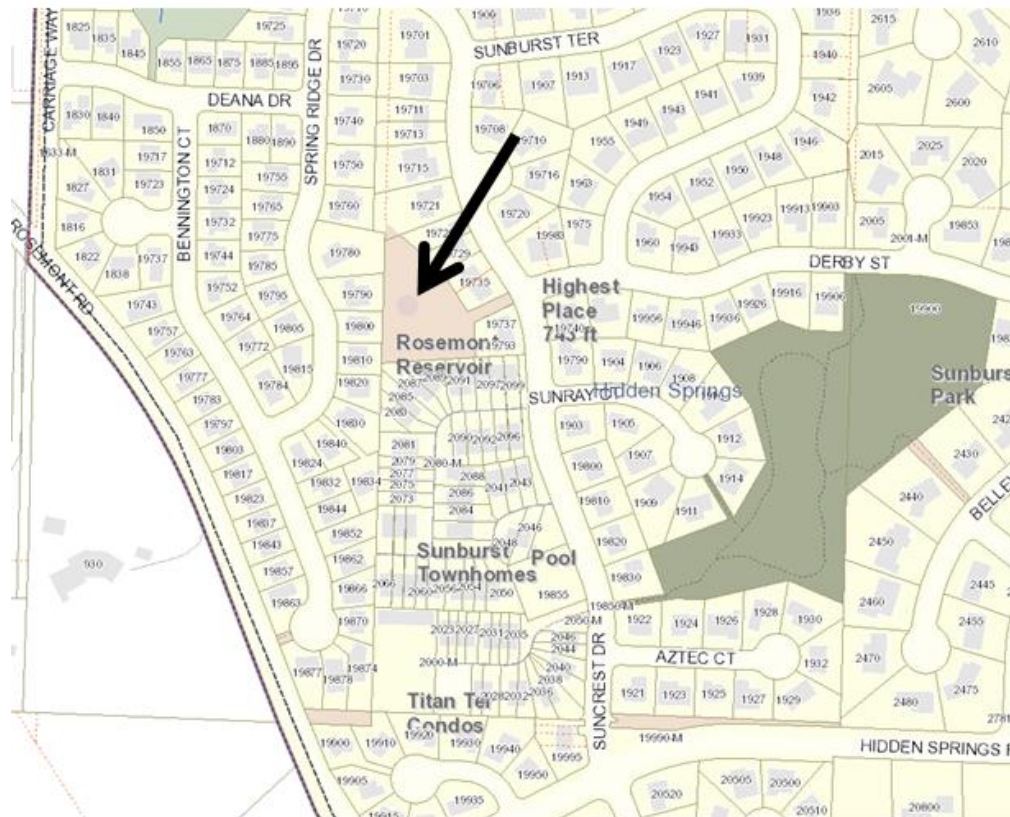


City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 1, 2014

SUBJECT: Upgrades to the Rosemont Water Tower, co-location of antennas and construction of a Wireless Communication Facility (WCF) base station at tax lot 5500 Assessor's Map 21E 23CA (PA-14-26)

ATTENDEES: Applicants: Jim Whynot (City of West Linn), Bryan Mullen, Tom Boland, Brandon Dole, Steven Lane, Tia Johnson,
Staff: Peter Spir (Planning)

*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. **These comments are PRELIMINARY in nature.** Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*



Proposal

The City of West Linn's Public Works Department is planning to undertake safety upgrades to the Rosemont reservoir. These upgrades will be on the interior of the tower and not visible.

Public Works also intends to continue accommodating the antennas of commercial wireless carriers and public emergency service providers (e.g. 9-11) on the tower. Antennas are referred to as wireless communication facility (WCF) equipment in the City's development code. The proposal also includes the construction, at grade, of a 30 X 36 foot base station to house WCF equipment within the reservoir site perimeter.



Site Conditions

The 38,130 square foot reservoir site is surrounded by a metal fence and, for most of the perimeter, conifers about 8-14 feet on center. The trees were planted about 20 years ago and have, in the north half of the site, matured to heights of up to 35 feet. The combination of the

trees and fence provide some measure of screening, but not completely. The proposed WCF base station would be located in an open grassy area to the north of the reservoir.



View from the proposed base station site with fence and trees along the perimeter.



Discussion

Because the proposed reservoir safety upgrades will be inside the tower, there are no requirements for conditional use permits, design review or other land use permits.

Regarding the antennas (WCFs), so long as new co-locations of antennas do not exceed the height of existing antennas, no land use permits are required (see Community Development Code (CDC) table in section 57.040: “No extension above building or existing WCF” in “Public buildings in all zones”.)



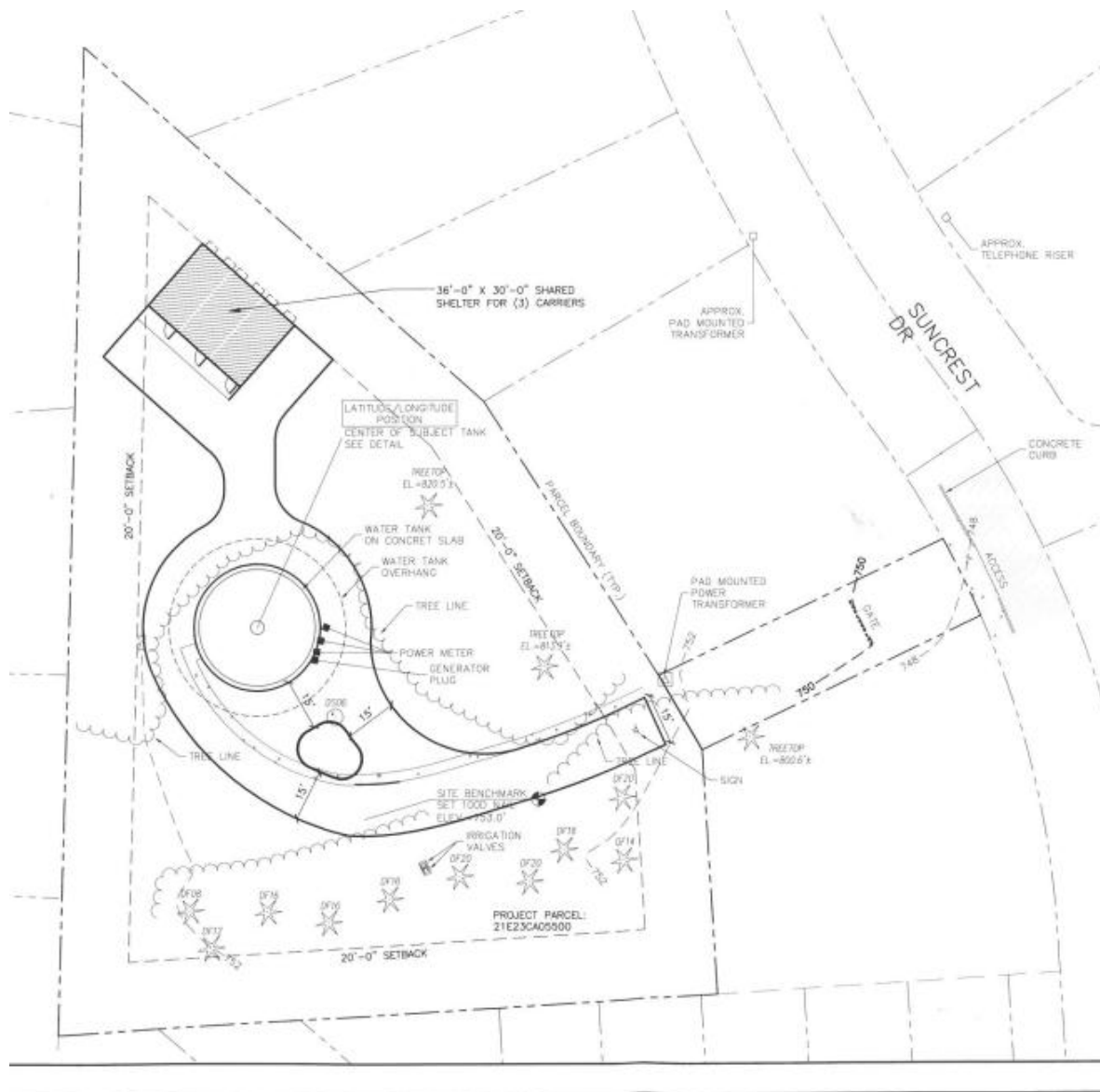
There was a question as to whether the 30 X 36 foot base station required a permit. According to the table in section 57.040 the placement of base equipment is allowed “Outright”(see footnote 3) so long as it is fenced, landscaped and screened, and sound buffered per sections 57.080(L-N).

Design Review does not apply to the base station the CDC defines it as an “accessory structure” and “accessory structures” are exempt per 55.025(B).

A Conditional Use Permit is not required since an accessory structure is not a conditional use in the underlying R-10 zone. (The conditional use was the reservoir so it would only be exterior additions or expansions to the reservoir that would trigger a CUP amendment.)

To conclude, no land use permit is required, however, the City will be responsible for ensuring that the requirements of sections 57.080(L-N) are met.

Staff raised the issue of HR 3630, which was signed by President Obama in 2012. That law prohibits local jurisdictions from denying the collocation of new WCF transmission equipment such as antennas or the placement of base equipment so long as they do not substantially change the dimensions of the existing structure. Although the City has not established a legal interpretation of HR3630, it appears that the construction of a new base station would not be covered by HR3630's permit waiver since it is not an existing structure. Antennas might be eligible for waivers up to the point that they represented a substantial change in dimension which, in the CDC, is defined as a 10% increase in height.



Process

For co-location of antennas that do not exceed the height of existing antennas no land use permits are required from the City. No land use permits are required for the base station. However, the standards of CDC sections 57.080(L-N) must be met.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

Required submittal: To satisfy section 57.080(L-N), the applicant shall provide a plan showing how screening will be accomplished by fencing, landscaping or a combination thereof. Details on fences shall include color and material. Fences around base stations may be eight feet tall per 57.080(L). The landscape element shall show the type of vegetation/tree, size of vegetation/tree and placement. Trees shall reach a height equal to the top of any screening fence within two years of planting as seen from the reservoir’s property perimeter at grade.

The base station shall be at least 20 feet from the site perimeter. Any access to the base station or associated parking area shall be as shown in the site plan (above). Water permeable pavers shall be used for access.

The issue of noise was raised at the pre-application conference and it was explained that the noise emitted from the base station will be comparable to a residential air conditioning unit. The applicant shall provide manufacturer's literature on the noise emitting equipment plus written findings from an acoustic engineer that it will meet Oregon DEQ's AM and PM standards and the noise standards of the West Linn Municipal Code as measured from the reservoir's property perimeter.

No neighborhood meeting is required. However, meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. Contact Erik Van de Water, Hidden Springs NA president at HiddenSpringsNA@westlinnoregon.gov. Conceptual plans of the development should be submitted to the neighborhood association at least 10 days before the meeting. Alternately, contact with neighbors surrounding the site would be valuable.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.