna monopole is intended to serve unmanned telecommunications facilities which require little in terms of climatic control. In this climate, the issue would be only one of summer cooling for the electronic equipment. The proposed site will minimize the need for air-conditioning because of its location in the shade of the existing Douglas Fir trees. The site will be protected from the winds of winter storms by the same trees. The proposed facilities produce no air pollution, and minimal noise (from air-conditioners or emergency generators), which will be muffled by the surrounding vegetation.

**Staff:** As described by the applicant, the site will include air-conditioning units to cool the electronic equipment. Surrounding vegetation will muffle the low level of noise that may emanate from the air-conditioning units. The Hearings Officer decision dated December 31, 1997 includes a discussion of structural failure. The Hearings Officer stated, "The design of the structure is such that if there is a structural failure, the tower will fold and buckle, rather than topple over." The Hearings Officer also stated, "The engineering design information also indicates that ice fall will be confined to a 20-foot radius around the base of the monopole. The amount of falling ice would be no more than experienced on power poles and telephone lines. The applicant has further provided evidence that there is no evidence or history of monopole failure from natural causes." In addition, under Comprehensive Plan Policy #22, the

Hearings Officer stated, "A finding can be made that the applicant's proposal is energy efficient." The application meets the criterion.

- (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.**

**Applicant:** The proposed facilities represent the state-of-the-art of telecommunications technology, and serve their function in the most effective and efficient manner available to the industry. The spatial order of the site is utilitarian - yet it is dictated by the human scale, in that it is planned with the requirements of safety and accessibility for the maintenance technicians who will service the facilities.

**Staff:** The elements of the design review plan submitted by the applicant are efficient and effective. The site plan illustrates the spatial variety and order of the site. The proposed cellular communications tower is located on the same parcel as the Sauvie Island Grange. The use approved under the Community Service use, CS 1-97, was for a cellular telecommunications monopole, including antennas, (total 160-foot in height) and electronics equipment buildings. Staff finds that cellular communication towers are not on a human-scale in and of themselves. However, Staff finds the applicant's proposed tower and related accessory structures will be well screened with vegetation. In the context of the site, the applicant has mitigated visual impacts of the tower and accessory structures. The application meets the criterion.

- (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.**

**Applicant:** The site is designed within all guidelines and parameters of all local, State, and Federal codes. The site will be fenced for security, and to protect the health, safety and welfare of the public.

**Staff:** The applicant site plan shows the location of the proposed cellular communications tower and the accessory structures. The vegetation and the fence provide "appropriate transitions" for public and private areas on the site. The Hearings Officer decision issued December 31, 1997 contained the finding (page 14), "The evidence indicates that the existing trees and additional landscaping to be installed on the cell site will preserve the privacy of the nearby residences. In addition, this will be an unmanned facility. Maintenance personnel will only visit the site about twice a month. The landscaping, secluded location of the site, and lack of personnel will protect the privacy of residential property to the extent required by the Code." The application meets the criterion.

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

**Applicant:** Not applicable.

**Staff:** The applicant states this criterion is not applicable. Staff anticipates the applicant will comply with the provisions of the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC) standards for the cellular communications tower. The application meets the criterion.

- (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.**

**Applicant:** The landscape and existing grade will be preserved nearly intact. All existing vegetation not required to be removed shall be fully protected during construction. Additional landscaping of a 25-foot wide area of evergreen vegetation, along the entire Charlton Road frontage, is required by the Conditions of Approval of the Conditional Use Permit. The Conditions further stipulate for the protection of existing trees, and require replacement of any trees removed or damaged, as well as maintenance of landscaping and screening trees, on penalty of rescission of the permit approval.

**Staff:** The applicant is required to comply with the Conditions of Approval from the Community Service approval, CS 1-97. The majority of the site is vegetated with grass and trees. The applicant will plant Hairy Manzanita on the site in the required 25-foot buffer shown on Exhibit #3. The applicant site plan illustrates the location of the trees and shrubs on the site. Staff visit on January 4, 2000. The application meets the criterion.

- (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.**

**Applicant:** The site is un-manned. It will require maintenance visits, on the order of once a month, by a technician. There is adequate space within the site for the parking of a service vehicle.

**Staff:** The site plan illustrates the existing driveway. The site plan also illustrates the location of the parking areas. The subject parcel is directly accessed from NW Charlton Road. The applicant will alter the existing driveway as shown on the submitted site plans. The application meets the criterion.

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

**Applicant:** Surface drainage will not be substantially altered, and will not adversely affect neighboring properties or streets.

**Staff:** Based on a January 3, 2000 conversation with the applicant representative, Donald Larson of American Tower, over 50 cubic yards of earth material will be moved to accommodate the monopole and the six associated structures illustrated on site plan sheet A1. The applicant is required to obtain a Grading and Erosion



Control permit and this is identified as Condition of Approval #2. The site plan sheet A1, attached as Exhibit #2, shows the following structures on the site for the telecommunications system: the monopole (not to exceed 160 feet in height), the light control panel rack and load center, the "power/telco" distribution center pedestal, the two future equipment shelter pads (12' x 24'), and the two future pcs pads (10' x 15'). The applicant has stated that the surface water run-off will not "adversely affect neighboring properties or streets". Staff has not reviewed the stormwater calculations or surface water drainage for the site as that will occur under the Grading and Erosion Control permit. The application meets the criterion.

- (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.**

**Applicant:** The Conditions of Approval of the Conditional Use Permit require landscaping of a 25-foot wide area of evergreen vegetation, along the entire Charlton Road frontage. The Conditions further stipulate for the protection of existing trees, and require replacement of any trees removed or damaged, as well as maintenance of landscaping and screening trees, on penalty of rescission of the permit approval.

**Staff:** The applicant received approval for a *Community Service application* (emphasis added), CS 1-97, for the use of the site as a cellular communication facility. The submitted site plans and elevation drawings illustrate the location of a fence on the subject property. The applicant site plan illustrates the location of the 25-foot "wide area of evergreen vegetation capable of achieving a height of five feet within two years of planting along the entire Charlton Road frontage of the parcel". Sheet L1 of the applicant's submitted site plan information (revised plans from January 7, 2000) shows that the "25-foot wide landscaping buffer" will consist of an area of approximately 25' x 320' area of Hairy manzanita. Condition of Approval #1 of CS 1-97 requires the buffer pursuant to MCC 11.15.7035 (B)(11). In addition, Section .7035 (B)(11) requires the installation of "At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided". The application meets the criterion of minimizing the adverse impacts of the site to neighboring properties by installing the appropriate screening and landscaping.

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

**Applicant:** All utility installations shall either be below ground or located within the site, and will be screened so as to minimize adverse impacts on the neighboring properties.

**Staff:** The applicant describes the utilities will be located below ground or within the site. The applicant also describes that utility installations will be screened. The monopole and related structures will be screened. The application meets the criterion.

- (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.**

**Applicant:** There are no exterior signs, graphics, or other informational features proposed to be on the site.

**Staff:** The applicant states that no new signage is proposed. The criterion is not applicable. Should the applicant propose a sign for the site in the future, the applicant shall submit a sign permit and that sign shall be reviewed by Multnomah County's Land Use Planning office under the sign code provisions.

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## **11.15.7855 Required Minimum Standards**

### **(C) Required Landscape Areas**

**Staff:** The applicant's proposal meets the required landscape standards as described in this decision for DR 8-99. Staff finds subsection (C) has been addressed.

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## **CONCLUSIONS:**

- A. The applicant has carried the burden necessary for granting approval for the Design Review application, **DR 8-99**, for the cellular communications tower (160-foot monopole and antennas) and the related structures as described herein.
- B. Conditions of Approval are necessary to insure compliance with applicable Code provisions and Comprehensive Plan Policies and are enclosed within this document.
- C. The proposal as conditioned, satisfies Design Review approval criteria as detailed in the findings section above.

**NOTICE:** This decision was mailed January 10, 2000 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on January 24, 2000.

### **IN THE MATTER OF DR 8-99:**

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Signed: Tricia R. Sears, *Land Use Planner*  
For: Kathy Busse, *Planning Director*

### **NOTICE:**

*The Decision of the Planning Director detailed above will become final unless an appeal is filed within the 12-day appeal period that starts the day after the notice is mailed. If the 12<sup>th</sup> day falls on a Saturday, Sunday, or a legal holiday, the appeal period extends through the next full business-day. If an appeal is filed, a public hearing will be scheduled before a County Hearings Officer pursuant to Multnomah County Code section 11.15.8290 and in compliance with ORS 197.763. To file, complete an Appeal of Administrative Decision for, and submit to the Multnomah County Land Use Planning Office, together with a \$100.00 fee and supplemental written materials (as needed) stating the specific grounds, approval criteria, or standards on which the appeal is based. To review the application file(s), obtain appeal forms, or other instructions, call Multnomah County Land Use Planning at (503) 248-3043, or visit our offices at 1600 SE 190<sup>th</sup> Avenue, Portland, Oregon, 97233 [hours: 8:00 a.m. -4:30 p.m.; M-F].*

**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.