

# Multnomah County #T2-2025-0023 **Wireless Communications Tower**

Hearing Presentation – June 12, 2026  
Multnomah County Hearings Official

Applicant: New Cingular Wireless PCS, LLC (“AT&T”)

Applicant Representatives:

- Meridee Pabst - Wireless Policy Group
- Tara Carmichael - Smartlink

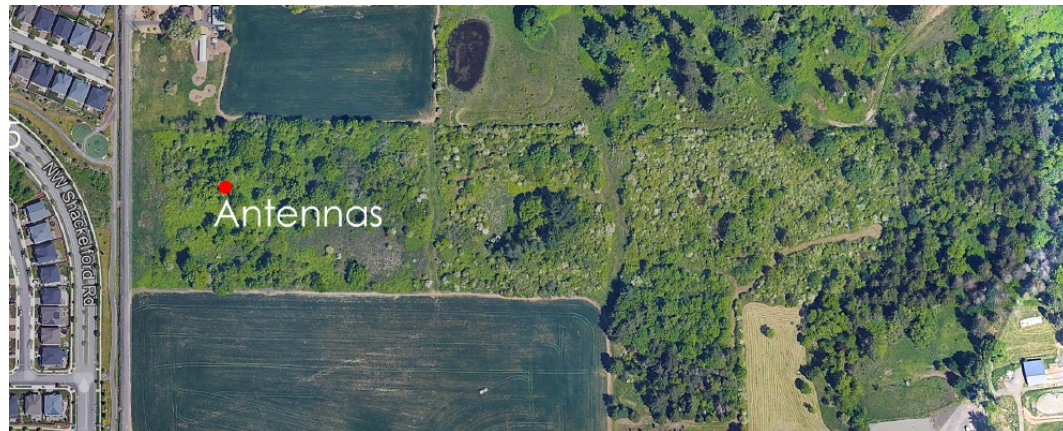


# Project Proposal

- AT&T is proposing to build a 150-foot wireless tower at 13937 NW Springville Road. 150 feet is the total height of the monofir (including stealth branches), and 140 feet is the antenna tip height.
- This tower will fill a significant gap in 4G LTE personal wireless service coverage for the AT&T network and Band 14 coverage to serve the FirstNet network for first responders. In addition, the tower will add AT&T's 5G coverage to the surrounding area.

# Site Location

- Undeveloped parcel
- Zone: Exclusive Farm Use (EFU)
- Surrounding Zoning:
  - Mostly EFU, some MUA-20 to the southeast
  - Beyond the 100-foot-wide BPA easement to the west is R-6



# Staff Report Recommends Approval

- AT&T supports staff's recommendation of approval and proposed conditions.
- AT&T concurs with staff's analysis of the appeal issues related to conditions of approval and process below. Staff report, p. 6.
  - Approval with conditions is standard procedure.
  - Compliance will be checked later in the project timeline (including five years of monitoring & reporting for environmental mitigation), and ultimately subject to code enforcement.
  - No evidence submitted that conditions are infeasible or ineffective to mitigate the impacts of the proposal consistent with the County's code.

# Federal Preemption by Telecom Act

- As explained in AT&T's narrative (Exh. H.1), the Federal Telecom Act preserves local zoning authority subject to listed exceptions.
- **First**, important here:
  - Local jurisdiction may not consider environmental (health) effects of radio frequency emissions so long as applicant has demonstrated that the proposed facility will comply with FCC regulations. Section 332(c)(7)(B)(iv).
    - Applicant has provided an RFSSRP prepared by an Oregon-licensed engineer to show the WCF will comply with RF regulations. See Exh.A-11.
    - Accordingly, this issue is preempted under federal law.
    - Any decision may not be based on asserted health or environmental effects, either directly or indirectly.
    - Letter submitted to the record.

# Effect of Prohibiting Wireless Service

- **Second**: The Telecom Act bars a local jurisdiction from taking any action on a wireless siting permit that “prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services.” Section 332(c)(7)(B)(i)(II). See Narrative, Exh. H.1.
- Since mid-2000s: Significant Gap / Least Intrusive Means Test
  - *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).
    - (1) evidence of a “significant gap” in the carrier’s service and
    - (2) a showing by the carrier that the proposed installation is the “least intrusive means” for closing that gap.
- Also since 2000s, a gap in **“in-building”** coverage is a **significant gap** under the federal test.

# Applicable Criteria – State and Local

- **Oregon State Law:**

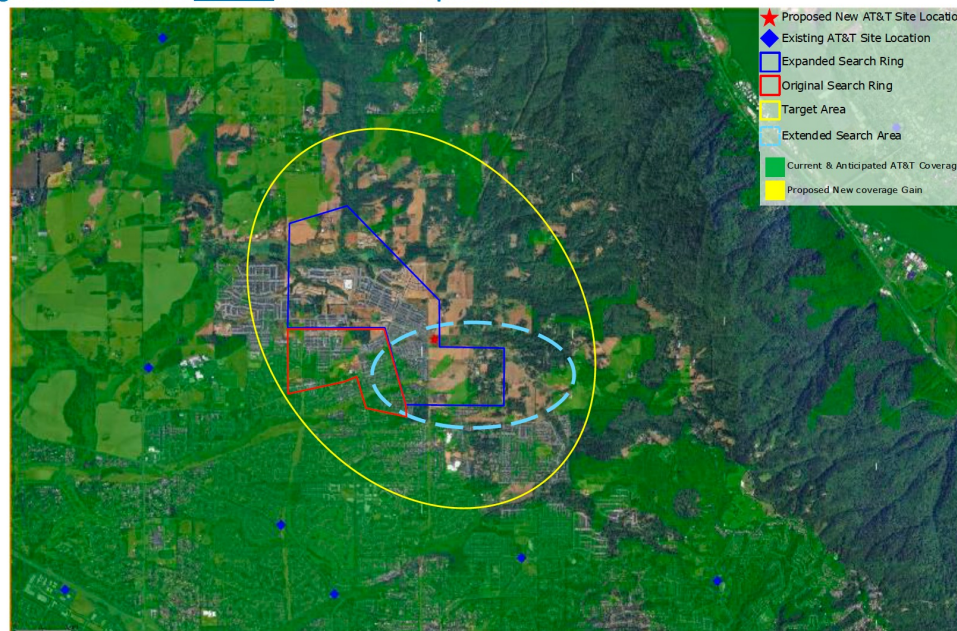
- EFU – use permitted “as of right” – Telecom towers less than 200 feet
- Utilities “necessary for public service” – one or more factors (ORS 215.275):
  - Technical and engineering feasibility
  - Lack of available urban and non-resource lands

- **Multnomah County Code:**

- Siting preferences – must disqualify co-location opportunities
- Design standards
  - County’s second preference is stealth – met
  - Setbacks, etc.
  - Design review standards.

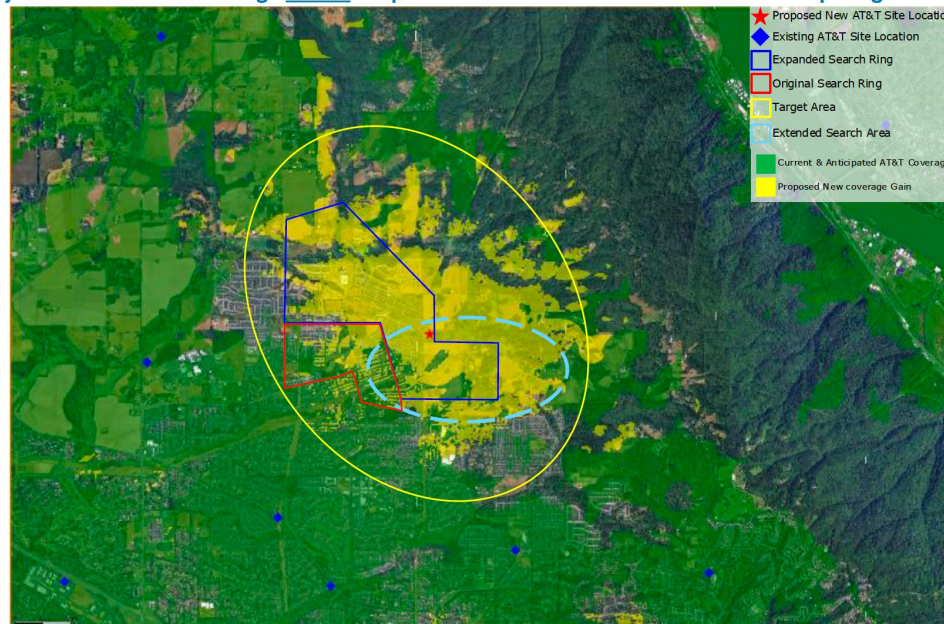
# Search Ring & Existing Coverage

Figure B—Existing AT&T 4G LTE (700 MHz) Coverage Targeted Service Area BEFORE Addition of Proposed New WCF



# Projected New Coverage

Figure C—New AT&T 4G LTE (700 MHz) Coverage  
Projected New AT&T Coverage AFTER Proposed New WCF On-Air—140ft Antenna Tip Height



# ASA for “Necessary for Public Service”

- Statute includes the language “reasonable,” “feasible,” and “available.” **ORS 215.275:**
  - “*must show that **reasonable** alternatives have been considered*”
  - “*technical and engineering **feasibility***” Subsection (A)(1).
  - “*lack of **available** urban and nonresource lands*” Subsection (A)(3).

“Available” from Merriam-Webster:

*“1: present or ready for immediate use.”<sup>1</sup>*

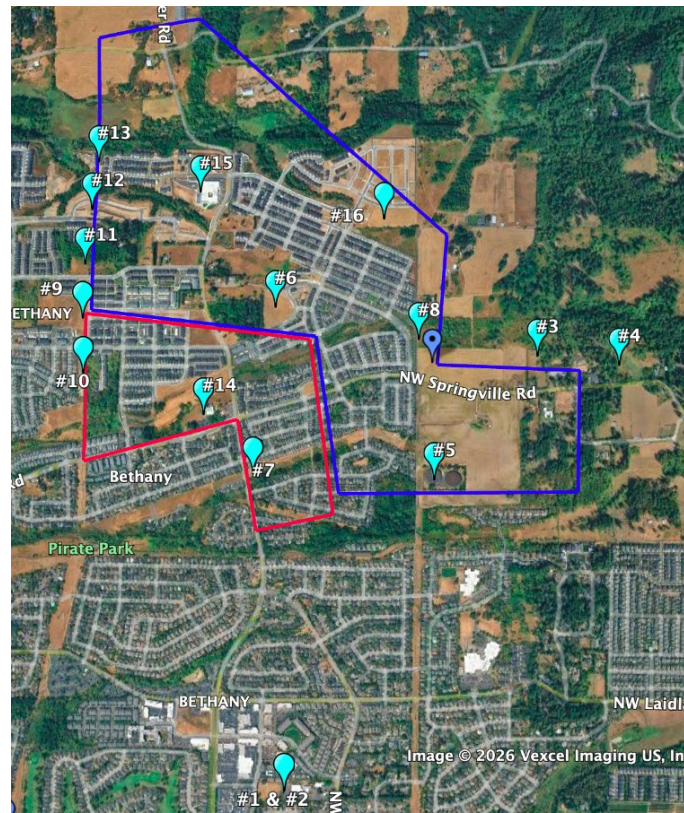
## Co-Location Not Feasible under MCC

<sup>1</sup> <https://www.merriam-webster.com/dictionary/available>

# Updated ASA and RF Justification

- Since approval, AT&T's team updated the ASA and RF Justification to firm up evidence regarding lack of availability and infeasibility. Overall, the ASA:
  - Disqualifies collocation on nearest cell tower (which is outside of the proposed service area), conservatively at two alternative elevations.
  - Disqualifies collocation on existing buildings, PGE structures, BPA structures, and water tanks.
  - Demonstrates lack of availability and/or feasibility for numerous non-resource zoned sites, including larger parcels in the urban area to the west (schools, church, undeveloped residential) and parcels to the SE of the site zoned MUA-20, to complete the analysis under ORS 215.275.

# Updated ASA and RF Justification



# Updated ASA and RF Justification

- Additional Evidence of Note:
  - Emails from PGE outlining that due to ongoing activity on the transmission circuit, collocation would not even be considered until after Q4 2027.
  - Email from THPRD confirming that it will not allow location of equipment on the ground to support one of the originally considered collocations on a PGE tower.
  - Email from BPA confirming that it will not allow a replacement, metal pole for a potential collocation in its transmission corridor immediately to the west of the proposed site and through the search area.
  - Email from Beaverton School District confirming that the district no longer considers proposed wireless facilities on its properties.

# Visual Impact

- No relevance under ORS 215.275.
- MCC addresses principally by preferencing designs with concealment technology, such as the proposed monofir. After collocation, AT&T proposes County's *highest* preference for mitigating visual impacts. Site will also be screened by existing vegetation, and AT&T will plant new trees and shrubs.
- Compatibility – Next to a major utility corridor (BPA); the vicinity is already characterized by a mix of uses: utility, farm, urban fringe.

# Property Values

- No relevant criteria in Multnomah County Code, as explained in staff's decision below. See p. 9.
- Consistent with preemption regarding claimed health effects, federal caselaw has concluded that local decision makers cannot consider reduced property values based on fears of such effects. *AT&T Wireless Services v. City of Carlsbad*, 308 F.Supp.2d 1148 (S.D.Cal. 2003).
- No substantial evidence presented by commenters. *Johnson v. Eugene*, LUBA 2002-031. Substantial evidence not found:
  - Generalized testimony that is not site-specific or does not quantify the loss in property value for the particular site is not substantial evidence.
  - There, neighbors proffered newspaper articles, law review articles and real estate newsletters from national and state entities to estimate that their property values would drop 4-40%. *Johnson v. Eugene*, LUBA 2002-031.

# Conclusion

The proposed tower is necessary for public service such that it should be approved in the EFU zone.

The proposed tower meets (or can meet with conditions) all County design, review, and environmental standards.

AT&T respectfully requests that its application for a wireless facility at the proposed location be approved, subject to staff's suggested conditions of approval.

**Thank you!**

**Questions?**