



June 29, 2011

File(s): CSU-11-03

## NOTICE OF TENTATIVE DECISION

This is official notice of action taken by the Milwaukie Planning Director on June 29, 2011.

<b>Applicant(s):</b>	<b>Zach Phillips for AT&amp;T Mobility</b>
<b>Location(s):</b>	<b>2889 SE Hillside Ct (Hillside Manor)</b>
<b>Tax Lot(s):</b>	<b>1S 2E 25CD 00100</b>
<b>Application Type(s):</b>	<b>Community Service Use - Wireless Communication Facility</b>
<b>Decision:</b>	<b>Approved, with conditions</b>
<b>Review Criteria:</b>	<b><u>Milwaukie Zoning Ordinance:</u><sup>1</sup></b> <ul style="list-style-type: none"><li>• MMC 19.304 Residential Zone R-3</li><li>• MMC 19.321.14 Community Service Use, Standards for Wireless Communication Facilities</li><li>• MMC 19.1011.2 Type II Administrative Review</li></ul>
<b>Neighborhood(s):</b>	<b>Ardenwald-Johnson Creek Historic Milwaukie</b>

This notice is issued in accordance with Milwaukie Zoning Ordinance Section 19.1011.2 Type II Administrative Review. Type II decisions allow for public comment and requests for a public hearing before the Planning Commission. The Planning Director may modify this decision based on comments received during the comment period. Additional notice will be provided if the decision is modified. Comments and requests for a public hearing must be received no later than the date shown below.

**Comment period closes: 5:00 p.m., July 13, 2011**

<sup>1</sup> This application was submitted prior to the effective date of Ordinance 2025, which reorganized and renumbered Milwaukie Municipal Code (MMC) Title 19 Zoning. As per ORS 215.427(3), the application is subject to the standards and criteria that were applicable at the time of submittal. In this Notice of Tentative Decision, all references are to the version of MMC Title 19 that was in effect prior to Ordinance 2025.

This decision is final once the comment period closes. Once final, the decision may be appealed to the Milwaukie Planning Commission in accordance with Milwaukie Zoning Ordinance Section 19.1011.2. An appeal of this decision must be filed within 15 days of close of the comment period. The appeal period expires on the date shown below.

**Appeal period closes: 5:00 p.m., July 28, 2011**

Appeals to the Planning Commission must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7630 or [planning@ci.milwaukie.or.us](mailto:planning@ci.milwaukie.or.us)) can provide information regarding forms, fees, and the appeal process.

### **Findings in Support of Approval**

1. Zach Phillips, (“ the applicant”), on behalf of AT&T Mobility, proposes to install 3 Long Term Evolution (LTE) panel antennas, 6 Remote Radio Head (RRH) units, 1 fiber/power junction box, 3 surge suppression boxes, and 1 Global Positioning Satellite (GPS) antenna on the rooftop of the Hillside Manor building at 2889 SE Hillside Court. The installation would place equipment on the northern edge of the rooftop, the northwest corner of the rooftop, on the southern edge of the rooftop, and near the center of the roof. The property is owned by the Clackamas County Housing Authority, which has authorized the land use application to allow the proposed installation.

The building, an eight-story residential facility, is located in the Residential Zone R-3. The applicant proposes to use “stealth design” to screen the antennas and equipment so that they are not readily recognizable as wireless communication facilities.

2. The current application (CSU-11-03) was submitted prior to the effective date of Ordinance 2025, which reorganized and renumbered Milwaukie Municipal Code (MMC) Title 19 Zoning. As per ORS 215.427(3), the application is subject to the standards and criteria that were applicable at the time of submittal. The proposal is subject to the following provisions of MMC Title 19, with references to the version of MMC Title 19 that was in effect prior to Ordinance 2025:

- MMC 19.304 Residential Zone R-3
- MMC 19.321.14 Community Service Use, Standards for Wireless Communication Facilities
- MMC 19.1011.2 Type II Administrative Review

Sections of the MMC that are not addressed in these findings are found to not be applicable decision criteria for the development proposal.

3. MMC 19.321.14 Standards for Wireless Communication Facilities (Community Service Use)

#### A. MMC 19.321.14.B Purpose

The goal of the wireless communication facilities (WCF) ordinance is to allow for siting of wireless communication facilities while preventing clutter and designs that are not consistent with existing and future land uses. The applicant proposes to: (1) use an existing building as an antenna support structure and (2) screen all new

antennas and related equipment. The proposal is consistent with the goals of MMC 19.321.14.B.

B. MMC 19.321.14.C Application Process

- 1) MMC Table 19.321.14.C requires all WCFs to utilize stealth design when the proposed facility is located in the Residential Zone R-3 and does not involve a new tower. The applicant proposes to screen all new equipment as indicated in Finding 1 above. As conditioned, this requirement is met.
- 2) MMC 19.321.14.C.1 establishes that modifications of WCFs not involving the construction of a new monopole shall be processed with Type II administrative review. This application has been processed and public notice has been provided in accordance with MMC Subsection 19.1011.2 Type II Administrative Review. Properties receiving notice of this tentative decision are shown on the map in Exhibit 1.

C. MMC 19.321.14.D Application Submission Requirements

MMC 19.321.14.D.2 establishes application requirements for WCFs that do not involve construction of a new monopole.

- 3) MMC 19.321.14.D.2.a requires a detailed narrative description of the proposed antenna location. The applicant submitted a project narrative as part of the application. This requirement is met.
- 4) MMC 19.321.14.D.2.b requires antennas to be placed so as to allow for placement of additional antennas on the same support structure in the future. The roof area of the structure is large and the proposed location of the antennas does not preclude the placement of additional antennas on the rooftop in the future. This requirement is met.
- 5) MMC 19.321.14.D.2.c requires the applicant to provide documentation that demonstrates the proposal has been approved by the owner of the structure to which the wireless communication equipment will be attached. The applicant has provided an authorization from the Clackamas County Housing Authority, owner of the building, to conduct the proposed work. This requirement is met.
- 6) MMC 19.321.14.D.2.d requires documentation that all necessary applications, permits, agreements, and easements have been obtained. The proposal is to replace and upgrade existing antennas on a wireless communications facility. The applicant has indicated that all necessary easements and agreements remain in place. This requirement is met.
- 7) MMC 19.321.14.D.2.f requires a site plan that includes such details as existing and proposed landscaping and locations of proposed related base equipment. The wireless communication equipment will be installed on the rooftop of the building, and no new landscaping or changes to the equipment area are proposed. No new utility connections, easements, or access drives are proposed. This requirement is met.

D. MMC 19.321.14.E Use of Existing Tower or Antenna Support Structure

- 1) MMC 19.321.14.E.1 requires the applicant to attempt to co-locate on existing antenna support structures before proposing the construction of a new tower. The

applicant proposes to attach the antennas to an existing building. This requirement is met.

E. MMC 19.321.14.F Location and Size Restrictions

- 1) MMC 19.321.14.F.2.c restricts the height and horizontal projection of antennas on rooftops to 15 feet above the rooftop and 5 feet from the side of the building. The proposed antennae would have a height of 6 feet above the rooftop level and would project less than 1 foot from the edge of the parapet. This requirement is met.

F. MMC 19.321.14.G Development Standards for All WCFs

- 1) MMC 19.321.14.G.1 requires setbacks from property lines for all wireless communication equipment located on existing buildings. The equipment is located on top of the building and exceeds all setback requirements in this section. This standard is met.
- 2) MMC 19.321.14.G.5 establishes standards for buffering noise-generating equipment, particularly when surrounding properties are zoned for residential uses. This section requires post-installation nighttime noise levels to be no louder than pre-installation noise levels. Emergency back-up generators are excluded from this noise restriction. The existing building to which the antennas are to be attached is a residential building. As conditioned, this standard is met.
- 3) MMC 19.321.14.G.9 establishes a requirement that any WCF not operated for a continuous period of 6 months shall be considered abandoned and must be removed by the landowner of the subject property. The applicant's narrative acknowledged this requirement, and a condition has been established to ensure that this standard is met.
- 4) MMC 19.321.14.G.10 establishes a requirement that WCF operators keep the City informed of any changes in the status of the WCF's operation and to provide an annual statement verifying the continued use of the WCF and compliance with applicable State and federal regulations. The applicant's narrative acknowledged this requirement, and a condition has been established to ensure that this standard is met.

G. MMC 19.321.14.H Expiration of Approval

- 1) Per MMC 19.321.14.H, approval of application CSU-11-03 shall be void after 6 months from the end of the final appeal date for the application, unless substantial construction has taken place. As conditioned, if this approval becomes void, all wireless communication equipment installed pursuant to approval of application #CSU-11-03 must be removed and the site must be returned to its pre-existing condition.

As conditioned, the Planning Director finds that the applicable standards of MMC 19.321.14 are met.

4. The application was referred to the City of Milwaukie Building Department, Engineering Department, Clackamas County Fire District #1 (CCFD), and the Ardenwald and Historic Milwaukie Neighborhood District Associations (NDA). The Building Department commented that due to the minor nature of the installation there would be no building

permit required. The Engineering Department, CCFD, and the NDAs did not submit comments.

### **Conditions of Approval**

1. Prior to installation of the wireless communication facility approved by CSU-11-03, the applicant shall measure the existing ambient nighttime noise levels between the hours of 10:00 p.m. and 7:00 a.m. and submit this information to the Milwaukie Planning Department. Any noise-generating equipment shall be buffered so that post-installation noise levels do not exceed pre-installation noise levels. Emergency back-up generators are excluded from this no-noise-increase restriction.
2. Within 6 months of the approval of CSU-11-03, the applicant shall schedule a Planning Inspection to demonstrate compliance with this approval and related conditions. At the time of inspection, the following items shall be addressed:
  - A. Final site plans, elevation drawings, and equipment details shall be in substantial conformance with the plans approved by CSU-11-03, which are the plans stamped received April 7, 2011, by the Milwaukie Planning Department.
  - B. Measurement of the ambient nighttime post-installation noise level between the hours of 10:00 p.m. and 7:00 a.m. while the wireless communication facility is operating shall be submitted with the Planning Inspection request. Any noise-generating equipment shall be buffered so that post-installation noise levels do not exceed pre-installation noise levels. Emergency back-up generators are excluded from this no-noise-increase restriction.
  - C. Paint all newly installed antenna screens, conduits, and cable trays to match the existing building.
  - D. As necessary, the applicant shall submit a narrative to describe any changes to the plans approved by CSU-11-03. Any such changes shall be evaluated by the Planning Director to determine whether further review is necessary.
3. The operator of the wireless communication facility shall provide an annual report to the Planning Director that verifies continued use of the facility and describes any change in the status of the operation of the facility including:
  - A. Change in or loss of Federal Communication Commission (FCC) license.
  - B. Receipt of notice of failure to comply with regulations of any authority over the business or facility.
  - C. Loss or termination of lease for the wireless communication facility for a period of 6 months or longer.
4. Approval of this application shall be void after 6 months from the expiration of the final appeal period unless substantial construction has taken place. If this approval becomes void, all wireless communication equipment installed pursuant to approval of application CSU-11-03 must be removed and the site must be returned to its pre-existing condition.

**Exhibits**

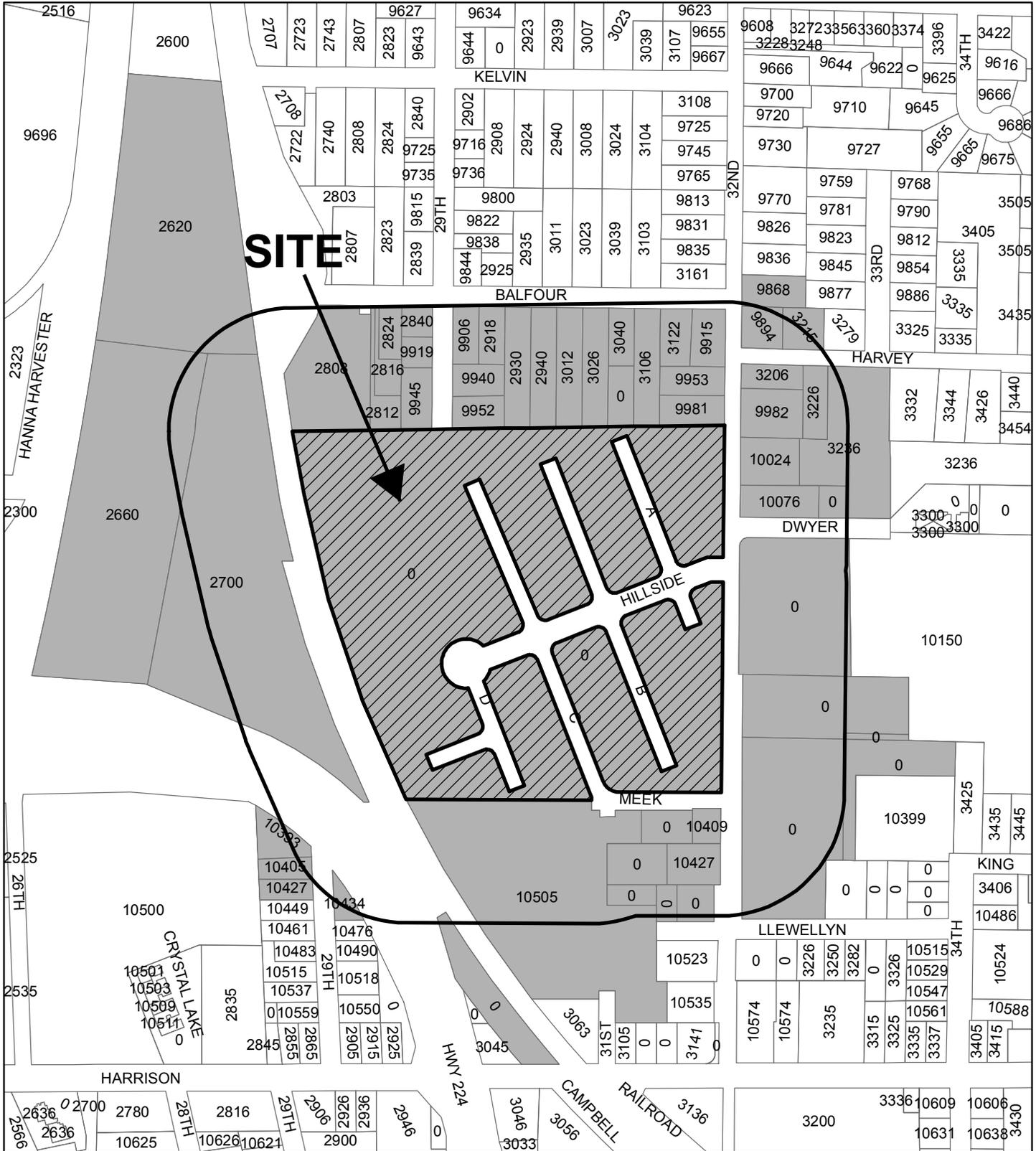
Exhibits are not attached unless otherwise indicated. All attachments are available for public viewing upon request.

1. Map of Properties Receiving Notice of Decision (attached)
2. Applicant's Narrative (photo simulations attached)
3. Applicant's Site Plan (Sheet A-1, reduced size, attached)

  
Katie Mangle  
Planning Director

cc: Applicant  
Kenny Asher, Community Development/Public Works Director  
Katie Mangle, Planning Director  
Gary Parkin, Engineering Director  
Brad Albert, Civil Engineer  
Tom Larsen, Building Official  
Bonnie Lanz, Permit Specialist  
Doug Whitely, Lieutenant Deputy Fire Marshall  
NDA(s): Ardenwald-Johnson Creek; Historic Milwaukie  
Interested Persons  
File(s): CSU-11-03

EXHIBIT 1



# PL04

MILWAUKIE & HWY 224  
2889 SE HILLSIDE STREET  
MILWAUKIE, OR 97222

EXHIBIT 2



# at&t

February 11, 2011

## View #: 1



Location



The illustration above is a representation of the proposed project based on information provided by the client. Actual construction may vary dependent on approved construction plans and therefore PTS (Pacific Telecom Services) is not responsible for any post production design changes. Monotree disclaimer: (In the event that the proposed installation includes a monotree) The proposed installation is an artistic representation of a tree, and not intended to be an exact reproduction of an actual living tree. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. While every effort will be made to disguise these components, they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.

**AT&T Mobility**  
16221 NE 72nd Way  
Redmond, WA 98052  
Doug Brown - Phone: (309) 531-2278

# PL04

MILWAUKIE & HWY 224  
2889 SE HILLSIDE STREET  
MILWAUKIE, OR 97222



# at&t

February 11, 2011

## View #: 2



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Doug Brown - Phone: (309) 531-2278

Prepared by: CJL  
**PTS**  
Pacific Telecom Services, LLC  
3199 C Airport Loop Drive, Costa Mesa, CA 92626-3414

REV: 1

# PL04

MILWAUKIE & HWY 224  
2889 SE HILLSIDE STREET  
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# at&t

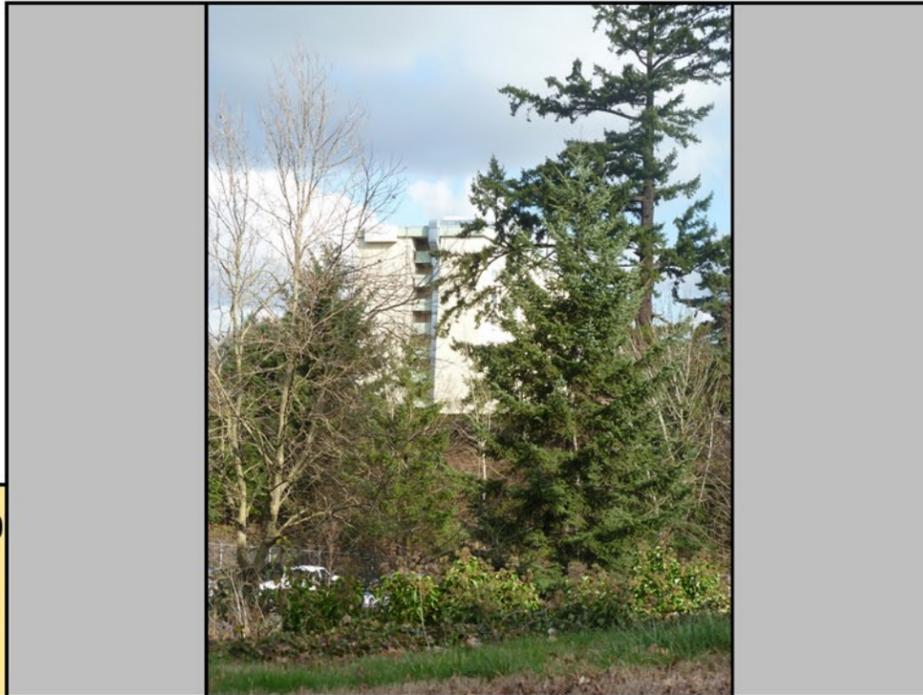
February 11, 2011

## View #: 3



PROPOSED AT&T LTE EQUIPMENT  
(NOT SEEN IN THIS VIEW)

PROPOSED AT&T LTE PANEL ANTENNA MOUNTED  
WITHIN EXISTING SHROUD ON EXISTING  
BUILDING PARAPET



**Proposed**

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Prepared by: CJL

**PTS**  
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REV:  
**1**

# PL04

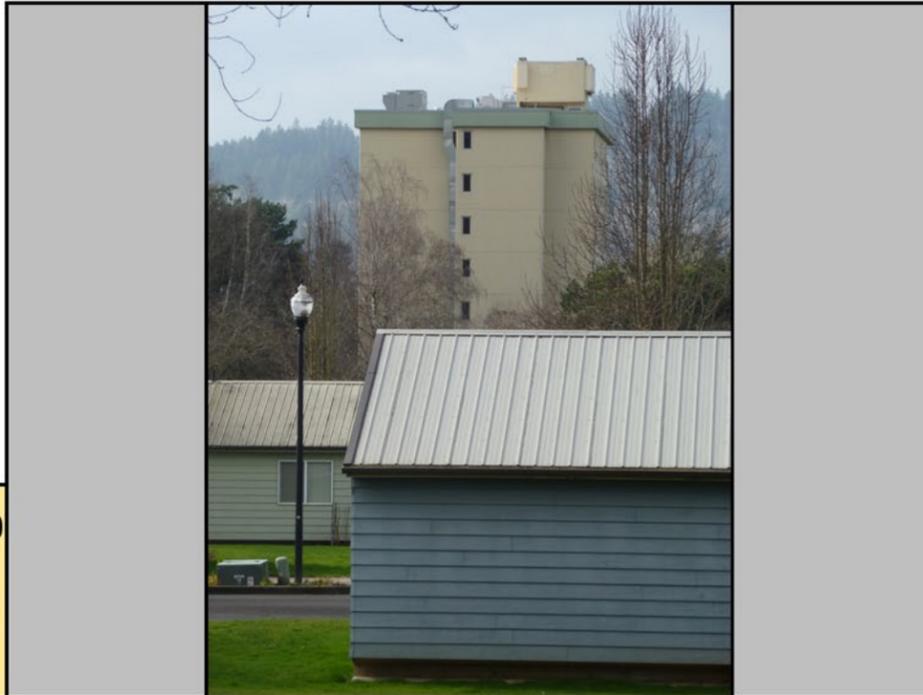
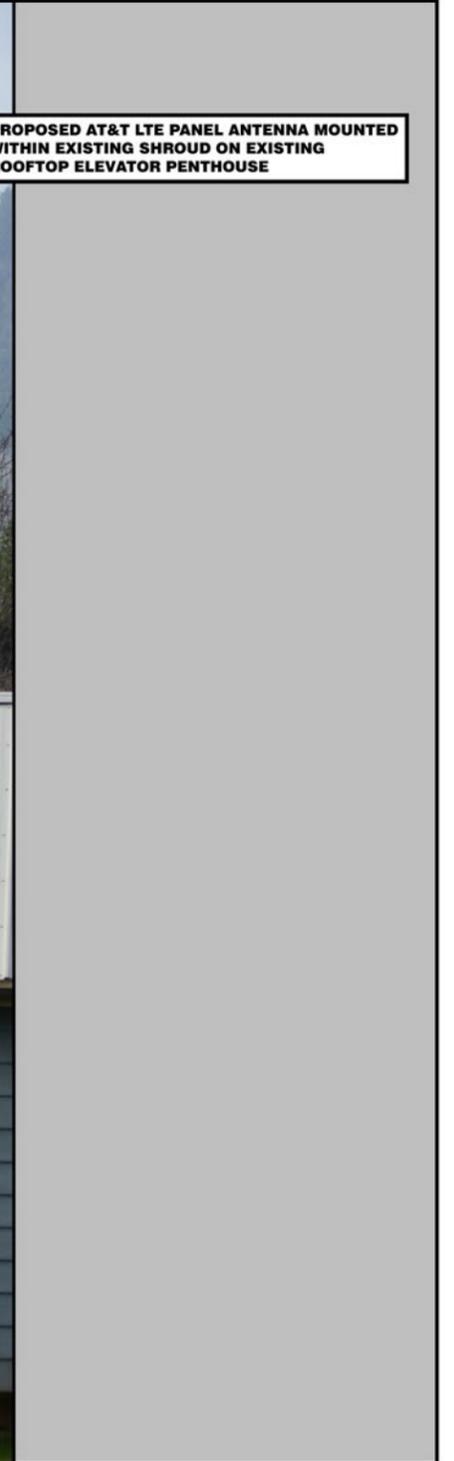
MILWAUKIE & HWY 224  
2889 SE HILLSIDE STREET  
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# at&t

February 11, 2011

## View #: 4



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**AT&T Mobility**  
16221 NE 72nd Way  
Redmond, WA 98052  
Doug Brown - Phone: (309) 531-2278

NOTE:  
PROPOSED AT&T LTE ANTENNAS,  
MOUNTING HARDWARE AND  
EQUIPMENT TO BE PAINTED TO  
MATCH EXISTING

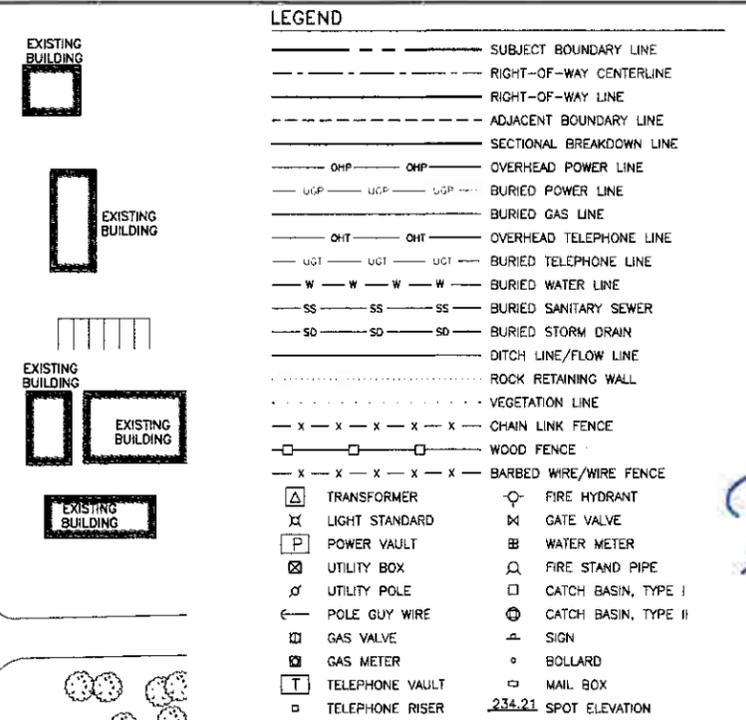
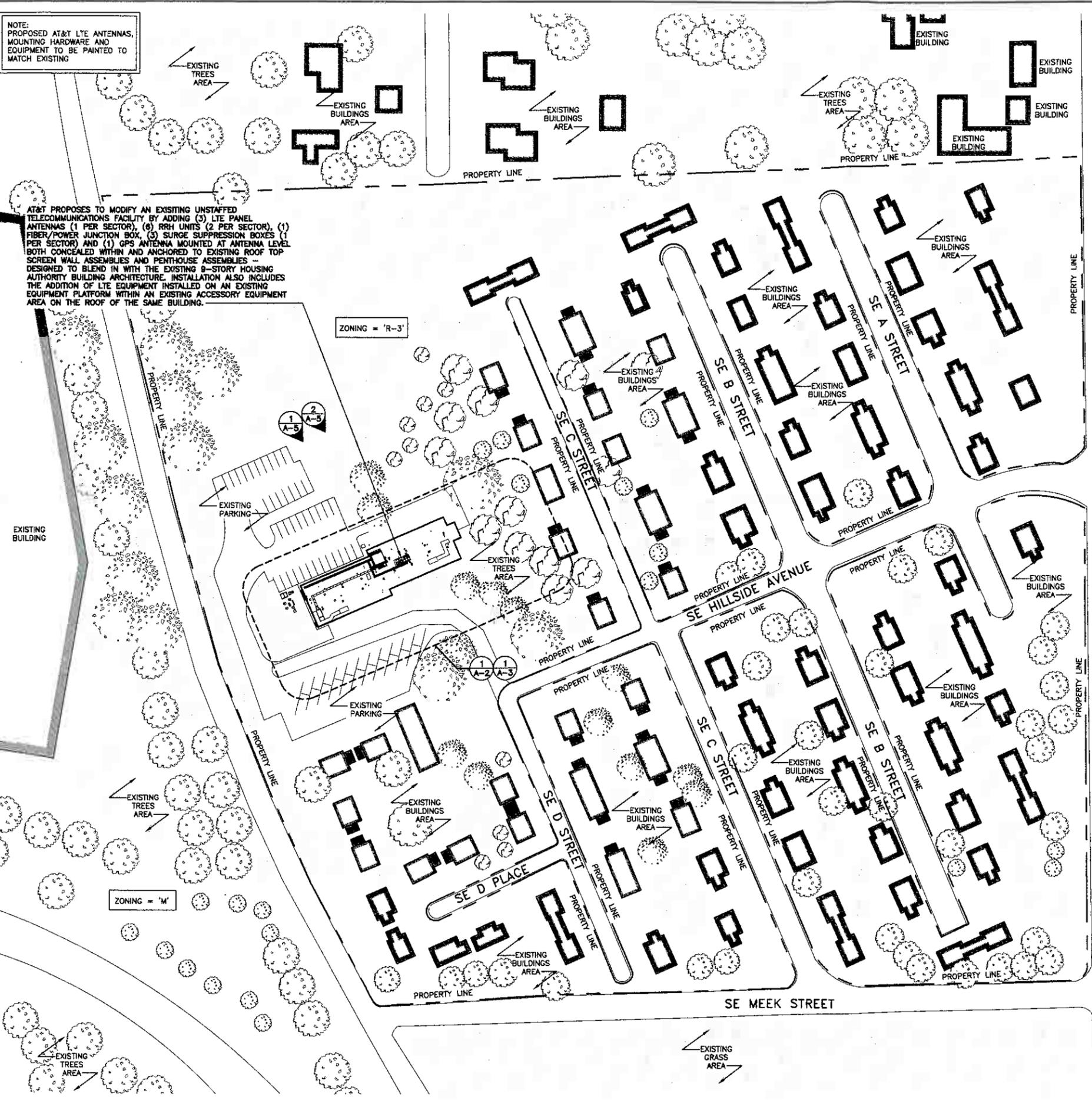
AT&T PROPOSES TO MODIFY AN EXISTING UNSTAFFED TELECOMMUNICATIONS FACILITY BY ADDING (3) LTE PANEL ANTENNAS (1 PER SECTOR), (6) RRH UNITS (2 PER SECTOR), (1) FIBER/POWER JUNCTION BOX, (3) SURGE SUPPRESSION BOXES (1 PER SECTOR) AND (1) GPS ANTENNA MOUNTED AT ANTENNA LEVEL BOTH CONCEALED WITHIN AND ANCHORED TO EXISTING ROOF TOP SCREEN WALL ASSEMBLIES AND PENTHOUSE ASSEMBLIES -- DESIGNED TO BLEND IN WITH THE EXISTING 9-STORY HOUSING AUTHORITY BUILDING ARCHITECTURE. INSTALLATION ALSO INCLUDES THE ADDITION OF LTE EQUIPMENT INSTALLED ON AN EXISTING EQUIPMENT PLATFORM WITHIN AN EXISTING ACCESSORY EQUIPMENT AREA ON THE ROOF OF THE SAME BUILDING.

ZONING = 'R-3'

ZONING = 'M'

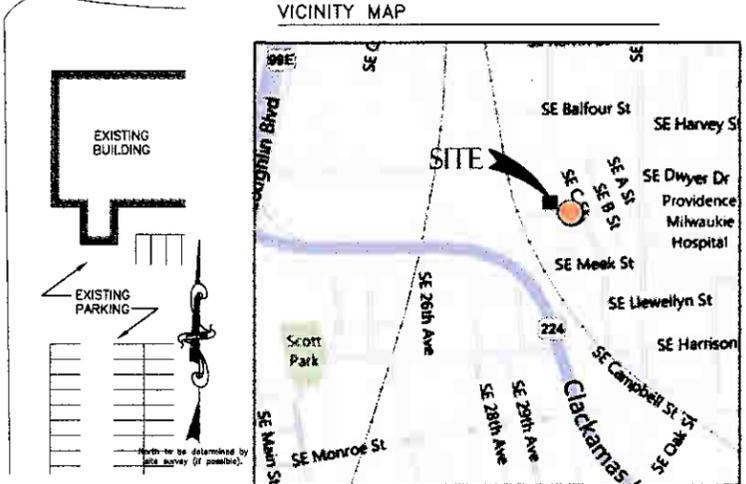
24"x36" SCALE: 1" = 30'-0"  
11"x17" SCALE: 1" = 60'-0"

THE INFORMATION CONTAINED IN THIS SET OF CONSTRUCTION DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.



**PARCEL NUMBER(S):**  
11E25CD00100

**LEGAL DESCRIPTION:**  
ALL THAT PART OF WILLIAM WEEK DONATION LAND CLAIM SITUATED IN SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE EASTERLY LINE OF THE WILLIAM WEEK DONATION LAND CLAIM WHICH POINT IN NORTH 11°10'3" WEST 142.80 FEET DISTANCE FROM THE SOUTHWEST CORNER OF THE HECTOR CAMPBELL DONATION LAND CLAIM, THENCE NORTH 11°10'3" WEST 916.91 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF BONNIE VIEW ACRES PLAT NO. 4; THENCE SOUTH 87°33'20" WEST ALONG SOUTH LINE OF BONNIE VIEW ACRES PLAT NO. 4, 1071.52 FEET TO THE EASTERLY SIDE LINE OF THE RIGHT OF WAY OF THE OREGON AND CALIFORNIA RAILWAY COMPANY; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE FOLLOWING A SPIRAL CURVE TO THE LEFT, THE CHORD TO WHICH BEARS SOUTH 11°03' EAST 156.86 FEET; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE 801.77 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 2826.93 FEET, THE CHORD TO WHICH BEARS SOUTH 20°28'30" EAST 779.08 FEET TO A POINT, SUCH POINT IS SOUTH 87°32'16" WEST 780.80 FEET DISTANT FROM THE PLACE OF BEGINNING.  
EXCEPT THAT PART CONVEYED TO MILWAUKIE A MUNICIPAL CORPORATION BY FIRST STATE BANK OF MILWAUKIE, AN OREGON CORPORATION, RECORDED SEPTEMBER 20, 1939 IN BOOK 26 PAGE 624, DEED RECORDS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF THE HECTOR CAMPBELL DONATION LAND CLAIM SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN THENCE NORTH 111°03' WEST 142.80 FEET TO A POINT; THENCE SOUTH 87°06'57" WEST 20 FEET; THENCE NORTH 11°03' WEST 30 FEET TO THE SOUTHEAST CORNER OF TRACT 6, HARVEY'S FIRST ADDITION TO MILWAUKIE, OREGON, PLAT BOOK 17, PAGE 4, WHICH IS ALSO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 11°03' WEST 883.6 FEET TO THE SOUTH WEST CORNER OF LOT 4, BLOCK 11, BONNIE VIEW ACRES PLAT NO. 4; THENCE SOUTH 87°25'22" WEST 8 FEET, MORE OR LESS, TO A POINT THAT IS 8 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE WEST RIGHT OF WAY BOUNDARY OF THE PRESENT 32ND STREET IN MILWAUKIE; THENCE SOUTH 11°03' EAST 883.6 FEET, MORE OR LESS PARALLEL TO AND 6 FEET WESTERLY OF THE SAID WEST PROPERTY LINE OF SAID 32ND STREET TO THE SOUTH BOUNDARY OF SAID TRACT 6, HARVEY'S FIRST ADDITION TO MILWAUKIE; THENCE NORTH 87°46'57" EAST 8 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED, ALL BEING WITH THE WILLIAM WEEK DONATION LAND CLAIM IN SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN AND TO BE USED FOR STREET PURPOSES AND EXCEPT THAT PART IN COUNTY ROAD ON EAST.  
GENERAL SECTIONS:  
2. ANY FACTS RIGHTS INTEREST EASEMENTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF SAID LAND OR BY MAKING ENQUIRY OF PERSONS IN POSSESSION THEREOF.  
3. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS  
4. DISCREPANCIES CONFLICTS IN BOUNDARY LINES SHORTAGE IN AREA ENCROACHMENTS OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSED, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS  
5. STATUTORY USES OR ANY OTHER USES OR ENCROACHMENTS OR CLAIMS THEREOF, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.



**MILWAUKIE & HWY 224**  
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REVISIONS			
NO.	DATE	DESCRIPTION	INITIAL
A	01/21/11	ISSUED FOR PCD REVIEW	NM
Q	03/25/11	ISSUED FOR FINAL CONSTRUCTION	DB

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

SHEET TITLE  
SITE PLAN

SHEET NUMBER  
**A-1**