



June 6, 2016

Land Use File(s): CSU-2016-004  
Permit # 601-16-000574-STR

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on June 6, 2016.

**Applicant(s):** FDH Velocitel for AT&T Mobility  
**Location(s):** 5410 SE International Way  
**Tax Lot(s):** 12E31D01000  
**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):** Business Industrial

**Appeal period closes: 5:00 p.m., June 21, 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 Kolas, Associate Planner, at 503-786-7653 or [koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on June 21, 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](mailto: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.

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

1. FDH Velocitel ("the applicant"), on behalf of AT&T Mobility, proposes to modify an existing wireless communication facility by swapping 6 antennas, removing 3 antennas, adding 6 remote radio heads, adding 1 surge protector, adding 2 handrails, removing 6 tower mounted amplifiers, and removing 6 coax feeders on the existing wireless communication tower at 5410 SE International Way. In the existing ground shelter, 2 existing equipment cabinets will be consolidated into 1 cabinet and the other cabinet removed. The purpose of the project is a system-wide upgrade of facilities. The proposed modification would not change the visual nature of the site.

The subject property is zoned Business Industrial Zone BI and is owned by Jarco Property Management. 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 property owner authorizes the modification of the wireless facility.

2. A 100-ft-tall wooden monopole was originally approved for the subject property in 1991 (land use file #CSO-91-01). The approval included a variance to exceed the 50-ft maximum height allowed for community service uses at that time (file #VR-91-02). In 1996, the existing steel monopole was approved to replace the original wooden monopole as a minor change to CSO-91-01.

An application for a similar modification was submitted in 2011 (file # CSU-11-04). The application was approved, but no construction took place within 6 months and the approval expired according to the provision in Milwaukie Municipal Code (MMC) Subsection 19.904.11.H.

An application for a similar modification was submitted in 2014 (file # CSU-12-04). The application was approved.

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 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 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 Crown Castle, the owner of the monopole tower, 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 monopole tower 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 existing monopole tower, all of the proposed antennas will be replacing antennas that are to be removed, and no new landscaping is proposed. No new utility connections, easements, or access drives are proposed. At the existing ground shelter, 2 existing*

*equipment cabinets will be consolidated into 1 cabinet and the other cabinet will be removed. No ground disturbance is proposed. A site plan was submitted reflecting the proposed work. 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 existing monopole tower. 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 existing monopole is approximately 100 ft tall and includes three existing mounting structures at elevations of approximately 82 ft, 90 ft, and 102 ft, designed to accommodate additional antennas. This requirement is met.*

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.

*A variance request in 1991 (File #VR-91-02) approved the original wooden monopole for a 100-ft height, an increase from the previous 50-ft standard. In 1996, a 100-ft steel monopole was approved as a replacement for the original wooden pole. The highest existing antennas extend approximately 4 to 6 ft above the top of the monopole, and the proposed new antennas will extend the same approximate distance 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.

*The equipment cabinets for the existing monopole tower are located in an adjacent building's basement. No new equipment cabinets area proposed.*

- 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-2016-004 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, 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. Within 6 months of the approval of CSU-2016-004, 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-2016-004, which are the plans received by the Milwaukie Planning Department on May 6, 2016.
  - B. As necessary, provide a narrative describing any changes to the plans approved by CSU-2016-004. 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-2016-004 must be removed and the site must be returned to its pre-existing condition.

**Exhibits**

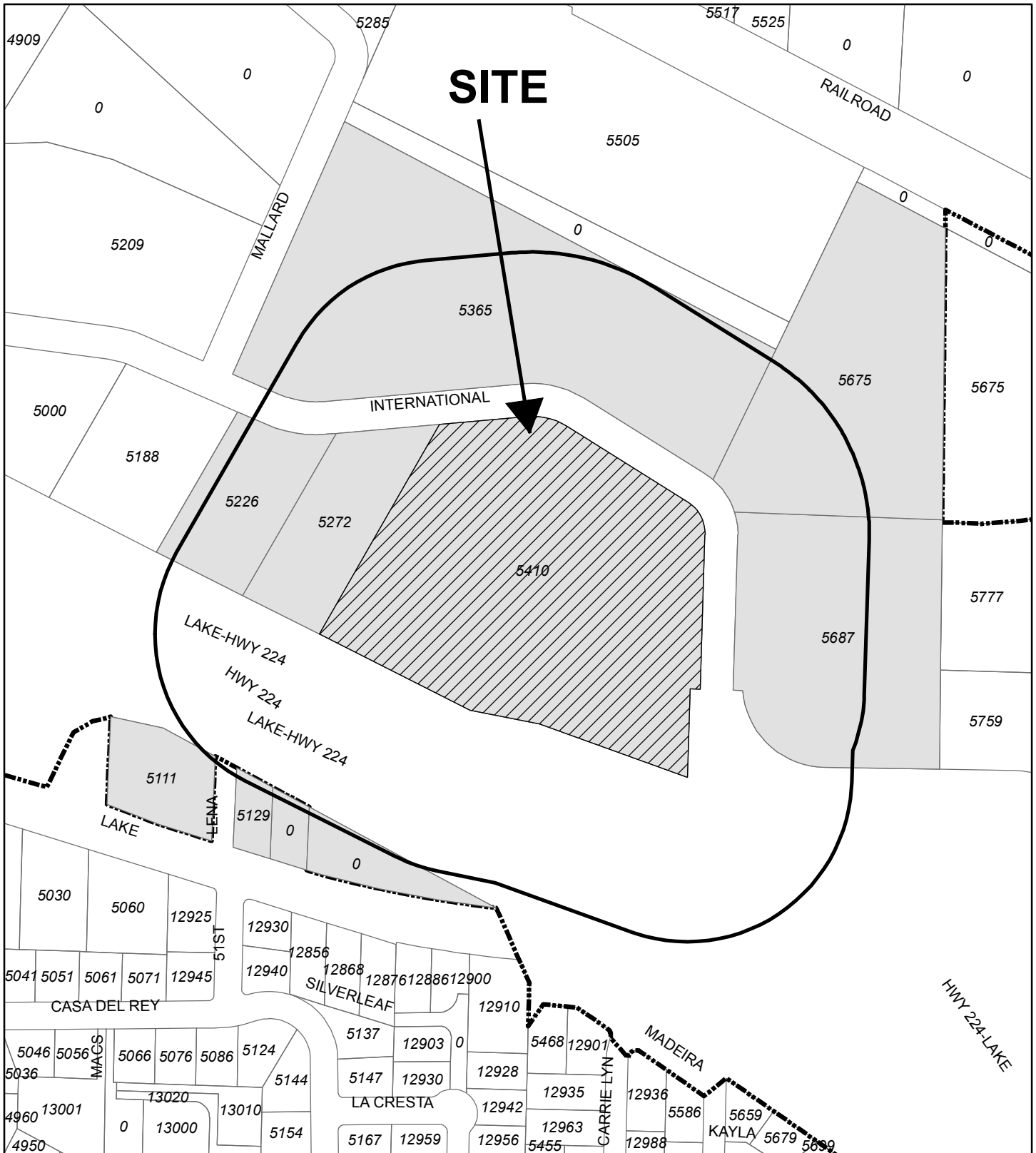
1. Map of Properties Receiving Notice of Land Use Proposal (attached)
2. Applicant's Site Plans and Photo Simulations (attached)



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Dennis Egner, AICP  
Planning Director





cc: Natalie Erlund, 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*)  
Alex Roller, 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  
Land Use File(s): CSU-2016-004

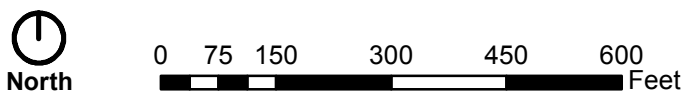


**SITE**

**Site Map**  
**5410 SE International Way**  
**(12E31D01000 )**  
**File#CSU-2016-004**

**Legend**

-  300 foot buffer
-  CSU-2016-004 property
-  Properties receiving notice
-  Tax Lots







AT&T MOBILITY CORP.  
17400 SW 78th Ave, Ste. 800  
Tualatin, OR 97062

**FDH VELOCITEL**  
ENGINEERING INNOVATION  
4004 ORLUBE WAY PLACE  
BLDG 2004, SUITE #250  
LAKE OSWEGO, OR 97036  
503-638-8600 (PHONE)  
503-638-2501 (FAX)

**SITE ID: PR62**  
**HIGHWAY 224**  
5410 SE INTERNATIONAL  
WAY  
MILWAUKIE, OR 97222

PROJECT: LTE 2C+3C  
DESIGN FOR: FINAL

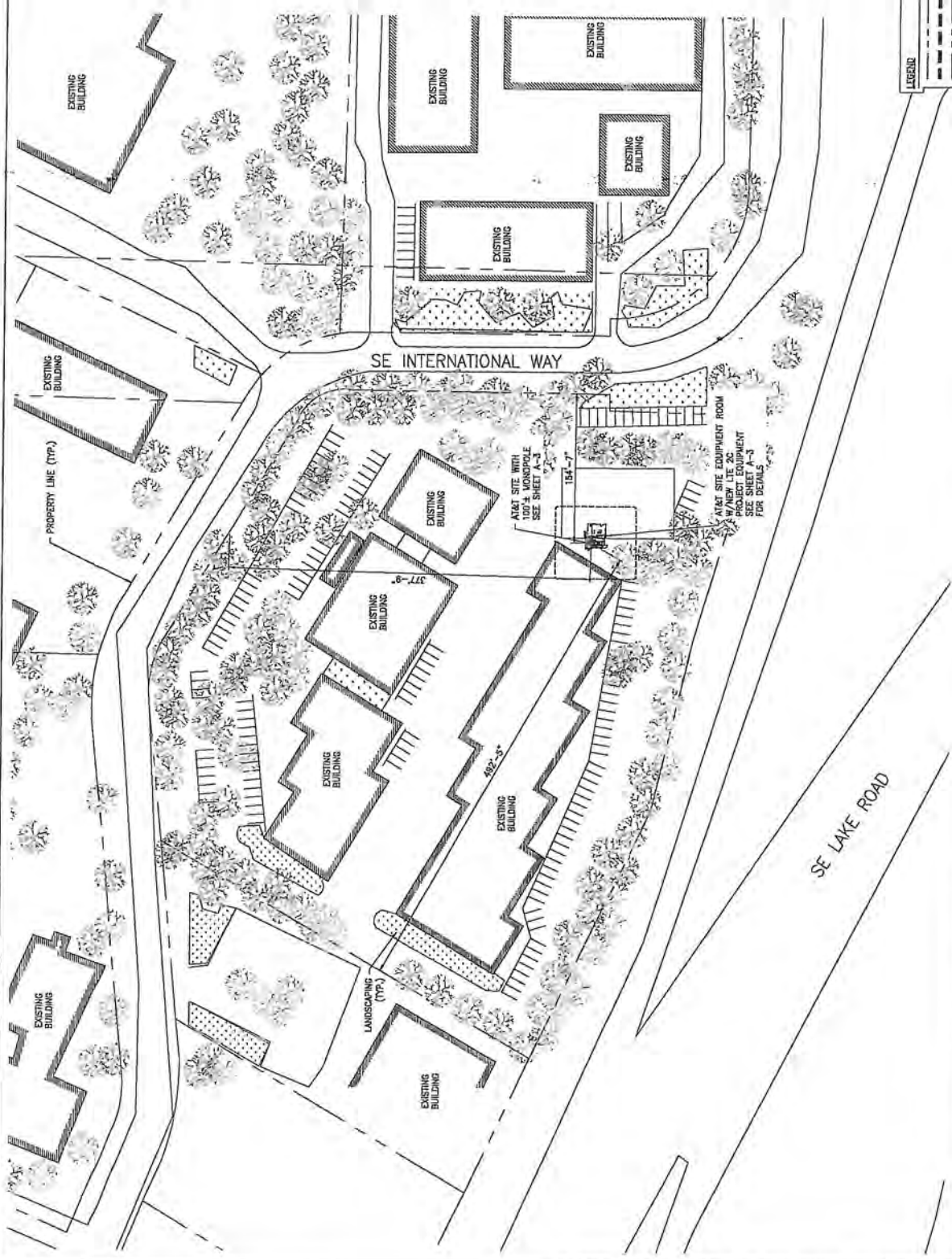
NO.	DATE	DESCRIPTION	BY
A	11/11/15	PRELIM DCS	BT
B	1/29/16	FINAL DCS	BT
1	4/11/16	CLIENT COMMENTS UP	

DATE: 10/24/2012  
DRAWN BY: JJ  
CHECKED BY: JJ  
CURRENT ISSUE DATE: 4/11/16

REGISTERED PROFESSIONAL  
ENGINEER  
ALAN E. MOJONES  
866894E  
Apr 11, 2016  
OREGON

EXPIRES: 12/31/16  
SET OF CONSTRUCTION DOCUMENTS IS PROVIDED BY MOBILE. ANY USE OR REUSE OF THESE DOCUMENTS IS STRICTLY PROHIBITED.  
SUBJECT TITLE:  
OVERALL SITE PLAN

SHEET NUMBER: A-1  
SHEET TOTAL: 1



**LEGEND**

- SUBJECT PARCEL
- SECTION LINES
- PROPERTY LINES
- RIGHT-OF-WAY LINES

OVERALL SITE PLAN | 1

SCALE: 1/8" = 1'-0"  
DATE: 4/11/16

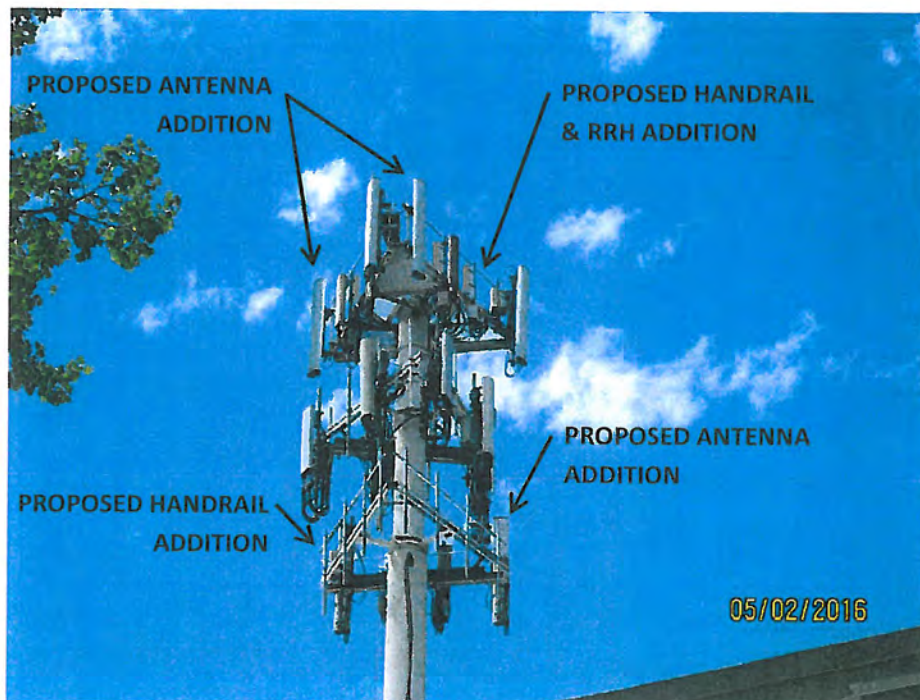
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NORTH VIEW

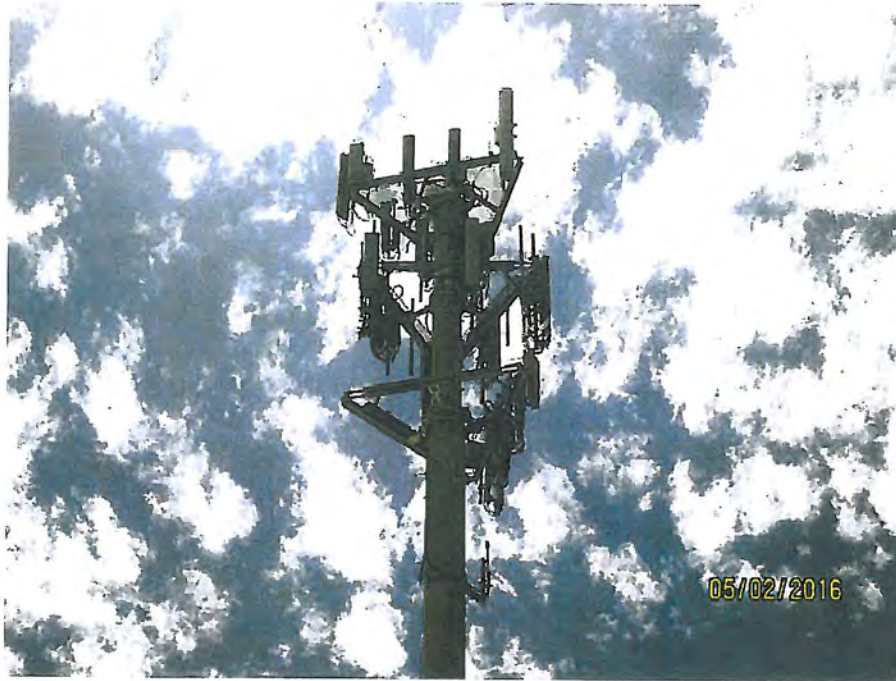


BEFORE

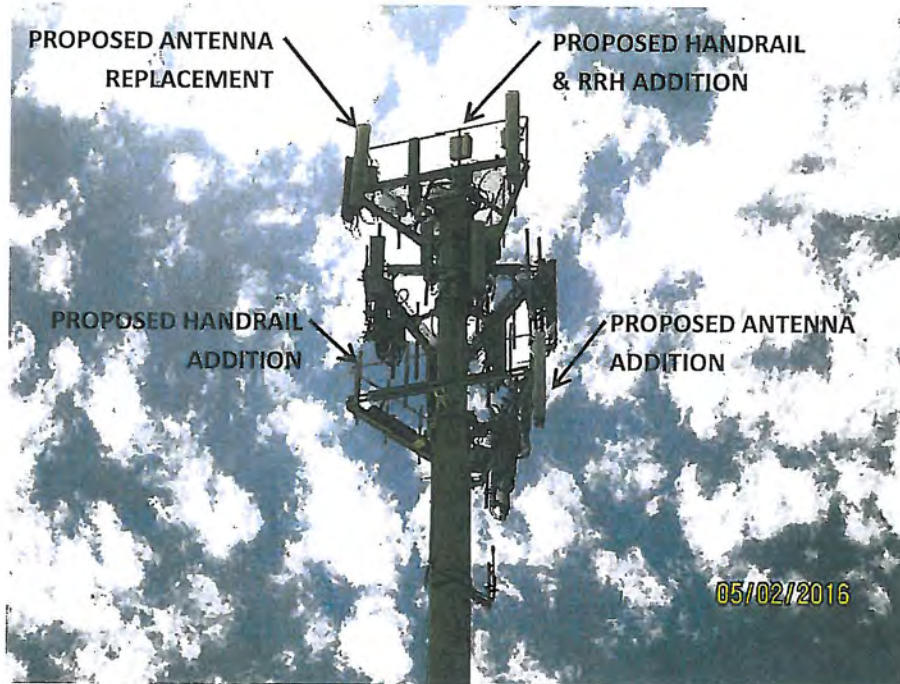


AFTER

WEST VIEW



BEFORE



AFTER