



February 18, 2016

Land Use File(s): CSU-2016-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on February 18, 2016.

Applicant(s): FDH Velocitel for AT&T Mobility

Appellant (if applicable):

Location(s): 2889 SE Hillside Ct.

Tax Lot(s): 11E25CD00100

Application Type(s): Modification of a Community Service Use - Wireless Communication Facility

Decision: Approved with Conditions

Review Criteria: Milwaukie Zoning Ordinance:

- MMC 19.904 Community Service Uses
- MMC 19.1005 Type II Review

Neighborhood(s): Ardenwald-Johnson Creek

Appeal period closes: 5:00 p.m., March 4, 2016

This notice is issued in accordance with Milwaukie Municipal Code (MMC) 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 Vera Koliass, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on March 4, 2016, which is 15 days from the date of this decision. 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 following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

COMMUNITY DEVELOPMENT
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Findings in Support of Approval

1. FDH Velocitel ("the applicant"), on behalf of AT&T Mobility, proposes to modify an existing rooftop stealth wireless communication facility by swapping out the existing antenna and adding remote radio heads at the existing antenna level, in the existing antenna positions in the existing rooftop site at 2889 SE Hillside Ct. The proposed modification would not change the visual nature of the site and no changes to the existing stealth screen are proposed.

The subject property is zoned Residential Zone R-3 and is owned by the Clackamas County Housing Authority. The wireless communications tower is owned by New Cingular Wireless PCS LLC dba AT&T Mobility. The application submittal has been authorized by AT&T Mobility, and the lease agreement with the Housing Authority authorizes the modification of the wireless facility.

2. Rooftop wireless communication facilities enclosed in a stealth design to screen the antennas and equipment was originally approved for the subject property in 2011 (land use file #CSU-11-03).
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 that are not addressed in these findings are found to be not applicable decision criteria for the proposed development.

4. MMC 19.904.11 Approval Criteria
5. 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 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) maintain existing screening of all antennas and related equipment. The proposal is consistent with the goals of MMC 19.904.11.B.

- B. MMC 19.904.11.C Application Process

- 1) MMC Table 19.904.11.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 maintain the existing screening for all equipment as indicated in Finding 1 above. As conditioned, this requirement is met.

- 2) 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 decision are shown on the map in Exhibit 1.

C. MMC 19.904.11.D Application Submission 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 antennas will be placed so that additional antennas can be added onto the rooftop in a similar fashion 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 has provided an authorization from the Clackamas County Housing Authority, owner of the building, 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.

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.

- 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 building 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 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 19.904.11.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 proposal would replace existing antenna in an existing configuration on the building's rooftop. 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 antenna.

The proposal would replace existing antenna in an existing configuration on the building's rooftop; the configuration has been designed to accommodate additional antenna. This requirement is met.

E. MMC 19.904.11.F Location and Size Restrictions

MMC 19.904.11.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 antenna 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 19.904.11.G Development Standards for All WCFs

- i) MMC 19.904.11.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.

- ii) MMC 19.904.11.G.2-8 establishes standards for ladder rungs, guy anchorage, lighting, noise, landscaping, access drives, and signage.

No changes to the existing situation are proposed. No additional lighting or equipment that could create noise are proposed. This standard is met.

- iii) 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 applicant's narrative acknowledges this requirement, and a condition has been established to ensure that this standard is met.

- iv) 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 applicant's narrative acknowledges this requirement, and a condition has been established to ensure that this standard is met.

As conditioned, the proposed development complies with all applicable standards of MMC 19.904.11.G.

G. MMC 19.904.11.H Expiration of Approval

As per MMC 19.904.11.H, approval of WCF applications 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 the approval of CSU-2016-001 shall be removed and the site shall be returned to its pre-existing condition. This standard is met.

As conditioned, the Planning Director finds that the proposed development complies with applicable standards of MMC 19.904.11.

5. The application was forwarded to the following City departments and related entities for review and comment: City of Milwaukie Building and Engineering Departments, Clackamas County Fire District #1, and the Historic Milwaukie and Ardenwald-Johnson Creek Neighborhood District Associations. 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. Within 6 months of the approval of CSU-2016-001, 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, elevations, drawings, and equipment details shall be in substantial conformance with the plans approved by CSU-2016-001, which are the plans received by the Milwaukie Planning Department on January 13, 2016.
 - B. As necessary, provide a narrative describing any changes to the plans approved by CSU-2016-001. Any such changes shall be evaluated by the Planning Director to determine whether further review and approval is necessary.
2. The applicant shall notify the Planning Department when it ceases use of any existing antennas. Per MMC 19.904.G.9.a, the applicant shall remove the abandoned equipment within 90 days of notice from the City. The applicant shall notify the Planning Department when removal of the abandoned equipment is complete.
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 communications equipment installed pursuant to approval of application CSU-2016-001 must be removed and the site must be returned to its pre-existing condition.

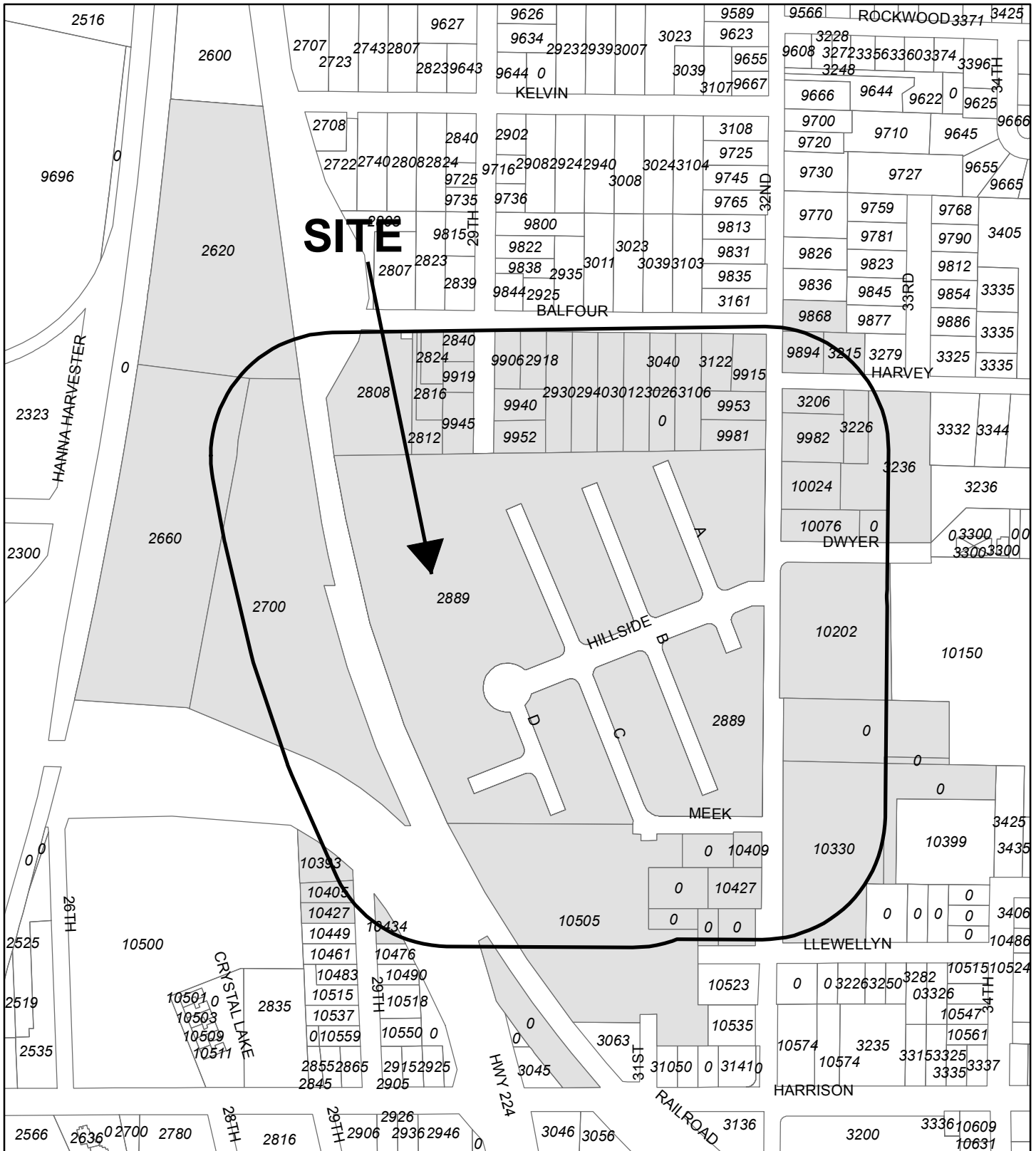
Exhibits

1. Map of Properties Receiving Notice of Land Use Proposal (attached)
2. Applicant's Site Plans and Photo Simulations (attached)







Dennis Egner, AICP
Planning Director

cc: Richard Fenton, FDH Velocitel (4004 Kruseway Pl., Lake Oswego, OR 97035)
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Chrissy Dawson, Engineering Technician II (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1
NDA(s): Ardenwald-Johnson Creek (*via e-mail*)
Historic Milwaukie (*via e-mail*)
Land Use File(s): CSU-2016-001



Site Map
2889 SE Hillside Ct.
(11E25CD00100)
File# CSU-2016-001

Legend

-  CSU-2016-001 site
-  300 foot buffer
-  Properties receiving notification
-  Tax Lots

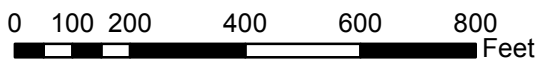
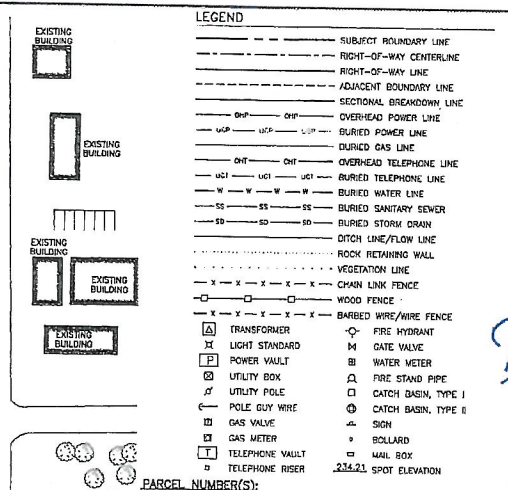
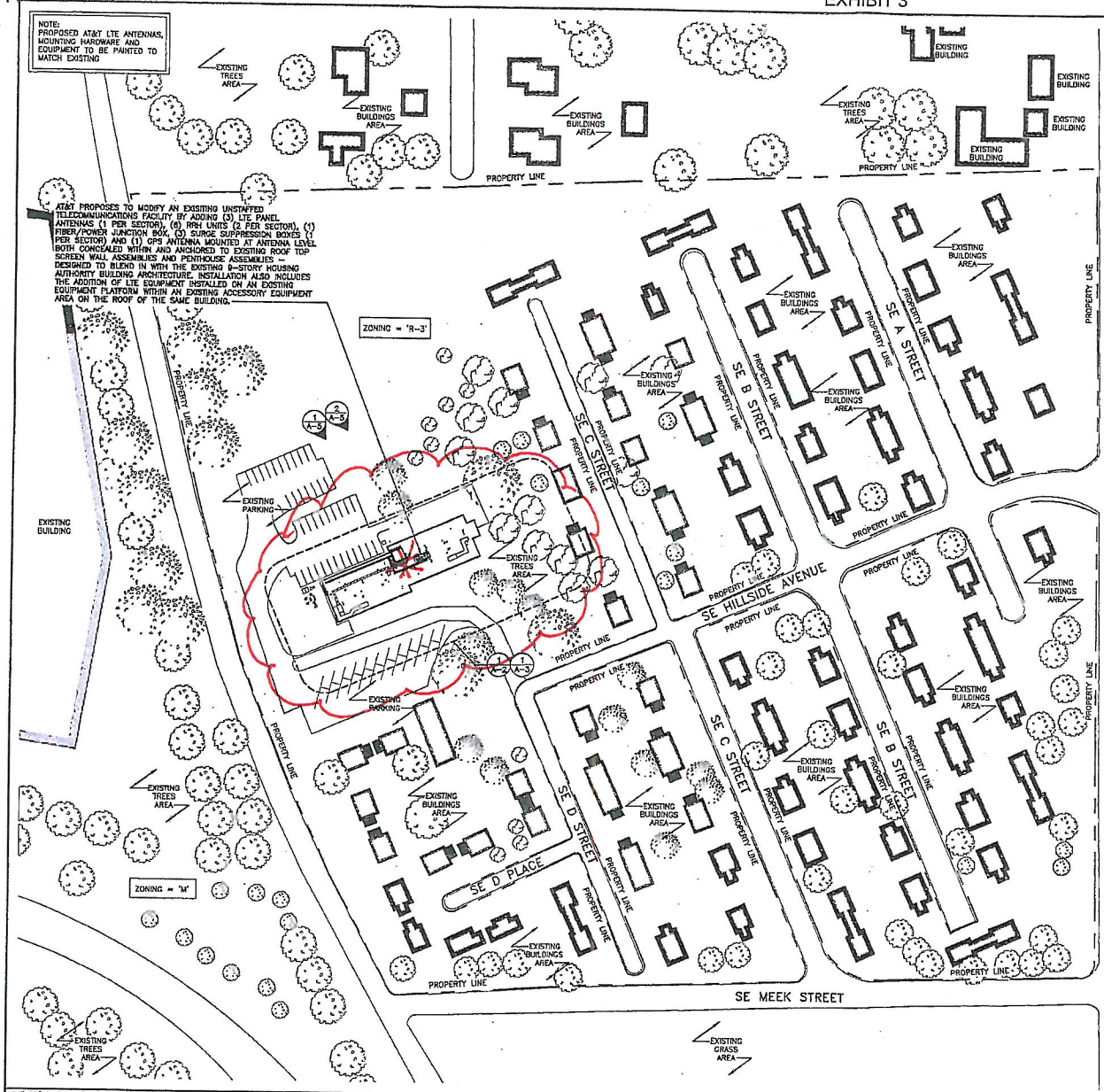


EXHIBIT 3



PARCEL NUMBER(S): 1122500000

LEGAL DESCRIPTION:

ALL THAT PART OF WILLIAM MECK DONOR LAND CLAIM SITUATED IN SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILKINETT MERIDIAN, DESCRIBED AS FOLLOWS:

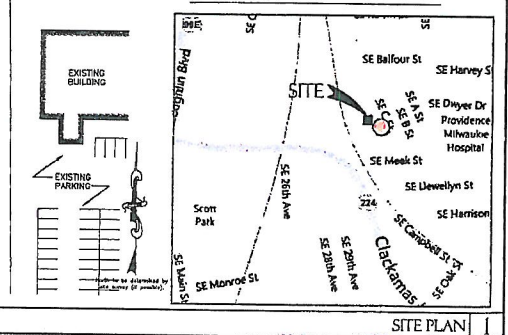
BEING AT A POINT ON THE EASTLY LINE OF THE WILLIAM MECK DONOR LAND CLAIM WHICH POINT IN ACROSS 111'00" WEST 142.60 FEET BEING FROM THE SOUTHWEST CORNER OF THE HECTOR CHARBELL DONOR LAND CLAIM, THENCE NORTH 111'00" WEST 31.61 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SOME NEW ACRES PLAT NO. 4, THENCE SOUTH 87°32'00" WEST ALONG SOUTH LINE OF SOME NEW ACRES PLAT NO. 4, 100'00 FEET TO THE EASTLY SIDE LINE OF THE POINT OF BEGINNING OF THE HECTOR CHARBELL DONOR LAND CLAIM, THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE FOLLOWING A STRAIGHT BARE TO THE LEFT, THE CHORD TO WHICH BEARS SOUTH 11°00' EAST 156.86 FEET, THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE 301.74 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 234.65 FEET, THE CHORD TO WHICH BEARS SOUTH 20°25'00" EAST 770.00 FEET TO A POINT, SAID POINT IS SOUTH 87°32'00" WEST 700.00 FEET DISTANT FROM THE PLACE OF BEGINNING.

EXCEPT THAT PART COMEVED TO MILWAUKIE A MUNICIPAL CORPORATION BY FIRST STATE BANK OF MILWAUKIE, AN OREGON CORPORATION, RECORDED SEPTEMBER 20, 1939 IN BOOK 16 PAGE 624, DEED RECORDS, DESCRIBED AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER OF THE HECTOR CHARBELL DONOR LAND CLAIM SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILKINETT MERIDIAN THENCE NORTH 111°00' WEST 142.60 FEET TO A POINT, THENCE SOUTH BY 60°57' WEST 20 FEET, THENCE NORTH 11°10' WEST 30 FEET TO THE SOUTHWEST CORNER OF TRACT 4, HANNEY'S FIRST ADDITION TO MILWAUKIE, OREGON, PLAT BOOK 17, PAGE 4, WHICH IS ALSO THE PLACE OF BEGINNING OF THE TRACT HECTOR CHARBELL DONOR LAND CLAIM, THENCE SOUTH BY 87°32' WEST 6 FEET, MORE OR LESS, TO A POINT THAT IS 6 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE WEST RIGHT OF WAY BOUNDARY OF THE POINT OF BEGINNING OF THE TRACT HECTOR CHARBELL DONOR LAND CLAIM, THENCE SOUTH BY 87°32' WEST 6 FEET, MORE OR LESS, TO A POINT THAT IS 6 FEET WESTERLY MEASURED AT RIGHT ANGLES FROM THE WEST RIGHT OF WAY BOUNDARY OF SAID TRACT 4, HANNEY'S FIRST ADDITION TO MILWAUKIE, THENCE SOUTH BY 11°00' EAST 156.86 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THE TRACT HECTOR CHARBELL DONOR LAND CLAIM, THENCE SOUTH BY 11°00' EAST 156.86 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THE TRACT HECTOR CHARBELL DONOR LAND CLAIM IN SECTION 25, TOWNSHIP 1 SOUTH, RANGE 1 EAST, OF THE WILKINETT MERIDIAN AND TO BE USED FOR STREET PURPOSES AND EXCEPT THAT PART IN COUNTY ROAD OR EAST.

GENERAL NOTES:

- ANY FACTS NOTED HEREIN 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.
- ALL UNPAID TAXES, CLAIMS, OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF, (C) WAIVER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS DESCRIBED UNDER (A), (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS.
- DISCREPANCIES IN BOUNDARY LINES SHOWN IN AREA DISCREPANCIES OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD REVEAL, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
- STANDARD UNITS OR ANY OTHER UNITS OR DISCREPANCIES OR CLAIMS THEREIN, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.



REGISTERED ARCHITECT
 RICHARD B. HALL
 SEATTLE, WA 98108

STATE OF OREGON
 EXPIRATION DATE OF THE LICENSE: 08/30/12

MILWAUKIE & HWY 224
 PL04
 2889 SE HILLSIDE STREET
 MILWAUKIE, OR 97222

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.

PL04

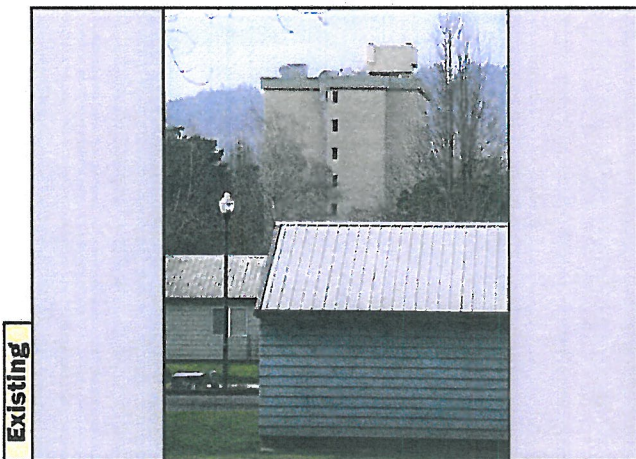
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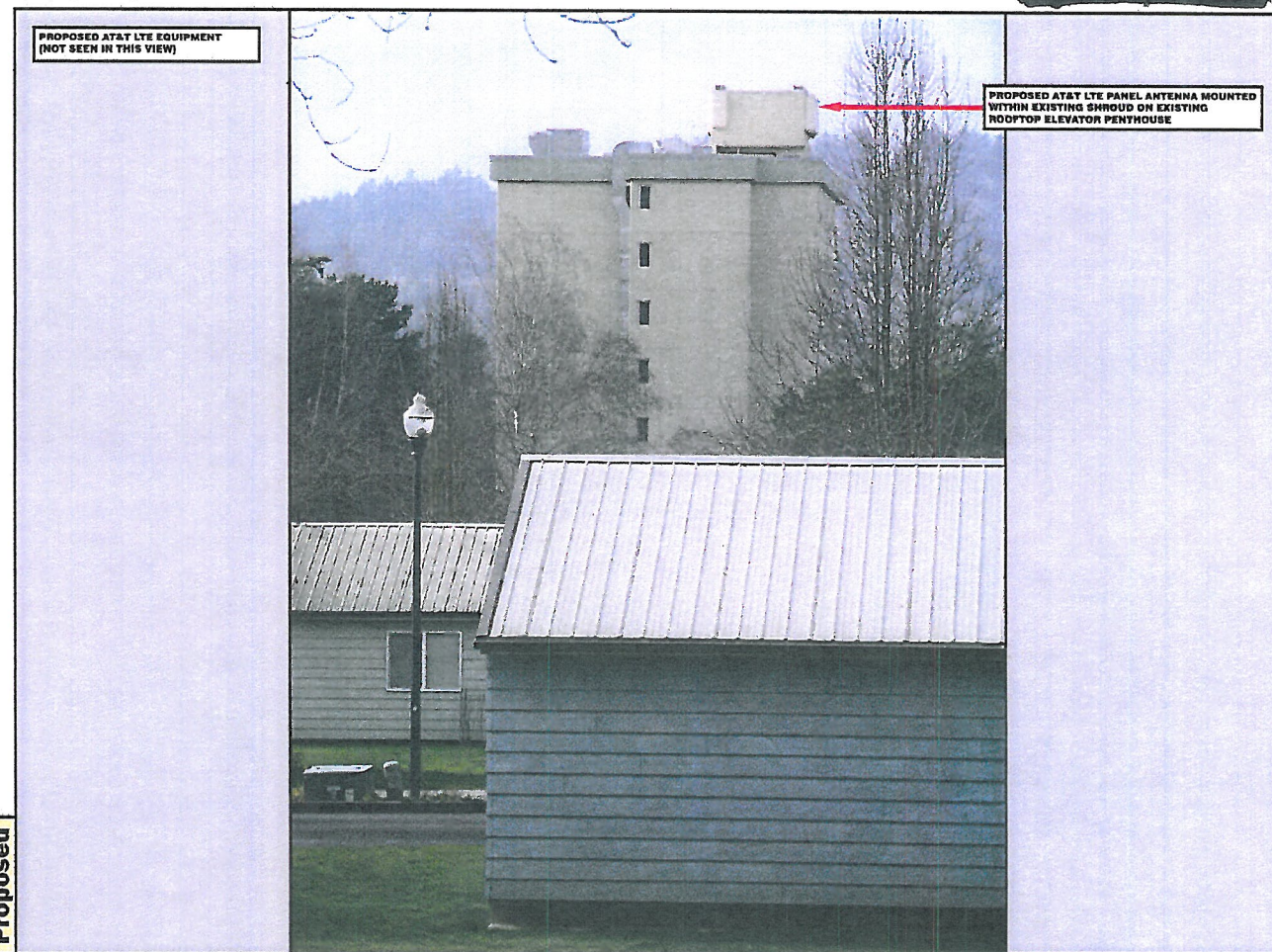
View #: 4



Location



Existing



Proposed

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

PROPOSED AT&T LTE PANEL ANTENNA MOUNTED
WITHIN EXISTING SHROUD ON EXISTING
ROOFTOP ELEVATOR PENTHOUSE

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

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

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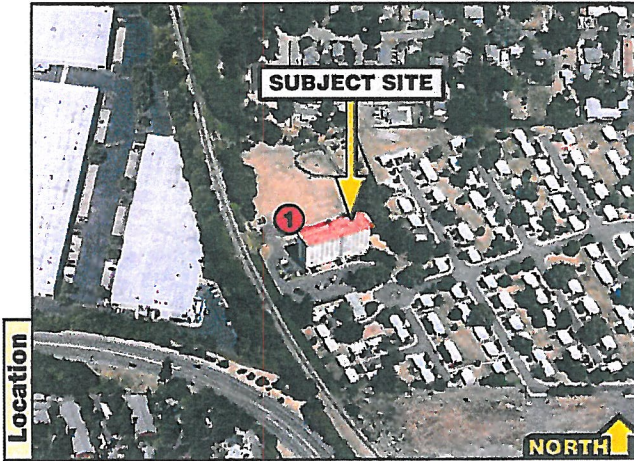
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EXHIBIT 2



at&t

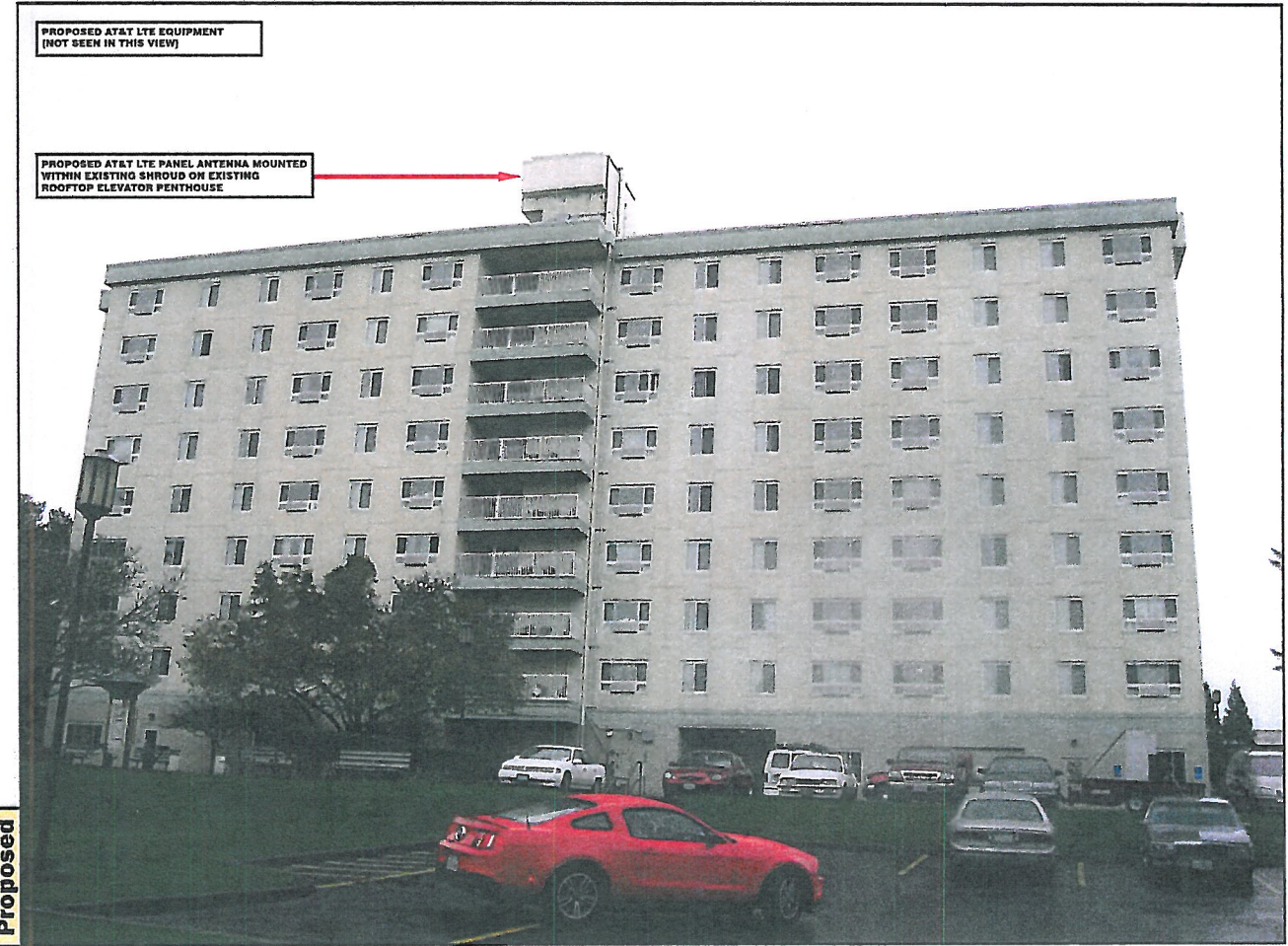
View #: 1



Location



Existing



Proposed

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

PROPOSED AT&T LTE PANEL ANTENNA MOUNTED
WITHIN EXISTING SHROUD ON EXISTING
ROOFTOP ELEVATOR PENTHOUSE

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REV:
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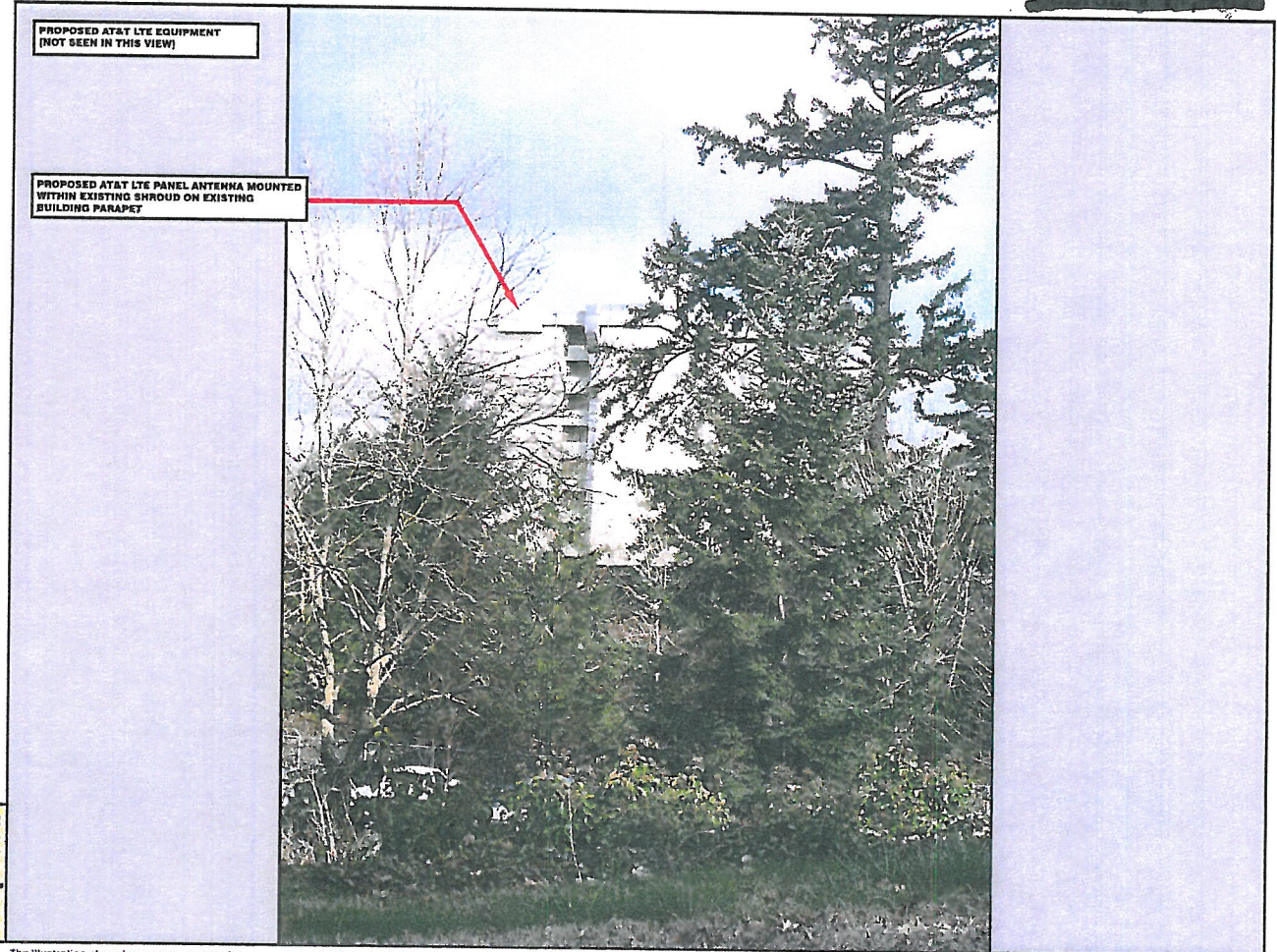
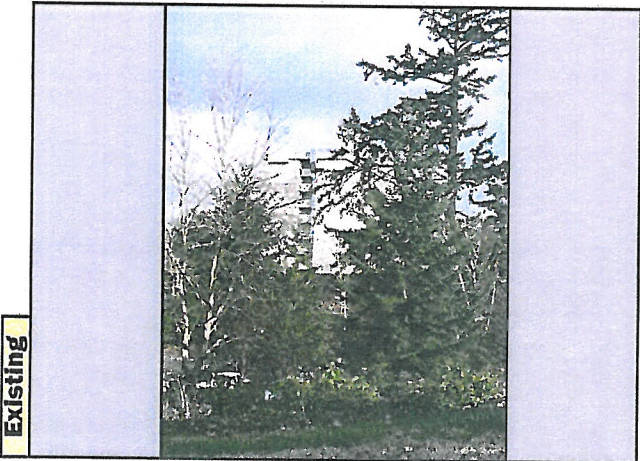
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at&t

View #: 3



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