



May 22, 2015

File: CSU-2015-003

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on May 22, 2015.

Applicant:	Tammy Hamilton, Acom Consulting, Inc., 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 Community Service Uses• MMC 19.904.11 Community Service Use, Standards for Wireless Communication Facilities• MMC 19.1005 Type II Review
Neighborhood:	Milwaukie Business Industrial

Appeal period closes: 5:00 p.m., June 8, 2015

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 Li Alligood, Associate Planner, at 503-786-7627 or alligoodl@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on June 8, 2015, 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.

Findings in Support of Approval

1. Tammy Hamilton of Acom Consulting, Inc. ("the applicant"), on behalf of Verizon Wireless, proposes to modify an existing wireless communication facility by replacing 9 existing antennas on the existing monopole at 3701 SE International Way with 9 new antennas, accompanied by 6 radio remote units (RRUs), 2 hybrid cables, and 2 surge suppressors. 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" March 25, 2015, 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.

In August 2012, the City approved a modification of 6 pre-existing antennas through land use application file #CSU-12-10. That installation was completed.

In September 2013, the City approved a modification of 6 pre-existing antennas through land use application file #CSU-13-07. That installation was completed.

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.

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 new antennas would replace existing antennas on existing mounting infrastructure at the top of the monopole. The proposed radio remote units (RRUs), cables, and surge suppressors 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 Minthorn Loop.

As allowed by MMC 19.904.11.G.6.d, the applicant has requested a waiver from the vegetative screening requirement because no alterations to the site are proposed beyond the replacement of antennas on the monopole. The gap in existing landscaping is relatively small, and the adjacent right-of-way on Minthorn Loop is unimproved. 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. It is also worth noting that the area of existing landscaping is beyond the applicant's lease area for the existing pole and equipment. In conclusion, the location of the monopole and equipment area, as well as the existing landscaping at the perimeter of the site, make it unnecessary and 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: Clackamas County Fire District #1 and the Lake Road Neighborhood District Association. 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-2015-003) shall be in substantial conformance with the plans stamped "Received" March 25, 2015, 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.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-2015-003 shall be removed and the site shall be returned to its pre-existing condition.

Exhibits

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-13-07>.



Dennis Egner, AICP
Planning Director

cc: Verizon Wireless (5430 NE 122nd Ave, Portland, OR 97230)
Tammy Hamilton, Acom Consulting, Inc. (2215 SE 37th Ave, Portland, OR 97214)
Planning Commission *(via e-mail)*
Alma Flores, Community Development Director *(via e-mail)*
Jason Rice, Engineering Director *(via e-mail)*
Brad Albert, Civil Engineer *(via e-mail)*
Samantha Vandagriff, Building Official *(via e-mail)*
Bonnie Lanz, Permit Specialist *(via e-mail)*
Mike Boumann and Matt Amos, CFD#1 *(via e-mail)*
NDA(s): Lake Road *(via e-mail)*
Interested Persons
Land Use File(s): CSU-2015-003