



City of Portland, Oregon
Bureau of Development Services
Inspection Services - Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: August 10, 2015
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-109240 CU AD

GENERAL INFORMATION

Applicant: Noah Grodzin
Cascadia Pm
5501 NE 109th Ct Suite A2
Vancouver Wa 98662

Representative Sarah Grant
Verizon Wireless
5430 NE 122nd Ave
Portland, OR 97230

Owner Ronald W Harriman Trust
P O Box 461
Troutdale, OR 97060

Site Address: NE Bryant Street, Tax Account #R317522

Legal Description: TL 300 1.01 ACRES, SECTION 18 1N 2E
Tax Account No.: R942182050
State ID No.: 1N2E18AA 00300
Quarter Section: 2336
Neighborhood: Cully, David Sweet at 503-493-9434
Business District: Columbia Corridor Association, Peter Livingston at 503-796-2892
District Coalition: Central Northeast Neighbors, Alison Stoll at 503-823-3156
Plan District: Portland International Airport - Middle Columbia Slough Subdistrict
Zoning: IG2bchx, General Industrial 2 Zone, Within the following overlay zones:
Buffer (b)
Environmental Conservation (c)
Aircraft Landing (h)
Portland International Airport Noise Impact (x)

Case Type: CU AD, Conditional Use, Adjustment
Procedure: Type II, an administrative decision with appeal to the Hearings Officer

Proposal:

Verizon Wireless proposes to install 12 new antennas on an existing monopole tower. New ground equipment is proposed within an existing 24-foot by 28-foot ground lease area. The existing equipment area and tower was established in 1995. The site has an existing driveway and vehicle parking space. Although the facility does not have onsite-employees, vehicle area is needed for occasional facility service. No additional paving is proposed outside the existing ground lease area. The site is within the IG2 industrial zone, but the property to the east of the site is within the Residential Farm/Forest Zone (RF). Because the new antenna and new ground equipment are located within 50 feet of a residential zone, a conditional use review is required. Since new and taller equipment is proposed within the lease area, a 10-foot wide landscape area is required around its perimeter. The applicant proposes landscaping at the north and east perimeter only. Therefore, an adjustment to reduce the required west and south perimeter landscaping is requested.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- **33.815.225.B**, Radio Frequency Transmission Facilities proposed on an existing tower located within 50 feet of a Residential Zone; and
- **33.274.040**, Radio Frequency Transmission Facilities Development Standards
- **33.805.040**, Adjustment Approval Criteria

ANALYSIS

Site and Vicinity: The site is approximately one acre in size, extending 430 feet from NE Bryant Street north to the Columbia River Slough. A radio frequency tower, two associated ground equipment fenced areas, and a paved vehicle driveway are clustered at the south portion of the site near NE Bryant. The remaining part of the site is not developed. Landscaping along the east property line is dense and composed of trees and tall shrubs. To the east and south of the site are single dwelling houses on large lots. Industrial development is located to the west of the site. This section of NE Bryant is a dead-end street, accessed from NE Columbia Boulevard via NE 63rd Avenue, which passes over the Columbia River Slough. Industrial development along NE Columbia Boulevard transitions to low density residential development, along NE 63rd. Both NE 63rd and NE Bryant are local service streets, improved with roadways only, and are rural in character.

Zoning: The site is located within the General Industrial 2 (IG2) Zone. The industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. Industrial zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards.

The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

General Industrial 2 Zone areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

The site contains four Overlay Zones:

1. Aircraft Landing (h),
2. Portland International Airport Noise Impact (x),
3. Buffer (b), applied along the east half of the site due to the adjacent Residential Farm (RF) Zone, and
4. Environmental Conservation (c), located at the north portion of the site, adjacent to the Columbia River Slough.

The site is located within the Middle Columbia Slough Subdistrict of the Portland International Plan District.

Land Use History: City records indicate that prior land use reviews include the following:

ZC 6-85. Multnomah County Zone Change from LR40 (low density residential) to GM (general manufacturing). The request was approved in 1985 with a condition establishing a 50-foot wide landscaped buffer area along the east and south boundaries of the site.

LUR 95-00984 AD. Adjustment review to reduce the required parking spaces for the cellular telecommunications facilities. The case was withdrawn.

LUR 01-00058 NU. Nonconforming Situation Review to expand a Radio Frequency Transmission Facility by removing the existing monopole located within the Buffer Overlay Zone and to allow the construction of a replacement monopole located outside the Buffer Overlay Zone. This proposed relocation was determined to be in compliance with requirements, and the review was deemed to be unnecessary. The relocation proposal, however, was not implemented.

LUR 01-00451 NU. Approval of a Nonconforming Situation Review for Sprint PCS to expand the existing Radio Frequency Transmission Facility with up to 12 antennas on the existing monopole, a new fenced at-grade equipment area outside the Buffer Overlay Zone, with landscaping and vehicle area improvements.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 22, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1)
- Bureau of Transportation Engineering (Exhibit E-2)
- Water Bureau (Exhibit E-3)
- Life Safety Plans Examiner (Exhibit E-5)
- Fire Bureau (Exhibit E-6)
- Urban Forestry (Exhibit E-7)

The Site Development Section of BDS (Exhibit E-4) states that the site is in the 100-year floodplain. There are no conditions for this land use review, but additional requirements may apply to the building permit for new ground equipment.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 22, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

CONDITIONAL USE

Section 33.815.225 Radio Frequency Transmission Facilities

- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, or I zone within 50 feet of an R zone:

1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;

Findings: The proposal is for Verizon Wireless to collate on an existing tower and locate new equipment within an existing fenced ground lease area. *Zoning Code Section 33.274.040.C.1, Tower sharing*, encourage such tower sharing, mainly to avoid construction of new towers. The applicant states that there are no existing right-of-way utility poles that are structurally competent, or have the necessary height to accommodate the new facilities. Additionally, the associated ground equipment is too large to be located as an attachment on a utility pole. Because of these reasons, this criterion is met.

2. The tower, including mounting technique, must be sleek, clean, and uncluttered;

Findings: The new antennas will be mounted to the monopole with a t-arm design. Other existing tower antennas are mounted using this design, and it results in a simple, uncluttered form. Cables from other carriers are attached to the exterior face of the monopole, extending from the ground equipment to the antenna. In fact, the proposal initially included additional cables attached to the monopole's exterior in a similar fashion. The application, however, was revised to relocate the cable from the monopole's exterior to the monopole's interior, and the result does not impact the appearance of the monopole. With a condition that the cable connecting all new Verizon antennas to the existing monopole be mounted inside the monopole and exit only through port holes immediately adjacent to the t-arms supporting the antennas, this criterion is met.

3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
 - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
 - b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
 - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
 - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
 - e. Other methods that adequately minimize visual impact;

Findings: The proposal is for 12 new antennas on an existing monopole. The existing monopole currently holds two antenna arrays. The visual impact of the new antenna is minimized by the t-arm mounting design, and in part by existing trees located near the east property line. To ensure that the visual impact of the new antennas is minimized, a condition is needed that requires the new antenna and mounting supports to be a dull gray finish. With this condition, this criterion is met.

4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;

Findings: Initially, a new and expanded lease area was proposed, adjacent to the north side of the existing ground equipment area. Existing mature trees that provide screening for the adjacent residence to the east would be removed to accommodate the new lease area. In order to preserve the existing trees and meet this approval criterion,

the applicant revised the proposal to accommodate ground equipment within the confines of the existing equipment area. New concrete pads, approximately one foot in height, are proposed foundations for the new ground equipment. Because the new equipment is taller than existing equipment (6 feet to over 9 feet in height), new screening is required. A 6-foot cyclone fence with barbed wire surrounds the ground equipment area. Landscaping exists along the east side of the equipment area only; new landscaping is proposed at the north side. In order to adequately screen the new facility, a new fence that is 100 percent sight-obscuring is needed. Exhibit C-3, Sound Damping Wooden Fence Section, shows a detail of the 8-foot tall fence that was required to be installed, per the prior land use review decision LUR 01-00451 NU. With a condition that a new wooden fence, at least 9 feet in height, be constructed around the perimeter of the equipment area, as depicted in Exhibit C-3, this criterion is met.

5. Public benefits of the use outweigh any impacts which cannot be mitigated; and

Findings: The proposed facilities are intended to improve wireless services for the area surrounding this facility, which is a public benefit. Impacts on adjacent residential properties can be reduced or mitigated by providing a screening wooden fence with the added benefit of noise damping, as shown on Exhibit C-3, and additional screening landscaping on the north and south perimeter of the ground equipment area, as shown on Exhibit C-1 and C-2. With these conditions, this criterion is met.

6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

The development standards of Section 33.274.040 are intended to:

- *Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;*
- *Reduce the visual impact of towers and accessory equipment in residential and open space zones whenever possible; and*
- *Protect adjacent property from tower failure, falling ice, and other safety hazards.*

Each development standard of Section 33.274.040 is addressed below:

B. When the standards apply.

1. Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities.

Findings: The proposal is for new non-exempt Radio Frequency Transmission Facilities (facilities) and therefore the development standards of 33.274.040 apply.

2. Applications to modify existing facilities regulated by this chapter are required to meet the development standards and conditions of approval only for elements of the facility that are being modified. In addition, any elements of the original approval that have moved out of compliance with development standards that applied when the facility was approved, such as landscape materials, or applicable conditions of approval, must be brought back into compliance.

Findings: The prior land use review, Case File LUR 01-00451 NU, imposed six conditions of approval. The following conditions of this land use review are not met, as shown on the current plans:

Condition B

“The applicant shall install a seven to eight-foot high cedar “sound-damping fence” around both the existing and proposed at grade equipment areas on the site in locations as shown on Exhibit C.3, and to the specifications indicated in the detail on Exhibit C.5. This fence shall meet the material standards of the F2 sight-obscuring fence standard stated in the Zoning Code at 33.248.020.G.2.”

Condition D

“The cable connecting all new Sprint antennas to the existing monopole must be mounted inside the monopole and exit only through port holes immediately adjacent to the davit arms supporting the antennas. As an option, the applicant may provide a sight-obscuring conduit shield around all connecting cable mounted on the exterior of the monopole.”

Condition D can't be imposed on the proposed Verizon facilities since the cables are part of another carrier's (Sprint) facilities. Condition B is relevant to the proposed facilities since new and taller equipment is proposed within the existing lease area. With a condition that the building permit plans show compliance with Condition B, this requirement is met.

C. General requirements

1. Tower sharing. New facilities must co-locate on existing towers or other structures to avoid construction of new towers, unless precluded by structural limitations, inability to obtain authorization by the owner of an alternative location, or where an alternative location will not meet the service coverage objectives of the applicant. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

Findings: The proposed facilities meets this requirement because it involves new facilities located on an existing monopole and new ground equipment located within an existing lease area.

2. Grouping of towers. The grouping of towers that support radio or television broadcast facilities on a site is encouraged where technically feasible. Tower grouping may not result in radio frequency emission levels exceeding the standards stated in C.5, below.

Findings: The proposed facilities meets this requirement because it involves new facilities located on an existing monopole and new ground equipment located within an existing lease area.

3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.

Findings: The existing tower is galvanized steel, dull gray in color, which satisfies this requirement.

4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

Findings: New lighting on an independent post is proposed at the east elevation. The lighting is not allowed, as it is not required by either the Oregon State Aeronautics Division or the Federal Aviation Administration. With a condition to remove the proposed tower lighting, this requirement is met.

5. Radio frequency emission levels and exposure limits. All Radio Frequency Transmission Facilities must operate within the radio frequency emissions levels and comply with the exposure limits established by the Federal Communications Commission (FCC). Applicants must certify that the proposed facility will be in compliance with FCC emissions standards with the permit application.

Findings: The application includes a February 2, 2015, report from RF engineers, certifying that the proposed facilities are in full compliance with FCC regulations concerning RF exposure. The report is identified as Exhibit G-3. This requirement is met.

6. Antenna requirements. Antennas must be secured from public access, either by vertical or horizontal separation, fencing, locked access, or other measures as appropriate.

Findings: The proposed facilities meet this requirement because new antennas will be located on the existing monopole, 50 feet from the ground. The ground equipment area and the monopole will be secured with a 9-foot tall wood fence. This requirement is met.

7. Setbacks.

- a. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets.
- b. Accessory equipment or structures must meet the base zone setback standards that apply to accessory structures.
- c. Tower guy anchors must meet the base zone setback standards that apply to buildings.

Findings: The proposed facilities meet this requirement because they involve new facilities located on an existing monopole and new ground equipment located within an existing lease area. The IG2 zone requires a minimum 15-foot setback from the east property line (adjacent RF Residential Farm Zone) and a minimum 25-foot setback from the south property line (NE Bryant Street). In addition, the Buffer Overlay Zone requires at least a 10-foot setback with L4 landscaping or a 20-foot setback with L3 landscaping. The existing lease area is set back 20 feet from the east property line and at least 25 feet from the south property line. Therefore, this requirement is met.

8. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

- a. In C, E or I zones more than 50 feet from an R zone.

Findings: The proposed facilities are within 50 feet from an R zone, this requirement does not apply.

- b. In OS or R zones or within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:
 - (1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.
 - (2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

Findings: The proposed facilities are located within 50 feet from an R zone and are subject to these requirements. Requirement #1 above, however, does not apply as the tower is an existing facility. Requirement #2 above does apply as new and taller accessory ground equipment is proposed. Existing landscaping shown at the east

perimeter of the ground equipment area meets the L3 standard. New landscaping is proposed at the north perimeter of the ground equipment area. This landscaping is proposed to be 5 feet deep, but must be 10 feet deep to meet the requirement. With the condition that the landscape plan be amended to be 10 feet deep, landscaped to the L3 standard, this requirement is met for the north perimeter.

The applicant requests that required landscaping along the west and south perimeter be waived. Refer to findings under the Adjustment Review below.

- c. In all zones, equipment cabinets or shelters located on private property that are associated with Radio Transmission Facilities mounted in a right-of-way must be screened from the street and any adjacent properties by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

Findings: The proposed facilities are located entirely on private property and are therefore not subject to this requirement.

9. Tower design.

- a. For a tower accommodating a radio or television broadcast facility, the tower must be designed to support at least two additional radio or television broadcast transmitter/antenna systems and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.
- b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.
- c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

Findings: The proposed facilities are associated with the existing monopole on the site. These requirements apply to the design of new monopoles and therefore do not apply to the proposal.

10. Mounting device. The mounting device or mounting structure used to mount facilities to an existing building or other non-broadcast structure may exceed the height limit of the base zone but may not project more than 10 feet above the roof or parapet of the building or other non-broadcast structure.

Findings: The proposed facilities are to be mounted to an existing monopole, not a building or other non-broadcast structure and therefore this requirement does not apply to the site.

11. Abandoned facilities. A tower or mounting device on a non-broadcast structure erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower or mounting device has been in use for more than six months.

Findings: The proposed facilities are located on a monopole that is actively used by multiple carriers. This requirement does not apply to the proposal.

D. Additional requirements.

1. Personal wireless service facilities located in OS, R, C, or EX zones, and personal wireless service facilities located in EG or I zones within 50 feet of an R zone must meet all of the following standards:
 - a. Antennas mounted on towers. Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.
 - b. Lattice. Lattice towers are not allowed.

Findings: The proposed facilities are located within an I zone and 50 feet from an R zone. The proposed antennas are to be mounted to an existing tower using arms extending 4 feet from the existing pole. This requirement is met.

2. The minimum site area required for a tower in an R zone is 40,000 square feet.

Findings: The proposed facilities are located within an I zone; this requirement does not apply.

3. Applications to locate or replace accessory equipment in or within 50 feet of an R zone must be accompanied by a signed and stamped acoustical engineer’s report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.

Findings: The applicant submitted a Noise Report (Exhibit G-4) from ENVIRON International Corporation, which analyzes the proposed sound-producing ground equipment, an emergency generator referred to as *MTU Onsite Energy (MTU) 30kW, or MTU*. The MTU will produce sound only in the event of an emergency outage, and will be tested once per month during daytime hours (this information confirmed by August 5, 2015 telephone conversation with author of the report, Kevin Warner of ENVIRON International Corporation). The report concludes that the MTU will produce up to 59.7 dBA at a distance of 23 feet. The equipment is located 24 feet from the east property line, which coincides with the RF zone boundary and hence the noise-sensitive property line. The report concludes that the MTU complies with the maximum requirement of 65 dBA.

Because the MTU will not consistently produce sound but will be operational only during emergencies and intermittent testing, and because the noise report concludes the MTU meets the City of Portland noise limits, the proposal meets this standard. A condition is needed that confirms this approval is for the specific emergency generator, *MTU Onsite Energy (MTU) 30kW*. If other sound-producing equipment is proposed, additional noise reports are required. With this condition, this standard is met.

ADJUSTMENT REVIEW

Section 33.805.040. A-F. Approval Criteria

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;

Findings: The request is to waive the landscape requirement for the ground equipment area at the west and south perimeter. Ten feet of landscaping to the L3 standard is required around the perimeter of the ground equipment area is required by 33.274.040.C.8.b.2. The purpose of the development standards, including the landscape standard, for Radio Frequency Transmission Facilities states:

- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers and accessory equipment in residential and open space zones whenever possible; and
- Protect adjacent property from tower failure, falling ice, and other safety hazards.

West perimeter. This side of the equipment area faces the adjacent Industrial zone and industrial development. Exterior storage of equipment and vehicles is located near this property line, and this neighboring site's main building is over 200 feet from the subject site. Therefore, the proposed ground equipment area is compatible with the existing industrial development; landscaping is not needed at this location.

South perimeter. This side of the equipment area faces NE Bryant Street and the adjacent Residential zone. Residential development is located directly south of the subject site. The existing lease area is visible from the entry driveway; only a 6-foot cyclone fence with barbed wire is installed around its perimeter. Establishing landscaping at the south perimeter will reduce visual impacts for adjacent residential development. Such landscaping will also maintain the rural residential character of NE Bryant Street. In consideration of the site's existing driveway and the need for occasional vehicle access and maneuvering, a reduction in landscaping width, from 10 feet to 5 feet is reasonable. The new landscaping will narrow the driveway to about 12 feet, which is adequate for vehicle access on the site.

Additionally, a new 8-foot tall cedar fence is required to be installed around the entire perimeter to satisfy a prior condition of approval of Case File LUR 01-00451 NU. This condition will help screen the new accessory ground equipment from adjacent residential properties to the east and south of the site.

With the condition to install landscaping, to the L3 standard, to the south perimeter of the ground equipment area excluding the area next to the proposed gate, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is within an Industrial, I zone. The proposed RF facilities are permitted uses in the I zone. Screening is not necessary adjacent to the west industrial properties, as the industrial use and the RF facilities are compatible and consistent with the industrial area character. The new and taller ground equipment should be visually screened from residential development just south of the site and from NE Bryant Street, which is residential in character. This criterion can be met with the condition that landscaping is established at the south perimeter of the equipment area.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is being requested; this criterion does not apply.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: There are no scenic or historic resources on the site. This requirement does not apply.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no expected impacts resulting from waiving the landscaping requirement at the west perimeter of the ground equipment area. Landscaping at the south perimeter is an important element and is necessary to limit impacts, as this side is within view of the street and nearby residential properties. While the standard calls for a full 10 feet of landscaping width, a reduction to 5 feet is reasonable, and will service to mitigate

potential impacts. With the condition that at least 5 feet of L3 standard landscaping be provided along the south perimeter of the equipment area, this criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: The Environmental Conservation (c) Overlay Zone is located on the northern portion of the site near the Columbia River Slough. The proposed facilities are well away from this Environmental zone boundary. This requirement does not apply.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal is to improve and add equipment to an existing radio frequency transmission facility. The proposed twelve antennas on the existing monopole will not significantly change the appearance of the tower, as the t-arm mounting design is simple and unobtrusive. All new cables connecting ground equipment to antenna will be located inside the tower, to reduce visual impacts. New ground equipment is proposed with the existing fenced leased area in order to preserve existing trees that adequately screen adjacent residences. Some of the new ground equipment will be 9 feet in height. While existing landscaping at the east perimeter helps limit the visual impact on the adjacent residential property, new landscaping will be added to the north and south perimeter. To further reduce visual and noise impacts, a new 9-foot tall wood fence with sound-damping will be constructed around the entire perimeter, to ensure compliance with a prior land use review condition. As proposed and with added conditions regarding landscaping, fencing, and noise impacts, all approval criteria are met, and the proposal can be approved.

ADMINISTRATIVE DECISION

Approval of a Conditional Use Review for the following Radio Frequency Transmission Facilities:

- 12 new Verizon Wireless antennas on the existing monopole tower; and
- New Verizon accessory ground equipment within the existing 24-foot by 28-foot ground lease area.

Approval of an Adjustment Review to required perimeter landscaping required by Section 33.274.040.C.8.b.2:

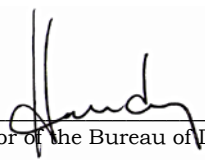
- Waive the landscaping requirement for the west perimeter only; and
- Reduce the required perimeter landscaping from 10 feet to 5 feet at the south perimeter only.

All Approvals are per the approved site plans, Exhibits C-1 through C-8, signed and dated August 11, 2015, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B through H) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-109240 CU AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B.** The cable connecting all new Verizon ground equipment and antennas must be located inside the monopole and exit only through port holes immediately adjacent to the t-arms supporting the antennas.
- C.** A new wooden fence with gates at the west and south sides, at least 9 feet in height, shall be constructed around the perimeter of the equipment area, as depicted in Exhibit C-1 and Exhibit C-3. Building permit plans must include this information.
- D.** New landscaping is required along the north perimeter of the ground lease area, at least 10 feet in width, and south perimeter of the ground lease area, at least 5 feet in width. Landscaping must satisfy the L3 Standard of Chapter 33.248. Existing landscaping, including species, location and size, will be included on the landscape plan to verify compliance with 33.274.040.C.8.b.2 at the east perimeter of the existing ground lease area. Additional landscaping may be required to satisfy this condition.
- E.** This approval is for the specific emergency generator, *MTU Onsite Energy (MTU) 30kW*, as analyzed in the Noise Report, Exhibit G-4. If other sound-producing equipment is proposed, additional noise reports are required to verify compliance with the requirement of 33.274.040.D.3.
- F.** New paving outside existing ground lease area is not approved, except as depicted on Exhibit C-1, Site Plan.
- G.** The exterior finish of the 12 new antennas and mounting supports will be a dull gray matte finish.
- H.** Proposed floodlights are not approved. The applicant will revise applicable plans and remove proposed floodlights from all applicable building plan sheets.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on August 6, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 10, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 23, 2015, and was determined to be complete on **June 17, 2015**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 23, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 24, 2015**, at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed, The final decision may be recorded on or after August 25, 2015 – (the day following the last day to appeal).*
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

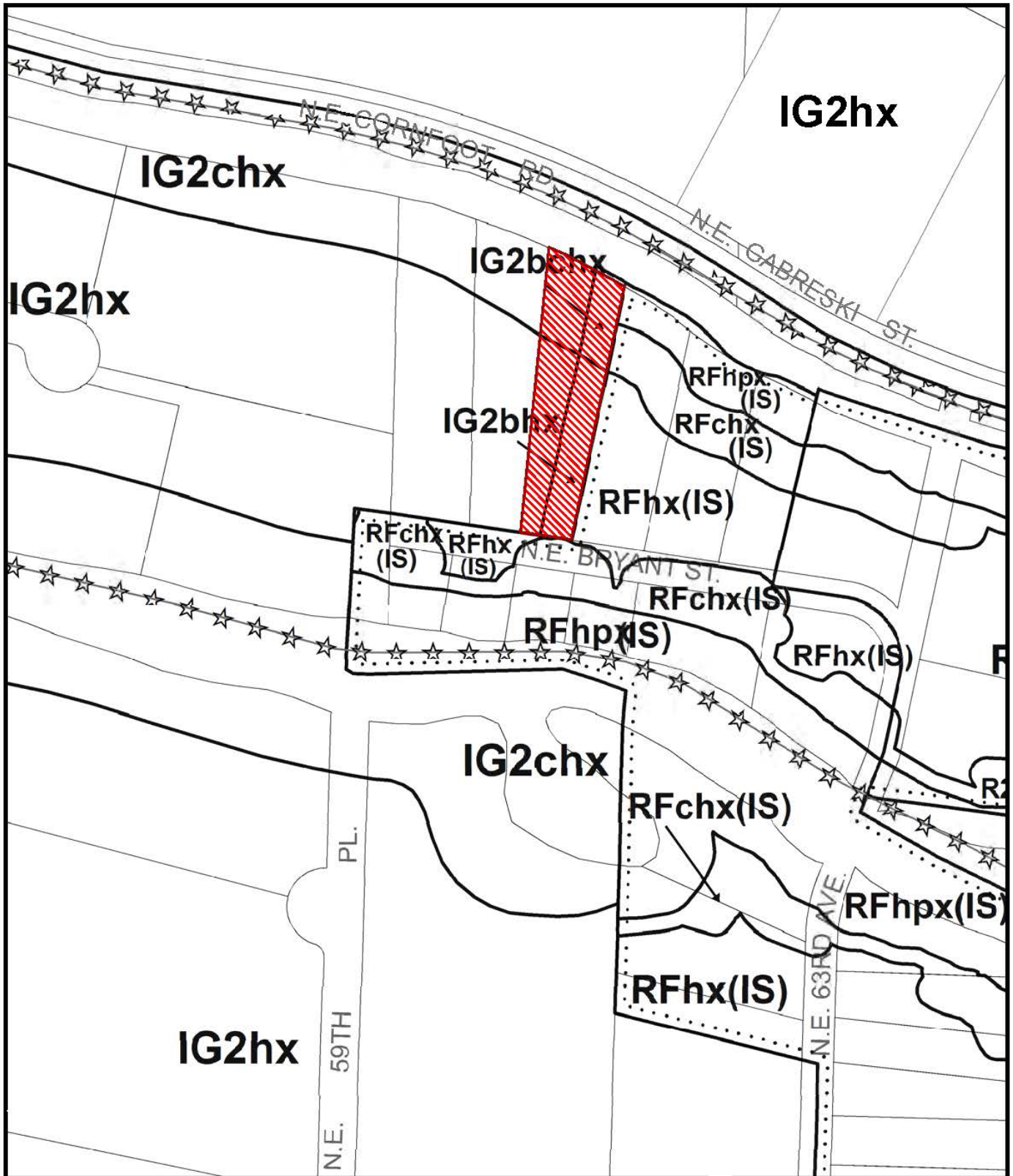
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original application submittal, January 26, 2015
 - 2. Revised application submittal, May 26, 2015
 - 3. Revised application plans, June 17, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Enlarged Site Plan (attached)
 - 2. Landscape Plan (attached)
 - 3. Sound Damping Wooden Fence Section (attached)
 - 4. Antenna Plan (attached)
 - 5. Elevations (attached)
 - 6. Generator Details
 - 7. Overall Site Plan
 - 8. Topographic Survey
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
- F. Correspondence
 - 1. Email Correspondence between applicant and M. Feuersanger clarifying information needed to complete the application
- G. Other:
 - 1. Original LU Application
 - 2. Original RF Report, dated June 3, 2014, submitted January 26, 2015
 - 3. Updated RF Report, dated February 2, 2015, submitted May 27, 2015
 - 4. Noise Report, dated March 20, 2015, submitted May 27, 2015

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Recreational Trail



This site lies within the:
PORTLAND INTERNATIONAL AIRPORT PLAN DISTRICT:
MIDDLE COLUMBIA SLOUGH

File No. LU 15-109240 CU AD

1/4 Section 2336.2337

Scale 1 inch = 200 feet

State_Id 1N2E18AA 300

Exhibit B (June 17, 2015)

NOTE: PRIVACY SLATS TO BE ADDED TO EXISTING AND NEW FENCE AS REQUIRED ON FULL SCHEDULING.

City of Portland
Bureau of
Development Services
By *[Signature]* Date 8/5/15
Reviewed by
Planning & Zoning Review

LEASE AREA
18" MIN. WIDE ACCESS AND 18" MIN. WIDE TURN AROUND AREA WITHIN AN ENCLOSED COMPOUND.
TOP COURSE: 4" MIN. COARSE AGGREGATE
BOTTOM COURSE: 4" MIN. COARSE AGGREGATE
WASHED ROCK

ACCESS DRIVE
18" MIN. WIDE ACCESS AND 18" MIN. WIDE TURN AROUND AREA WITHIN AN ENCLOSED COMPOUND.
TOP COURSE: 4" MIN. COARSE AGGREGATE
BOTTOM COURSE: 4" MIN. COARSE AGGREGATE
WASHED ROCK

GRAVEL PAVING DETAIL
NOT TO SCALE

NEW WAVE ARCHITECTURE
1103 14TH STREET SW
LYNNWOOD, WA 98037
OFFICE: (206) 775-3880
JAN@NEWWAVEARCH.COM

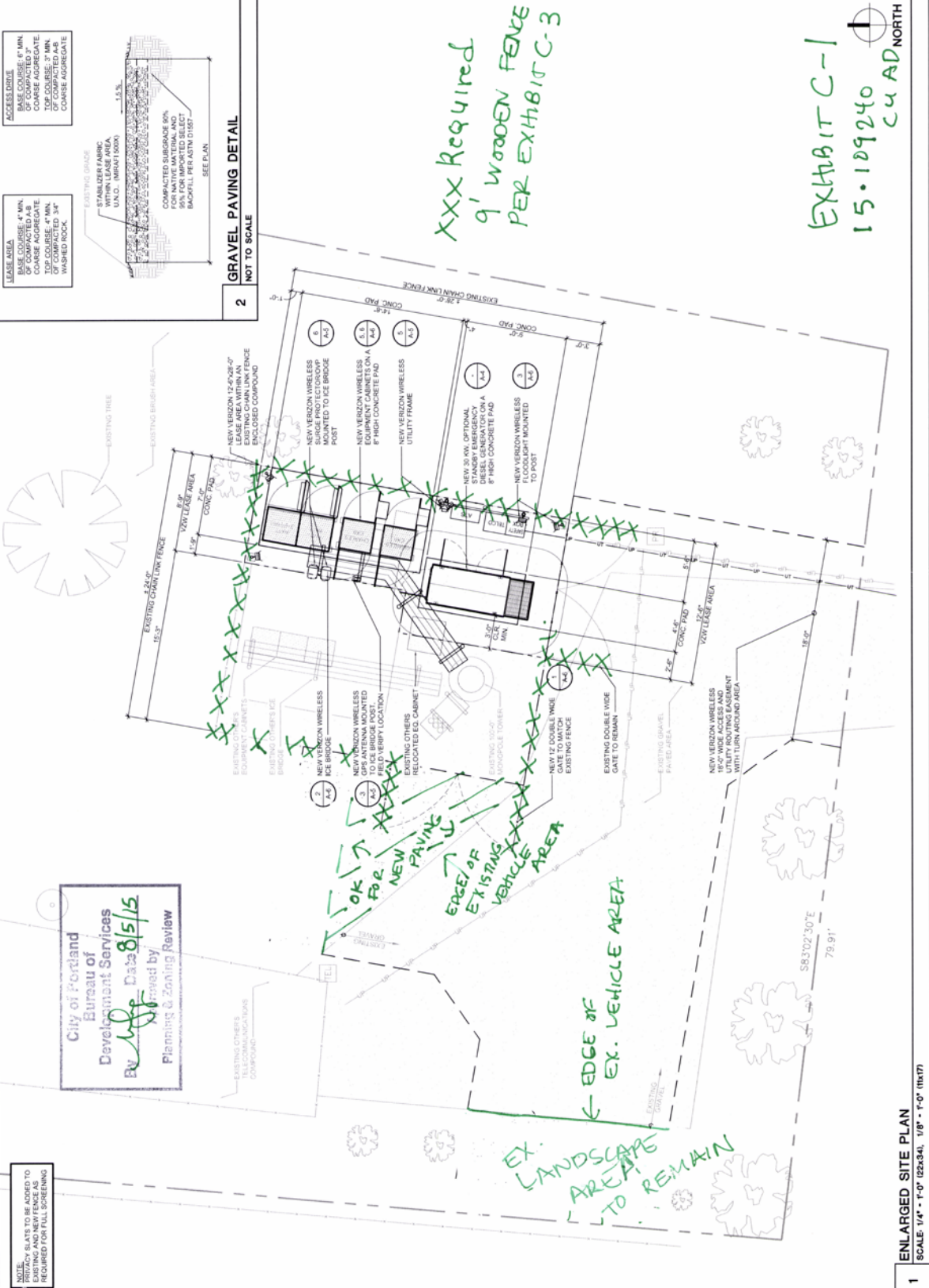
DATE: 6-4-15
PREPARED BY: EWL
APPROVED BY: JYS

NO.	DATE	DESCRIPTION
1	6-4-15	FINAL PERMIT
2	6-4-15	FINAL PERMIT
3	6-4-15	FINAL PERMIT
4	6-4-15	FINAL PERMIT
5	6-4-15	FINAL PERMIT
6	6-4-15	FINAL PERMIT
7	6-4-15	FINAL PERMIT
8	6-4-15	FINAL PERMIT
9	6-4-15	FINAL PERMIT
10	6-4-15	FINAL PERMIT

SITE
POR-
WHITTAKER POND
(NEW BUILD)
6001 NE BRYANT ST
PORTLAND, OR 97218

SHEET TITLE
ENLARGED SITE
PLAN

SHEET NUMBER
A-2



ENLARGED SITE PLAN
SCALE: 1/4" = 1'-0" (22x34), 1/8" = 1'-0" (11x17)

NO	DATE	DESCRIPTION
6-4-15	FINAL PERMIT	
6-22-15	FINAL PERMIT	
4-15-15	PRELIMINARY PERMIT	
12-15-14	FINAL PERMIT	
12-15-14	FINAL PERMIT	
8-25-14	REVISED PERMIT	
8-25-14	REVISED PERMIT	
7-2-14	REVISED PERMIT	
7-2-14	REVISED PERMIT	

SITE
POR-
WHITTAKER POND
(NEW BUILD)

8001 NE BRYANT ST
PORTLAND, OR 97218

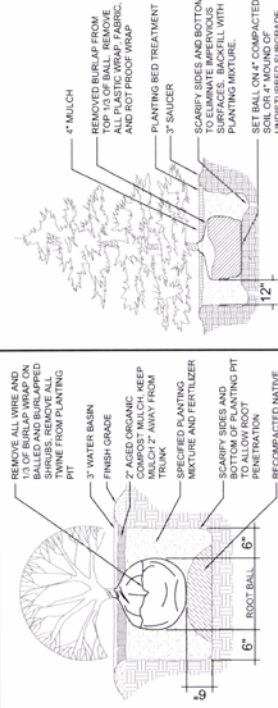
SHEET TITLE
LANDSCAPING
PLAN

SHEET NUMBER
L-1

SYMBOL	BOTANICAL / COMMON NAME	QTY	SIZE	SPACING	REMARKS
TREES					
	THUJA PLICATA FASTIGIATA "WESTERN RED CEDAR"	1	5 GAL	20'-0" O.C.	FULL & MATCHING
SHRUBS					
	MAHONIA AQUIFOLIUM "TALL OREGON GRAPE"	2	1 GAL	6'-0" O.C.	FULL & MATCHING
	PRUNELLA SPINOSA "MOCK ORANGE"	3	1 GAL	6'-0" O.C.	FULL & MATCHING
	ROSE PRICANPA "CLUSTERED ROSE"	2	1 GAL	6'-0" O.C.	FULL & MATCHING
	SPYRAEA DOUGLASII "WESTERN SPRAYE, HANDHACK"	2	1 GAL	6'-0" O.C.	FULL & MATCHING
GROUND COVER					
	IRIS TENAX "PACIFIC COAST IRIS"	TED	4" POT	12" O.C.	FULL & MATCHING

LANDSCAPE NOTES:

1. SEED FERTILIZER AND MULCH SHALL BE USED.
2. ALL PLANTS TO RECEIVE A SHEPHERD HEDGECOCK BARK MULCH.
3. PLANT MIXTURE SHALL BE 5 POUNDS OF SUPERPHOSPHATE TO EACH CUBIC YARD OF TOPSOIL. TOPSOIL SHALL BE FERTILE FRABLE (LOAM SAND, SILT LOAM, SANDY CLAY LOAM) WITHOUT ADJUSTURE OF SUBSOIL.
4. ALL LANDSCAPE MATERIAL SHALL BE MAINTAINED IN A GROWING AND HEALTHY CONDITION WITH A REGULAR SCHEDULE OF WATERING, WEEDING, PRUNING, AND REPLACEMENT OF ANY DEAD OR DISEASED MATERIAL AT LEAST EVERY SIX MONTHS.
5. PLANTING PIT WIDTH TO BE TOTAL MINIMUM OF 3" WIDER THAN THE EARTH BALL.
6. ALL WIRE AND NOT-PROOF ROPE AND NOT-PROOF BURLAP MUST BE REMOVED BEFORE PLANTING. ALL WIRE BASKETS SHALL BE REMOVED BEFORE PLANTING. ALL BASKETS SHALL BE REMOVED BEFORE PLANTING. ALL BASKETS SHALL BE REMOVED BEFORE PLANTING.
7. MOVE AND HANDLE TREE AND TREE BALL WITH CARE. DO NOT MOVE OR LIFT THE TREE BY THE TRUNK.
8. TREES MUST BE PLANTED PLUMB.
9. WATER THOROUGHLY DURING BACKFILLING. REMOVING AIR POCKETS. THEN WATER AGAIN IMMEDIATELY AFTER PLANTING.
10. TREE SAUCER MUST BE LEVEL AND HOLD WATER. SAUCER RIM MUST BE 3" HIGH FROM THE CENTER AT A MINIMUM.



TREE PLANTING DETAIL
NOT TO SCALE

SHRUB PLANTING DETAIL
NOT TO SCALE



LANDSCAPING PLAN
SCALE: 1/4" = 1'-0" (22x34), 1/8" = 1'-0" (11x17)

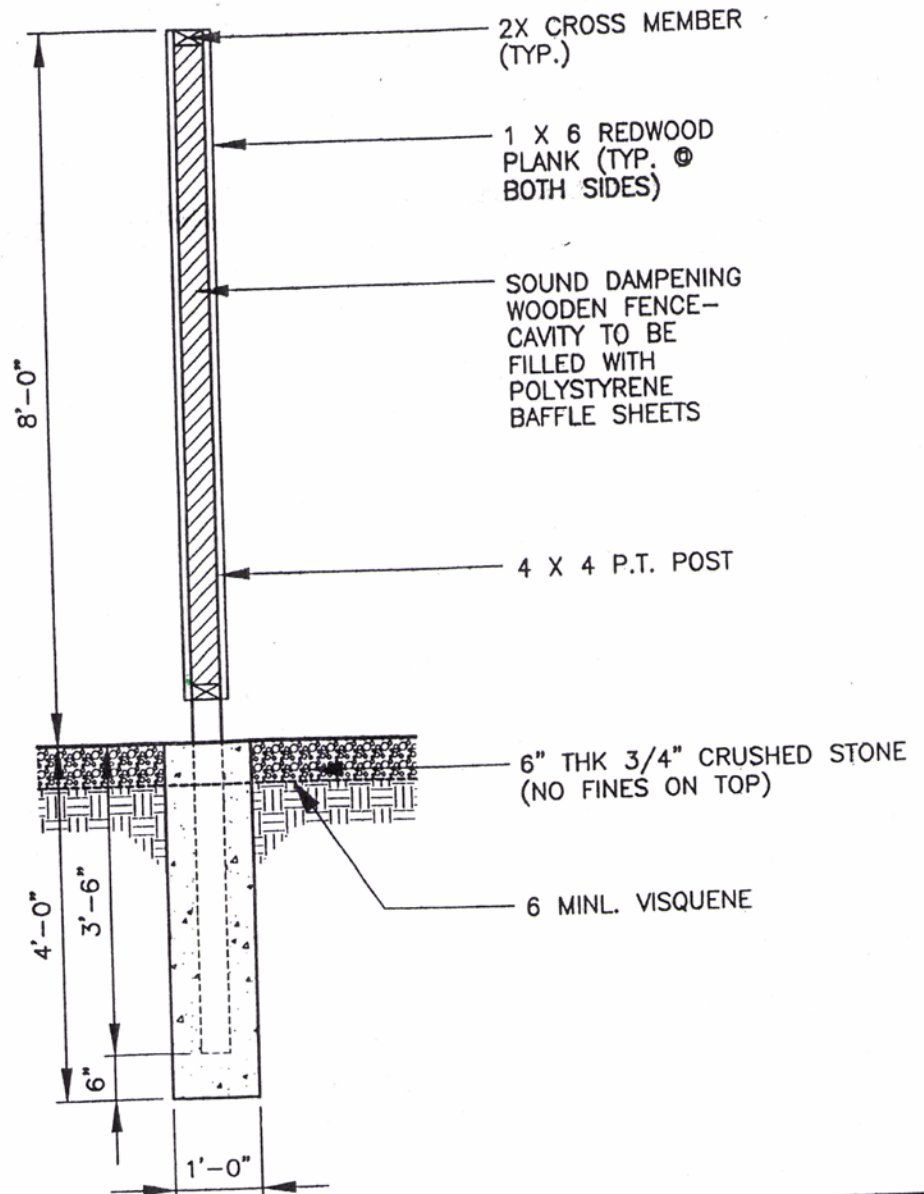
15-109240 CH AD EXHIBIT C-2

LAND AREA SEPARATION

SCALE:
NONE

4

City of Portland
Bureau of
Development Services
By *[Signature]* Date 8/5/15
Approved by
Planning & Zoning Review



7

WOODEN FENCE SECTION

SCALE:
1/2"=1'-0"

5

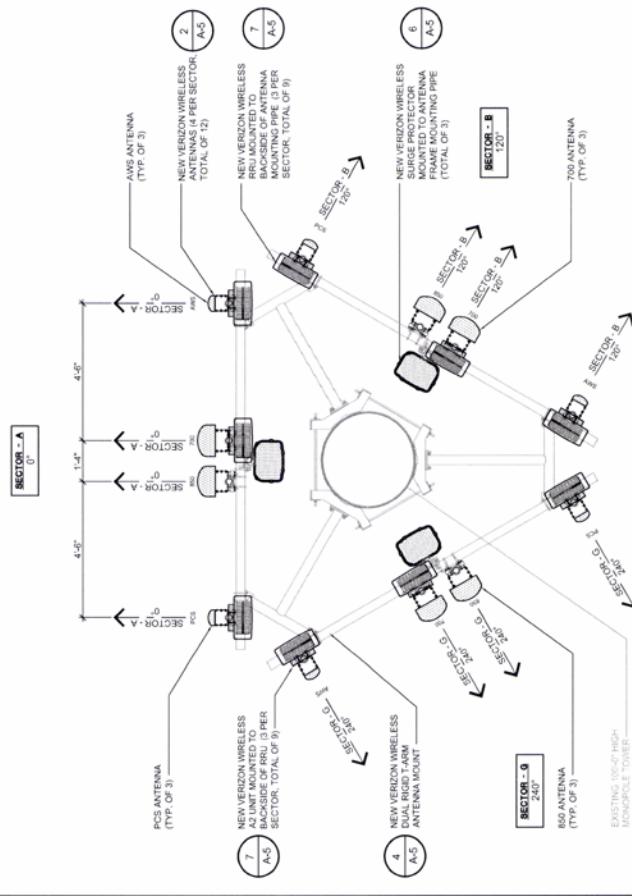
Exhibit C-3
15-109240 CU AD

GENERAL NOTES

1. VERIFY EACH COAXIAL CABLE LENGTH, DIAMETER, ROUTING, AND ALL MOUNTING APERTUREANCES WITH OWNER PRIOR TO ORDER.
2. THE MAXIMUM COAXIAL CABLE LENGTH HAS BEEN ESTIMATED WITH CORRESPONDING CABLE DIAMETER ON THE ANTENNA PLAN. ANTENNA CABLE LENGTHS MAY VARY FROM ESTIMATED MAXIMUM LENGTH AND MUST BE VERIFIED.
3. TAG ALL MAIN CABLES AT TWO (2) LOCATIONS:
A. AT ANTENNAS
B. AT EQUIPMENT RACKS / CABINETS NEAR THE WAVEGUIDE ENTRY POINT.
4. EQUIPMENT RACKS / CABINETS SHALL BE SUPPORTED WITH COLUMN GRIP (GRIPSE) FROM A JACK AT TOP OF TOWER.
5. EACH COAX SHALL BE GROUNDED AT (3) THREE LOCATIONS: ANTENNA PLATFORM, TOWER BASE AND BUILDING ENTRY POINT.



ANTENNA / COAX SCHEDULE						
SECTOR	ANTENNA QUANTITY	ANTENNA TYPE	ANTENNA SIZE	DOWN TILT	AZIMUTH	COAX LENGTH
ALPHA	1 NEW - PCS	78-4F	5-4"	0°	0°	-
ALPHA	1 NEW - 800	78-4F	8-4"	0°	0°	-
ALPHA	1 NEW - 700	78-4F	8-4"	0°	0°	-
ALPHA	1 NEW - JVS	78-4F	8-4"	0°	0°	-
BETA	1 NEW - 800	78-4F	8-4"	0°	120°	-
BETA	1 NEW - JVS	78-4F	8-4"	0°	120°	-
BETA	1 NEW - 700	78-4F	8-4"	0°	120°	-
BETA	1 NEW - PCS	78-4F	5-4"	0°	120°	-
GAMMA	1 NEW - 800	78-4F	8-4"	0°	240°	-
GAMMA	1 NEW - 700	78-4F	8-4"	0°	240°	-
GAMMA	1 NEW - JVS	78-4F	8-4"	0°	240°	-
NOTE:	3 NEW HYBRID CABLE					6 X 12
NOTE:	HYBRID CABLE FROM EQUIPMENT CABINETS TO DISTRIBUTION BOX AT ANTENNA LEVEL.					±145-4"



2 NOT USED

1 ANTENNA PLAN AT 78' A.G.L.
SCALE: 1/2" = 1'-0" (223-341, 1/4" = 1'-0" (11x17))



SHEET NUMBER
A-2.1

SHEET TITLE
**ANTENNA PLAN,
SCHEDULE, AND
NOTES**

SITE
**POR-
WHITTAKER POND
(NEW BUILD)**

6001 NE BRYANT ST
PORTLAND, OR 97218

SUBMITTALS	
NO	DATE
1	6-4-15
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99	6-4-15
100	6-4-15

DATE: 6-4-15
PREPARED BY: EWL
APPROVED BY: JVS

NEW WAVE
ARCHITECTURE
1133 1/2 AVENUE SW
LYNNWOOD, WA 98037
JVS@NEWWAVEARCH.COM



15-109240 CU AD EXHIBIT C.4

