



August 7, 2012

File: CSU-12-10

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on August 7, 2012.

Applicant:	Paul Slotemaker on behalf of Verizon Wireless
Location:	3701 SE International Way
Tax Lot:	1S1E36AD 06502
Application Type:	Community Service Use—Wireless Communication Facility
Decision:	Approved with Conditions
Review Criteria:	<u>Milwaukie Zoning Ordinance:</u> <ul style="list-style-type: none">• MMC 19.904.11 Community Service Use, Standards for Wireless Communication Facilities• MMC 19.1005 Type II Review
Neighborhood:	n/a (Milwaukie Business Industrial)

This notice is issued in accordance with Milwaukie Municipal Code Section 19.1005 Type II Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@ci.milwaukie.or.us, if you wish to view this case file.

Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission. The period during which an appeal can be filed expires on the date shown below. This decision becomes final on the date below if no appeal is filed during the appeal period.

Appeal period closes: 5:00 p.m., August 22, 2012

Appeals to the Planning Commission must follow the procedures of Milwaukie Municipal Code Section 19.1010 Appeals. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@ci.milwaukie.or.us.

Findings in Support of Approval

1. Paul Slotemaker ("the applicant"), on behalf of Verizon Wireless, proposes to modify an existing wireless communication facility by replacing 6 existing antennas on the existing monopole at 3701 SE International Way with 6 new Long Term Evolution (LTE) panel antennas, accompanied by 6 diplexer units. The installation would replace existing equipment on the mounting structure at the top of the monopole. The applicant submitted a narrative and site plans for the proposed development, stamped "Received" June 26, 2012, by the Milwaukie Planning Department.

The subject property is zoned Business Industrial BI. According to Clackamas County records, the property is owned by Shurgard Milwaukie #38010, providing a lease agreement with Verizon Wireless for the monopole and equipment cabinets. Verizon Wireless has authorized the land use application to allow the proposed installation.

2. An 80-ft-tall steel monopole was originally approved for the subject property in 1999 (Land Use File #s CSO-99-10 and VR-99-09). The approval included a variance to exceed the 50-ft maximum height allowed for community service uses at that time.

In 2006, approval was granted to replace the existing 80-ft monopole with a 120-ft monopole (File #CSO-06-01). However, no construction occurred within 6 months and the approval expired according to the provision in Milwaukie Municipal Code (MMC) Subsection 19.904.11.H.

3. The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance (MMC Title 19):

- MMC 19.904.11 Community Service Use, Standards for Wireless Communication Facilities
- MMC 19.1005 Type II Review

MMC sections not addressed in these findings are found to be not applicable decision criteria for the proposed development.

4. MMC 19.904.11 Standards for Wireless Communication Facilities (Community Service Use)

A. MMC 19.904.11.B Purpose

The goal of the wireless communication facilities standards is to allow for the siting of wireless communication facilities (WCFs) while preventing clutter and designs that are not consistent with existing and future land uses.

The application is consistent with the goals of MMC 19.904.11.B by proposing to (1) enhance the ability of wireless communication providers to provide comprehensive service to the community and (2) use an existing monopole as an antenna support structure instead of constructing a new tower.

B. MMC 19.904.11.C Application Process

MMC 19.904.11.C.1 establishes that modifications of WCFs not involving the construction of a new monopole shall be processed with Type II review.

The proposal involves replacement of equipment on an existing monopole. The application has been processed and public notice has been provided in accordance with MMC 19.1005.3. Properties receiving notice of this notice of tentative decision are shown on the map in Exhibit 3.

C. MMC 19.904.11.D Application Submittal Requirements

MMC 19.904.11.D.2 establishes application requirements for WCFs that do not involve construction of a new monopole.

- i. MMC 19.904.11.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.

- ii. MMC 19.904.D.2.b requires antennas to be placed so as to allow for placement of additional antennas on the same antenna support structure in the future.

The proposed LTE panel antennas would replace existing antennas on existing mounting infrastructure at the top of the monopole. The proposed diplexer units would also be installed on the existing mounting infrastructure. As proposed, the installations allow room for the placement of additional antenna equipment in the future. This requirement is met.

- iii. MMC 19.904.11.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 provided authorization from Verizon Wireless, owner of the monopole, to conduct the proposed work. This requirement is met.

- iv. MMC 19.904.11.D.2.d requires documentation that all necessary applications, permits, agreements, and easements have been obtained.

As evidenced by the applicant's narrative submittal, all necessary easements and agreements remain in place for the operation of WCFs on the existing monopole. This requirement is met.

- v. MMC 19.904.11.D.2.e requires that extensions to existing facilities provide documentation of Federal Aviation Administration (FAA) approval.

No extension to the existing monopole is proposed. This requirement is not applicable.

- vi. MMC 19.904.11.D.2.f requires a site plan that includes such details as existing and proposed landscaping and locations of proposed related base equipment.

The applicant's site plan submittal shows the location of the monopole and associated equipment area. 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 19.904.11.E Use of Existing Tower or Antenna Support Structure

- i. MMC 19.904.11.E.1 requires the applicant to attempt to co-locate on existing antenna support structures before proposing the construction of a new tower.

The proposed development will attach the antennas to an existing monopole, and no new tower or pole is proposed. This requirement is met.

- ii. MMC 19.904.11.E.4 requires that support structures over 80 ft in height shall be designed to allow co-location of other antennas.

The existing monopole is 80 ft tall. This requirement is not applicable.

E. MMC 19.904.11.F Location and Size Restrictions

MMC 19.904.11.F.2 establishes a 100-ft height limit for monopoles in the BI zone. For co-location on existing towers, MMC 19.904.11.F.2.b allows extensions up to 120 ft.

The existing monopole is 80 ft tall, with a mounting structure and existing antennas that project no more than 4 ft above the top of the pole. No additional extensions are proposed. This standard is met.

F. MMC 19.904.11.G Development Standards for All WCFs

i. MMC 19.904.11.G.1 establishes standards for equipment cabinets.

a. MMC 19.904.11.G.1.c(1) establishes minimum setback requirements, including a minimum rear yard of 20 ft.

The existing equipment cabinets are located approximately 30 ft from the rear property line. An existing backup generator is located within approximately 7 ft of the rear property line and presents a nonconforming situation. No changes to the equipment cabinets or generator are proposed as part of the proposed development. As per MMC 19.803.1, nonconforming situations are allowed to continue indefinitely as long as they are not altered.

These standards are not affected by the proposed development.

b. MMC 19.904.11.G.1.c(2) requires that the proposed development meet the vegetative screening requirements provided in MMC 19.904.11.G.6.

This requirement is addressed in Finding 4-F-iv, below.

As evidenced by the applicant's narrative and site plan submittal, and as discussed in these findings, these standards are met.

ii. MMC 19.904.11.G.4 establishes standards for lighting.

The equipment area is not currently lighted and no additional lighting is proposed. This standard is met.

iii. MMC 19.904.11.G.5 establishes standards for buffering noise-generating equipment, particularly when surrounding properties are zoned for residential uses.

The subject property is adjacent to undeveloped right-of-way for SE Minthorn Loop and a wetland area to the north, to other BI-zone properties to the east and south, and to property zoned General Commercial (CG) to the west. This standard is not applicable.

iv. MMC 19.904.11.G.6 establishes standards for landscaping to effectively screen the view of the base of the tower as well as equipment cabinets and any security fencing.

The provisions of MMC 19.904.11.G.1.c(2) require vegetative screening of the equipment cabinets. There is existing landscaping just beyond an outer fence on the property, within approximately 20 ft of the monopole, though the landscaping includes a gap in screening along the northern boundary of the subject property that makes the base of the monopole and the equipment cabinets visible from the unimproved right-of-way on SE Minthorn Loop.

As allowed by MMC 19.904.11.G.6.d, the applicant has requested a waiver from the vegetative screening requirement, arguing that it is impractical in this case. The area of existing landscaping is beyond the applicant's lease area for the existing pole and

equipment. The gap in existing landscaping is relatively small, and the adjacent right-of-way on SE Minthorn Loop is unimproved and does not experience much traffic of any kind. The existing landscaping is sufficient to visually screen the base of the monopole and the equipment cabinets from all but a small portion of the adjacent area. In conclusion, the location of the monopole and equipment area, in relation to an existing building and paved access area on the site, make it impractical to provide landscaping immediately adjacent to the pole and equipment area.

Based on the foregoing analysis, and as allowed by MMC 19.904.11.G.6.d, the Planning Director waives the landscaping requirement for the proposed development.

- v. MMC 19.904.11.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 existing WCF is currently in operation, and the applicant's narrative acknowledges the above requirement. This standard is met.

- vi. MMC 19.904.11.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 current WCF operator is in compliance with the above reporting requirements, and the applicant's narrative acknowledges the requirement. This standard is met.

The proposed development complies with all applicable standards of MMC 19.904.11.G.

- 5. The application was forwarded to the following City departments and related entities for review and comment: City of Milwaukie Building and Engineering Departments and Clackamas County Fire District #1. The Engineering Department confirmed that MMC 19.700 Public Facility Improvements does not apply to the proposed development. Other reviewers responded with no comments on the project.

Conditions of Approval

- 1. As per MMC 19.106.2.C, all development authorized by this approval (CSU-12-10) shall be in substantial conformance with the plans stamped "Received" June 26, 2012, by the Milwaukie Planning Department. If the applicant makes any changes to the approved plans, the applicant shall submit a narrative describing the changes to the Planning Director, in order to determine whether a modification to the existing approval is necessary.

Advisory Notes

- 1. As per MMC 19.904.11.G.10, the WCF operator shall provide an annual report to the Planning Director that verifies continued use of the facility and describes any change in the status of its operation, including the following:
 - a. Change in or loss of Federal Communication Commission license.
 - b. Receipt of notice of failure to comply with the regulations of any authority over the facility.
 - c. Loss or termination of lease for the wireless communication facility (WCF) for a period of 6 months or longer.

2. As per MMC 19.904.11.H, 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 WCF equipment installed pursuant to the approval of CSU-12-10 shall be removed and the site shall be returned to its pre-existing condition.

Exhibits

Unless noted as being attached, exhibits including application and related materials are available for public viewing upon request or can be accessed online at <http://www.ci.milwaukie.or.us/planning/csu-12-10>.

1. Notice of Decision for CSO-99-10, VR-99-09 (attached)
2. Notice of Decision for CSO-06-01 (attached)
3. Map of Properties Receiving Notice of Land Use Proposal (attached)
4. Applicant's Narrative
5. Applicant's Site Plans
6. Applicant's Request for Landscaping Waiver



Scot Siegel
Interim Planning Director

Copy: Land Use File (CSU-12-10)
Paul Slotemaker (Applicant)
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Doug Whiteley, Lieutenant Deputy Fire Marshal
Brad Albert, Civil Engineer
Address File (3701 SE International Way)



April 13, 2000

CSO-99-10, VR-99-09

REVISED NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on April 11, 2000.

Applicant(s): The Walter Group for AirTouch Cellular
Location(s): 3701 SE International Way
Tax Lot(s): 1 1E 36AD-06502
Application Type(s): Community Service Overlay; Minor Quasi-Judicial Review
Variance; Minor Quasi-Judicial Review
Decision: Approval
Review Criteria: Milwaukie Zoning Ordinance:
Section 321 – Community Service Overlay Zone – CSO
Section 324 – Business Industrial Zone BI
Section 400 – Accessory Uses
Section 500 – Off-Street Parking and Loading
Section 702 – Circumstances for Granting Variances

Interested persons may appeal this decision of the Planning Commission to the City Council by filing a written notice of appeal with the City Recorder no later than April 28, 2000. Such appeal must be in the proper format, accompanied by the appropriate fee, address applicable criteria and be made on forms provided by the Planning Department. City of Milwaukie Planning staff (786-7600) can provide information regarding forms, fees and the appeal process.

Authorization for the actions granted by this decision shall be void after six months unless substantial construction on the proposal has taken place.

Appeal Deadline Date: 5:00 p.m. on April 28, 2000.

Findings for Approval of CSO-99-10 & VR-99-09

1. AirTouch Cellular has proposed to construct an 84-foot telecommunications monopole on a 20.5-foot by 8-foot exterior site with equipment cabinets housed in a 19-foot by 8-foot leased storage space that will be altered to meet equipment requirements. The tower facility would initially accommodate 6 panel antennas and a Global Positioning Unit with the capacity to add up to twelve additional antennas in the future. The site is located on property owned by Shurgard Institutional Fund and located at 3701 SE International Way in Milwaukie.

COMMUNITY DEVELOPMENT DEPARTMENT
Public Works • Planning • Building • Fleet • Facilities
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

2. The siting of a cellular telephone facility is an allowed use under the provisions of the Community Service Overlay Zone as listed in Milwaukie Zoning Ordinance Section 321.2.B. Utilities – Telephone, microwave facilities.
3. Applications CSO-99-08 and TPR-99-11 have been processed and public notice provided as required by Milwaukie Zoning Ordinance Section 1011.3.
4. Milwaukie Zoning Ordinance Section 321.4-B - Authority to Grant or Deny a Community Service Use, authorizes the Planning Commission to impose suitable conditions which assure compatibility of the use with other uses in the vicinity.
5. Milwaukie Zoning Ordinance Section 321.4.D authorizes the Planning Commission to determine if a community service use is in the general public interest and to weigh the benefits and possible adverse impacts in approving or denying the designation of the site for community service use. The proposal is found to be in the general public interest. The potential adverse impacts include, but are not limited to the adverse visual impact of the communications tower both at a distance and also locally at the proposed site and possible impacts on the wildfowl using the wetland to the north. The potential benefit is for improved communications capabilities for cellular phone users along State Highway 224. The benefit is found to outweigh the potential adverse impacts
6. The visual impact of the cellular tower may be mitigated to some extent by painting the tower an appropriate color.
7. In the applicant's narrative, the applicant has agreed to consult with the local Neighborhood Association and the landowner to determine a mutually agreeable color for the proposed cellular tower.
8. The use proposed in application CSO-99-10 is not addressed in the standards for off-street parking in Milwaukie Zoning Ordinance Section 500. The frequency of anticipated use detailed in the applicant's narrative, however, makes it possible to determine parking adequacy for the site.
9. Application CSO-99-10 complies with the standards of the Zoning Ordinance Section 324-Business Industrial Zone.
10. Application VR-99-09 satisfies all of the criteria necessary to grant a variance to the height limitation standards of Section 321-Community Service Overlay Zone. Those criteria, as listed in Milwaukie Zoning Ordinance Section 702.1, are:
 - a. That the property in question has unusual conditions over which the applicant has no control. The ability to establish a clear consistent signal depends upon factors that the applicant has no control over.
 - b. That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary.
According to tests performed by the applicant, there are no feasible alternatives to establishing a new cellular facility at the requested height and in the immediate location of the proposed site.
 - c. That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.
The potential adverse visual effect of the facility has been mitigated to the extent possible by the resiting of the tower to the north side of the property, following the public hearing on March 14. No other adverse effects were identified.

Conditions of Approval for Applications CSO-99-10 & VR-99-09

1. The plans submitted in applying for a building permit shall be in substantial conformity with the plans reviewed in recommending this approval. (Reference site plan and elevations for "AirTouch – Kellogg; Porkellogg-CV1" dated 21 March, 2000.)
2. Prior to issuance of a building permit, the applicant shall submit a color sample for the tower to the satisfaction of the Planning Director. Such color selection shall be determined through consultation

with the City of Milwaukie, the locally affected Neighborhood Associations and the landowner as agreed to by the applicant.

3. Any future expansion or change in this facility which varies significantly from the approved plans for this project shall be submitted to the Planning Commission for review under the provisions of Section 321.4.B and Section 321.4.D.
4. There shall be no obstruction of emergency access due to vehicle parking, placement of structures or any other device.
5. The applicant shall allow for collocation of other cellular service providers on the tower to the extent the tower space is not needed for the applicant's operations.



Alice Rouyer
Planning Director

- c: Applicant
Planning Commission
Martha Bennett, Assistant City Manager CD
Sue Stepan, Public Works Director
Paul Roeger, P.E., Civil Engineer
John Wheeler, Building Official
Bonnie Lanz, Permit Specialist
Tom Crowder, Deputy Fire Marshal
NDA(s): Business Industrial
Hector Campbell
Interested Persons
File(s): CSO-99-10, VR-99-09



June 23, 2006

File: CSO-06-01

NOTICE OF TENTATIVE DECISION

This is official notice of action taken by the Milwaukie Planning Director on June 23, 2006.

Applicant: Zach Phillips for Cingular Wireless
Location: 3701 SE International Way
Tax Lot: 1S1E36AD 06502
Application Type: Community Service Overlay Type II Decision for a Wireless Communication Facility
Decision: Approved
Review Criteria: Milwaukie Zoning Ordinance:

- 19.321.12 –Standards for Wireless Communication Facilities
- 19.1011.2 – Type II Administrative Review

Neighborhoods: Hector Campbell, Lake Road

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 7, 2006

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 24, 2006

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) can provide information regarding forms, fees, and the appeal process.

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
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PHONE: (503) 786-7600 • FAX: (503) 774-8236

Findings in Support of Approval

1. The applicant proposes to replace an existing 80-foot monopole tower with a 120-foot monopole tower in order to co-locate an additional antenna. Verizon Wireless owns the existing tower and has an antenna located at the top. The existing antenna will maintain its current 80-foot height and a new antenna will be installed at the top of the new monopole tower. The existing tower is located in the northeast corner of the Shurgard Storage site at 3701 SE International Way and was approved in 1999 (File # CSO-99-10). The property is zoned Business-Industrial (BI).

The proposal includes shifting the new monopole tower within the on-site lease area to a point approximately 12 feet from the existing tower's location. The applicant also proposes to install additional equipment cabinets within the lease area and to replace or expand some of the existing electrical and telecommunications infrastructure. The proposal includes replacement of fencing around the lease area as well as landscaping along the periphery of the project site to screen the lease area from adjoining properties.

2. Milwaukie Municipal Code (MMC) Subsection 19.321.12(B) states that the purpose of the wireless communication facilities standards is to regulate the siting of wireless communication facilities that serve the community, while preventing clutter and designs that are not consistent with existing and future land uses. New wireless communication facilities are encouraged to be co-located on existing towers, buildings, utility poles, water towers, and other types of support structures.

The application is consistent with the goals of MMC Subsection 19.321.12(B) by proposing to: 1) use an existing monopole tower as an antenna support structure, 2) expand an existing tower's capacity to co-locate additional wireless communication facilities, and 3) screen all related equipment.

3. MMC Subsection 19.321.12(C)(1) states that co-location of antennas shall be processed as a Type II administrative review. Application CSO-06-01 has been processed and public notice has been provided in accordance with Milwaukie Municipal Code (MMC) Subsection 19.1011.2 – Type II Administrative Review.

4. MMC Subsection 19.321.12(D) establishes application submission requirements for wireless communication facilities not involving a new tower. The relevant requirements are addressed as follows:

- a. MMC Subsection 19.321.12(D)(2)(a) requires submission of a detailed narrative description of the proposed antenna location, design, and height.

The applicant submitted a project narrative with the original application (see Attachment 1 – Applicant's Narrative). In response to a staff determination that the original application was incomplete, the applicant presented additional narrative materials (see Attachment 2 – Applicant's Response to Completeness and Approvability Items). The application complies with MMC Subsection 19.321.12(D)(2)(a).

- b. MMC Subsection 19.321.12(D)(2)(b) requires antennas to be placed so as to allow for placement of additional antennas on the same antenna support structure in the future.

The existing antenna will maintain its current 80-foot height and a new antenna will be installed at the top of the new monopole tower (120 feet high). As proposed, the new antenna's location on the new tower does not preclude the placement of at least one additional antenna on the tower in the future. The application therefore complies with MMC Subsection 19.321.12(D)(2)(b).

- c. MMC Subsection 19.321.12(D)(2)(c) requires documentation demonstrating that the proposal has been submitted and approved by the owner of the structure to which the antenna will be attached. Additionally, MMC Subsection 19.1001.5(B)(1) requires that all applications for land use action include an application signed by the property owner or signed authorization for the applicant to act as agent on behalf of the property owner.

The applicant has submitted signed letters from Verizon Wireless as the owner of the existing monopole tower and from Shurgard Self-Storage as the property owner that authorize the applicant to submit the land use application (see Attachment 3 – Authorization Letters). The application complies with MMC Subsections 19.321.12(D)(2)(c) and 19.1001.5(B)(1).

- d. For extensions to existing facilities, MMC Subsection 19.321.12(D)(2)(e) requires that the applicant provide documentation of Federal Aviation Administration (FAA) approval of the tower design or satisfactory evidence that FAA approval is not required.

As noted in the applicant's narrative (see Attachment 2 – Applicant's Response to Completeness and Approvability Items), the applicant has presented information from a Federal Communications Commission (FCC) Landing Facility Slope Calculation (also known as a TOWAIR) as well as from Verizon Wireless, which demonstrates that FAA approval is not needed for the proposed replacement monopole tower (see Attachment 4 – TOWAIR Determination Documents). The application complies with MMC Subsection 19.321.12(D)(2)(e).

- e. MMC Subsection 19.321.12(D)(2)(f) requires the submission of a site plan that includes the elements listed on the City's site plan checklist. The site plan should also provide information showing the location and natures of landscaping, utility connections, right-of-way curb cuts, required easements and access drives, proposed and existing equipment and wireless communication facilities, and lease area.

The applicant has submitted a site plan that includes all of the required information. The sheets relevant to this application are attached (see Attachment 5 – Site Plan). The application complies with MMC Subsection 19.321.12(D)(2)(f).

- 5. MMC Subsection 19.321.12(E) requires that all wireless communication providers attempt to co-locate on existing antenna support structures and that they cooperate with other wireless communication providers in co-locating antennae. All support structures 80 feet in height or greater shall be designed to

hold additional antennae that are substantially similar to the proposed antenna array.

The applicant is proposing to co-locate a new antenna on an existing monopole tower. The applicant proposes to effectively extend the height of the existing tower (80 feet) by replacing it with a monopole tower that is taller (120 feet). See Finding #6 for discussion of the height issue. As the applicant notes in the narrative and indicates on the site plan, the new monopole tower will allow room for at least one more antenna array (see Attachment 1 – Applicant’s Narrative and Elevation Sheets A-3 and A-3.1 in Attachment 5 – Site Plan). The application complies with MMC Subsection 19.321.12(E).

6. MMC Subsection 19.321.12(F)(2) limits the height of monopole towers in the Business Industrial (BI) zone to 100 feet but allows co-location on existing tower extensions or pole replacements that do not exceed 120 feet.

The applicant proposes to replace the existing 80-foot monopole tower with a 120-foot monopole tower, which is within the limits established by the zoning ordinance. The applicant submitted graphics showing both the existing and proposed monopole towers from two directions (see Attachment 7 – View Shots). The application was referred to the Land Use Committees of the two adjacent NDAs (Hector Campbell and Lake Road) and no objections to the proposed height have been received (see Attachment 6 – Comments). The application complies with MMC Subsection 19.321.12(F)(2).

7. MMC Subsection 19.321.12(G) establishes development standards for all wireless communication facilities. The relevant requirements are addressed as follows:

- a. MMC Subsection 19.321.12(G)(1)(a) requires that new monopole towers and equipment cabinets meet certain setback standards. Although the applicant is technically proposing to replace an existing monopole tower, the proposal includes shifting the tower location and therefore the setback standards for new towers are in effect. Minimum setbacks are 75 feet from the front property line, 15 feet from side property lines, and 20 feet from the rear property line.

As reflected in the applicant’s narrative and demonstrated on the site plan, the new monopole tower and related equipment cabinets will be located approximately 362 feet from the front property line, 15 feet from the east property line, and 22 feet from the rear property line (see Attachment 2 – Applicant’s Response to Completeness and Approvability Items, and Architectural Site Plan Sheet A-1 and Enlarged Site Plan Sheet A-2 in Attachment 5 – Site Plan). The application complies with MMC Subsection 19.321.12(G)(1)(a).

- b. MMC Subsection 19.321.12(G)(4) allows the minimum security lighting necessary to secure the tower, as required by the FAA, and requires that all security lighting be directed downward onto the tower compound.

No lighting is proposed for either the tower or the on-site lease area. At 120 feet in height and over 8 miles from the nearest airport, no lighting for the tower itself is required. The application complies with MMC Subsection

19.321.12(G)(4).

- c. MMC Subsection 19.321.12(G)(6)(b) establishes specific landscaping standards for equipment cabinets for antennae that are co-located on existing support structures. Landscaping shall include a screen of plants with an anticipated mature height of at least 6 feet and should be compatible with native vegetation found in the surrounding area. Landscaping shall be kept healthy and maintained.

Just to the northeast of the lease area, the public right-of-way on SE Minthorn Loop transitions from an improved street to an unimproved area designated as a wetland buffer. The properties farther to the north of the lease area, in the triangle formed by SE 37th Avenue and SE Railroad Avenue, are designated wetlands owned by the Wetlands Conservancy and the City of Milwaukie. To the east of the lease area is a parking lot serving an adjacent office building. The western edge of the lease area faces the interior of the Shurgard Storage site and the southern edge faces an existing storage facility on the Shurgard site.

The applicant has requested a waiver from the landscaping requirements, citing the absence of landscaping for the existing 80-foot monopole tower and potential impacts to the capacity of the surrounding storage facility (see Attachment 1 – Applicant’s Narrative, and Attachment 2 – Applicant’s Response to Completeness and Approvability Items). Staff has explained that there were no established standards for landscaping when the existing monopole tower was first approved in 1999 (File #CSO-99-10). There are landscaping standards in effect today, however, and the application must comply with them as noted above.

Although the applicant has not retracted the waiver request, the applicant has presented a revised site plan that shows landscaped areas along the eastern edge of the lease area and along the existing fence across the existing internal drive-aisle to the north of the lease area (see Landscape Plan Sheet L-1 in Attachment 5 – Site Plan). The request for a waiver to the landscaping requirements is denied. As conditioned, the application complies with MMC Subsection 19.321.12(G)(6)(b).

- d. MMC Subsection 19.321.12(G)(7)(b) requires that access to the site be achieved through existing drives to the greatest extent possible.

The applicant proposes to access the lease area (monopole tower and equipment cabinets) through the existing drive-aisles on the larger Shurgard Storage site and from the adjacent property to the east (see Architectural Site Plan Sheet A-1 in Attachment 5 – Site Plan). No new access drives are proposed. As conditioned, the application complies with MMC Subsection 19.321.12(G)(7)(b).

Note: The proposed fencing is 6 feet tall with barbed wire on top (see Construction Details Sheet A-4.2 in Attachment 5 – Site Plan) and will match the existing fencing on the larger Shurgard Storage site. MMC Subsection 19.402(B)(3) states that, in industrial zones, barbed or razor wire is only permitted on top of maximum height (8-foot) fences. Shurgard Storage

developed the site long before the current standards for fencing were adopted in 2002. Because the applicant is proposing to replace existing fencing for only a small portion of the entire perimeter of the overall Shurgard Storage site, the new fencing may match the existing fencing with barbed wire on top of a 6-foot fence.

- e. MMC Subsection 19.321.12(G)(8)(b) allows identification signs for wireless communication facilities but limits them to 4 square feet in area.

The applicant is proposing identification and warning signs for the lease area (see Construction Details Sheet A-5.1 in Attachment 5 – Site Plan). As conditioned, the application complies with MMC Subsection 19.321.12(G)(8)(b).

- f. MMC Subsection 19.321.12(G)(9) requires all abandoned wireless communication facilities to be removed. All facilities that are not operated for a continuous period of 6 months shall be considered abandoned. All abandoned facilities and equipment must be removed within 90 working days after date of notice is given by the City of Milwaukie.

MMC Subsection 19.321.12(G)(10) requires all operators of wireless communication facilities within the City of Milwaukie to report in writing to the Planning Director any changes in the status of their operation and, at the very least, an annual statement verifying continued use of the facility.

As conditioned, the application complies with MMC Subsections 19.321.12(G)(9) and 19.231.12(G)(10).

- 8. MMC Subsection 19.321.12(H) states that approval of application File #CSO-06-01 shall be void after 6 months unless substantial construction has taken place. If this approval becomes void, any new wireless communication equipment must be removed and the site must be returned to its pre-existing condition.

As conditioned, the application complies with MMC Subsection 19.321.12(H).

- 9. Staff reviewed the original land use decision approving the existing monopole tower (File #CSO-99-10). One of the conditions of approval for the existing monopole tower was that it be painted an appropriate, neutral color (see Attachment 8 – Revised Notice of Decision for Files #CSO-99-10 and VR-99-09). Because the current application is to replace the existing monopole tower, it is appropriate to require that the new monopole tower will also be painted a neutral color. As conditioned, the application upholds the spirit of the original land use decision for the existing monopole tower.

Conditions of Approval

- 1. Final site and architectural plans shall be in substantial conformance with the plans approved by this action, which are the site plans and application submission materials stamped received May 26, 2006 by the Milwaukie Planning Department.
- 2. Prior to installation of the wireless communication facility the applicant shall:
 - a. Obtain all necessary building permits.

- b. Submit detailed structural plans, with accompanying calculations to show compliance with Section 3108 and other applicable sections of the Oregon Structural Specialty Code. Plans shall be prepared by an engineer licensed to practice in Oregon.
 - c. Submit a landscaping plan that is substantially similar to Landscape Plan Sheet L-1 in Attachment 5 – Site Plan. Landscaping shall include a screen of plants with an anticipated mature height of at least 6 feet and shall be compatible with native vegetation found in the surrounding area.
 - d. Submit scaled drawings for all proposed signage to demonstrate that proposed signs will not exceed 4 square feet in area.
 - e. Submit a color sample for the new monopole tower, to be approved by the Planning Director. Such color selection shall be substantially similar to the color of the existing monopole tower.
 - f. Submit a narrative describing all actions taken to comply with conditions of approval.
3. Prior to final inspection of the wireless communication facility the applicant shall:
 - a. Paint the newly installed monopole tower the color approved by the Planning Director as per Condition #2e.
 - b. Submit a signed authorization from the owner of the adjacent property to the east (4011 SE International Way) verifying permission for secondary access to the lease area from the adjacent property.
 - c. Submit a narrative demonstrating compliance with conditions of approval.
4. The operator of the wireless communication facility shall maintain the landscaping buffer in perpetuity.
5. 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 six months or longer.
6. Approval of this application shall be void after 6 months unless substantial construction has taken place. If this approval becomes void, all wireless communication equipment must be removed and the site must be returned to its pre-existing condition.

Advisory Notes

1. The Building Official, Fire Marshall, Engineering Department, and Land Use Committees of both the Hector Campbell and Lake Road Neighborhood District Associations (NDAs) conducted a preliminary review of the application. Comments were received from the Building Official, David Aschenbrenner of the

Hector Campbell NDA Land Use Committee, Forris Frick of the Lake Road NDA Land Use Committee, and Engineering Department. Their responses are included as Attachment 6 (Comments) and will be sent under separate cover to the applicant.

2. Electrical permits are issued through Clackamas County.



Katie Mangle
Planning Director

cc: Applicant
Planning Commission
Kenny Asher, Community Development/Public Works Director
Paul Shirey, Engineering Director
Zach Weigel, Civil Engineer
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Ron Schumacher, Deputy Fire Marshal
NDAs: Hector Campbell, Lake Road
Interested Persons
File: CSO-06-01

Attachments:

(Not attached unless otherwise indicated—all attachments are available for public viewing upon request.)

1. Applicant's Narrative
2. Applicant's Response to Completeness and Approvability Items
3. Authorization Letters
4. TOWAIR Determination Documents
5. Site Plan
 - a. Architectural Site Plan Sheet A-1 (*attached*)
 - b. Enlarged Site Plan Sheet A-2 (*attached*)
 - c. Elevation Sheet A-3 (*attached*)
 - d. Elevation Sheet A-3.1 (*attached*)
 - e. Construction Details Sheet A-4.2
 - f. Construction Details Sheet A-5.1
 - g. Landscape Plan Sheet L-1 (*attached*)
6. Comments
 - a. Building Department – Tom Larsen, Building Official
 - b. Hector Campbell NDA – David Aschenbrenner, Land Use Committee Chair
 - c. Lake Road NDA – Forris Frick, Land Use Committee Chair
 - d. Engineering Department – Zachary John Weigel, Civil Engineer

7. View Shots (*attached*)
 - a. Looking West
 - b. Looking North
8. Revised Notice of Decision for Files #CSO-99-10 and VR-99-09

