



CITY OF West Linn

**CITY OF WEST LINN
PLANNING COMMISSION PUBLIC HEARING
DATE: MARCH 17, 2010**

FILE NO.: CUP-09-02/DR-09-07

REQUEST: Ten-foot addition to existing 80-foot tall wireless communication facility (WCF) tower at 19200 Willamette Drive plus the addition of some equipment in a fenced and screened area at the base of the tower requiring a Conditional Use Permit and a Class II Design Review.

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**City of West Linn
PLANNING DEPARTMENT
LAND USE ACTION**

TO: West Linn Planning Commission

FROM: West Linn Planning Staff (Peter Spir, Associate Planner)

DATE: March 17, 2010

FILE NOS: CUP-09-02/DR-09-07

SUBJECT: Ten-foot addition to existing 80-foot tall wireless communication facility (WCF) tower at 19200 Willamette Drive plus the addition of some equipment in a fenced and screened area at the base of the tower requiring a Conditional Use Permit and a Class II Design Review.

Planning Director's Initials PS

City Engineer's Initials PS - Pw Dr.

SPECIFIC DATA

OWNER: Crown Castle 8547 154th Avenue N.E. Redmond WA. 98052

APPLICANT: AT&T Mobility 19802 SW 72nd Ave. Ste. 200 Tualatin OR 97062

CONSULTANT: Goodman Networks, 7360 SW Hunziker Rd. Ste. 206 Portland, OR 97223

SITE LOCATION: 19200 Willamette Drive

SITE SIZE: 2.4 acres

DESCRIPTION: Assessor's Map 2-1E-24BB, tax lot 4800

**COMP PLAN
DESIGNATION:** Medium Density Residential

ZONING: R-10 single family residential (10,000 square foot per lot)

APPROVAL

CRITERIA:

Community Development Code (CDC) provisions relating to Conditional Uses are contained in Chapter 60 and Class II Design Review, Chapter 55.

120-DAY RULE:

The applications were deemed complete on January 29, 2010. The 120-day period for making a decision will lapse on May 29, 2010.

PUBLIC NOTICE:

Public notice was mailed to property owners in the affected area on February 16, 2010. At least 10 days prior to the hearing, notice was published in the West Linn Tidings and the site was posted on March 4, 2010. Therefore, public notice requirements of Chapter 99 of the Community Development Code have been satisfied. In addition, the applicant met with the Robinwood Neighborhood Association per CDC Section 99.038.

EXECUTIVE SUMMARY

The applicant proposes a 10-foot increase in the height of the existing 80-foot tall stealth tower on the grounds of Emmanuel Presbyterian Church. The increased height would allow the installation of an additional antenna in the tower. The site is triangular in shape surrounded by Willamette Drive, Cedaroak Drive, and Old River Drive. It is located in the Robinwood neighborhood.

The tower addition will use wood panels to match the existing structure. This application also proposes an expanded fenced enclosure to accommodate additional equipment at the base of the tower and the planting of new vegetation to screen the equipment and fencing.

In 1997, the tower and surrounding WCF support system were originally applied for as major utility (CUP-97-05/DR-97-23). This was before the current WCF chapter was adopted. Major utilities required Conditional Use Permits (CUPs). This application was denied by the Planning Commission but was appealed to the City Council (as file MIS-97-53), who overturned the Planning Commission's decision and approved the Conditional Use Permit and design review in early 1998.

CDC 60.050(B), in Chapter 60 Conditional Uses, states, "*Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this Chapter and Section 99.120(B).*" Therefore a new Conditional Use Permit is required. CDC 60.070(B) states, "*An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55.*" Chapter 55 is the Design Review chapter. This proposal is an alteration of an existing conditional use; therefore a Design Review application is also required. Also, per Table 57.040 in CDC Chapter 57 (WCFs),

stealth designs inside buildings require Class I Design Review in the R-10 zone, where the site is located. Note 2 for Table 57.040 says *"Additions to buildings such as cupolas, clock towers, dormers, are permitted to accommodate stealth WCF. No new freestanding buildings may be built exclusively or primarily for the purpose of concealing stealth WCF and support equipment."* This is not a new freestanding building, but is an addition to an existing stealth tower.

PUBLIC COMMENTS

As of February 22, 2010 staff has received one e-mail from Mr. Gary Hitesman. Mr. Hitesman expresses concern about the visual impact of the tower as seen from the homes on the east side of the site. He also suggests that a different design would be more appropriate.

RECOMMENDATION

Based upon the findings submitted by the applicant, and as modified in the attached addendum, staff recommends approval based on staff findings supplemented by the applicant's findings, plans and materials. Staff also proposes the following recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL:

1. All designs, materials, workmanships and construction shall be done per the existing City of West Linn Public Works Design and Construction Standards.
2. No more vertical additions to this tower shall be allowed.
3. The dripline of existing trees shall be protected by chain link fencing from preliminary site clearing grading through completion of the project.

ADDENDUM

FILE NOS. CUP-08-01/DR-08-08/VAR-08-05

APPROVAL CRITERIA AND FINDINGS

60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in Section 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:

a. Adequate area for the needs of the proposed use; and,

b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

FINDING NO. 1

The existing WCF stealth facility at this 2.4 acre site has functioned well for over ten years. Staff finds that there is adequate area to allow a ten foot vertical addition plus base equipment. The parcel is also large enough to mitigate the limited impacts expected. Visually, the current tower is "lost in the forest" created by the tall wall of Douglas Fir trees of Mary S. Young and the Oak trees of the Emmanuel Church site. (See photo on page 14.) The base equipment does not generate noises that exceed the noise levels allowed by CDC Chapter 55. The only new light is below the height of the fence, downward focused and shielded. The base equipment is then screened by fence and trees. The distance to the nearest home across Old River Road is 115 feet.

The fact that the tower has operated since 1998 with no reported complaints known to staff constitutes evidence that the site is well suited to the proposed use. Of relevance to AT&T is the fact that this location will allow them to provide improved cell phone and other wireless communication coverage and signal quality in the area. Staff finds that the proposed enhancements to the wireless communication system coverage and signal

quality and speed will serve the needs of West Linn residents. Therefore the criterion is met.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy. (ORD. 1544)

5. The applicable requirements of the zone are met, except as modified by this chapter.

FINDING NO. 2

There are adequate public facilities to provide service to the property at the time of occupancy. The property is zoned R-10. This application meets the requirements of the R-10 zone.

6. The supplementary requirements set forth in Chapters 52 to 55, if applicable, are met.

FINDING NO. 3

The applicant meets the screening /landscape requirements of CDC Chapter 55 and 54. No signs are proposed so chapter 52 does not apply.

7. The use will comply with the applicable policies of the Comprehensive Plan.

FINDING NO. 4

Staff identified Comprehensive Plan Public Facilities and Services Goal 11 which has the following applicable policies:

- 7. Advocate for state-of-the-art telecommunications facilities and up-to-date technology to position the City for current and future trends in communication and business/commerce.*
- 8. Require that new cell towers and other telecommunications-related installations are designed in keeping with the existing landscape or built environment and sited to fit in with the surrounding area.*

Staff finds that the improved service coverage that the new WCF equipment provides addresses policy 7 while the proposed expansion of the facilities at the site fits in well with its surroundings. Therefore the criterion is met.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55.

FINDING NO. 5

The applicant has addressed Chapter 55. This application only requires a Class I design review per the table in CDC Chapter 57.040.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

- 1. Limiting the hours, days, place, and manner of operation.*
- 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.*
- 3. Requiring additional setback areas, lot area, or lot depth, or width.*
- 4. Limiting the building height, size or lot coverage, or location on the site.*
- 5. Designating the size, number, location and design of vehicle access points.*
- 6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan. (ORD. 1544)*
- 7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a condition use application for the property) indicates the application should contribute toward.*
- 8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.*
- 9. Limiting the number, size, location, height, and lighting of signs.*
- 10. Limiting or setting standards for the location and intensity of*

outdoor lighting.

11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.

12. Requiring and designating the size, height, location, and materials for fences.

13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

D. Aggregate extraction uses shall also be subject to the provisions of ORS 541.605.

FINDING NO. 6

Staff recommends conditions of approval relating to equipment noise and light. All other concerns have been addressed by the existing design or the proposed submittal and design.

55.090 APPROVAL STANDARDS - CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. Section 55.100 B (1-4) "Relationship to the natural physical environment" shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.
2. Section 55.100 B (5-6) "Architecture, et al" shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

B. Relationship to the natural and physical environment.

1. *The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.*
2. *All heritage trees, as defined in the Municipal Code, all trees and clusters of trees (cluster is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections 2(a-f) below. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.*
 - a. *Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements. Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid heritage trees and significant trees and tree clusters, and other natural resources pursuant to this code. The method for delineating the protected trees or tree clusters ("dripline + 10 feet") is explained in subsection (b) below. Exemptions of subsections (c), (e), and (f) below shall apply.*
 - b. *Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees, either by dedication or easement. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree*

clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (c), (e), and (f) below shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so.

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a parcel is blocked by a row or screen of significant trees or tree clusters.

d. For both non-residential and residential development, the layout shall achieve at least 70 percent of maximum density for the developable net area. The developable net area excludes all Type I and II lands and up to 20 percent of the remainder of the site for the purpose of protection of stands or clusters of trees as defined in CDC Section 55.100(B)(2).

e. For arterial and collector street projects, including Oregon Department of Transportation street improvements, the roads and graded areas shall avoid tree clusters where possible. Significant trees, tree clusters, and heritage tree loss may occur, however, but shall be minimized.

f. If the protection of significant tree(s) or tree clusters is to occur in an area of grading that is necessary for the development of street grades, per City construction codes, which will result in an adjustment in the grade of over or under two feet, which will then threaten the health of the tree(s), the applicant will submit evidence to the Planning Director that all reasonable alternative grading plans have been considered and cannot work. The applicant will then submit a mitigation plan to the City Arborist to compensate for the removal of the tree(s) on an "inch by inch" basis (e.g., a 48-inch Douglas Fir could be replaced by 12 trees, each 4-inch). The mix of tree sizes and types shall be approved by the City Arborist.

3. The topography and natural drainage shall be preserved to the greatest degree possible.)

4. The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report's Hazard Map, or

updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.

5. *There shall be adequate distance between on site buildings and on site and off site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.*

FINDING NO. 9

There are no heritage trees on site. No trees will be removed. The flat topography and the natural drainage will be preserved. There are no hazardous areas. There is adequate distance proposed between the existing tower and other on and off-site buildings. A condition of approval calls for fencing the existing tree dripline perimeter so the trees and roots will not be damaged. The criterion is met.

6. *Architecture.*

a. *The predominant architecture of West Linn identified in the West Linn vision process was contemporary vernacular residential designs emphasizing natural materials: wood with brick and stone detail. Colors are subdued earth tones: greys, brown, off-whites, slate, and greens. Pitched roofs with overhanging eaves, decks, and details like generous multi-light windows with oversized trim are common. Also in evidence are the 1890s Queen Anne style homes of the Willamette neighborhood. Neo-traditional homes of the newer subdivisions feature large front porches with detailed porch supports, dormers, bracketed overhanging eaves, and rear parking for cars. Many of these design elements have already been incorporated in commercial and office architecture.*

b. *The proposed structure(s) scale shall be compatible with the existing structure(s) on site and on adjoining sites. Contextual design is required. Contextual design means respecting and incorporating prominent architectural styles, building lines, roof forms, rhythm of windows, building scale and massing, materials and colors of surrounding buildings in the proposed structure.*

c. *While there has been discussion in Chapter 24 about transition, it is appropriate that new buildings should architecturally transition in terms of bulk and mass to work with, or fit, adjacent existing buildings. This transition can be accomplished by selecting designs that "step down" or "step up" from small to big structures and vice versa (see figure below). Transitions may also take the form of carrying building patterns*

and lines (e.g., parapets, windows, etc.) from the existing building to the new one.

d. Contrasting architecture shall only be permitted when the design is manifestly superior to adjacent architecture in terms of creativity, design, and workmanship, and/or it is adequately separated from other buildings by distance, screening, grade variations, or is part of a development site that is large enough to set its own style of architecture.

e. Human scale is a term that seeks to accommodate the users of the building and the notion that buildings should be designed around the human scale (e.g., his/her size and the average range of their perception). Human scale shall be accommodated in all designs by, for example, multi-light windows that are broken up into numerous panes, intimately scaled entryways, visual breaks (exaggerated eaves, indentations, ledges, parapets, awnings, engaged columns, etc.) in the facades of buildings, both vertically and horizontally.

The human scale is enhanced by bringing the building and its main entrance up to the edge of the sidewalk. It creates a more dramatic and interesting streetscape and improves the "height and width" ratio referenced in this section.

f. The main front elevation of commercial and office buildings shall provide at least 60 percent windows or transparency at the pedestrian level to create more interesting streetscape and window shopping opportunities. One side elevation shall provide at least 30 percent transparency. Transparency on other elevations is optional. The transparency is measured in lineal fashion. For example, a 100-foot long building elevation shall have at least 60 feet (60% of 100) in length of windows. The window height shall be, at minimum, three feet tall. The exception to transparency would be cases where demonstrated functional constraints or topography restrict that elevation from being used. When this exemption is applied to the main front elevation, the square footage of transparency that would ordinarily be required by the above formula shall be installed on the remaining elevations at pedestrian level in addition to any transparency required by a side elevation, and vice versa. The rear of the building is not required to include transparency. The transparency must be flush with the building elevation.

g. Variations in depth and roof line are encouraged for all elevations.

To vary the otherwise blank wall of most rear elevations, continuous flat elevations of over 100 feet in length should be avoided by indents or variations in the wall. The use of decorative brick, masonry, or stone insets and/or designs is encouraged. Another way to vary or soften this elevation is through terrain variations such as an undulating grass area with trees to provide vertical relief.

h. Consideration of the micro-climate (e.g., sensitivity to wind, sun angles, shade, etc.) shall be made for building users, pedestrians, and transit users, including features like awnings.

i. The Vision Statement identified a strong commitment to developing safe and attractive pedestrian environments with broad sidewalks, canopied with trees and awnings.

j. Sidewalk cafes, kiosks, vendors, and street furniture are encouraged. However, at least a four-foot wide pedestrian accessway must be maintained per Chapter 53, Sidewalk Use.

FINDING NO. 10

The existing tower is supported by three columns wrapped in three ten-foot tall sections of wood panels to hide the WCF equipment. The uppermost section of paneling is currently capped with a sloping or angled roof. This section of the tower is being increased in height by ten feet. AT&T proposes to match the same wood paneling and reconstruct the same style of sloping roof. Thus to the casual eye, the tower will look exactly the same as it looks now except for the fact that a additional ten foot tall wood panel has been added to the top of the tower.

Mr. Gary Hitesman submitted comments suggesting that a more attractive design could have been used. Staff agrees that the design is not particularly attractive. Indeed it is rather plain. If this structure had any other purpose then the importance of designing it as a visual landmark or reference point would be correct and appropriate. Spires could have capped the tower, different materials and more vibrant colors used. But for a WCF utility, plainness is really a selling point. By being gray and unobtrusive, the tower has effectively blended with the surrounding trees for the last ten years. By keeping that same design, AT&T ensures that it will probably continue to go largely unnoticed. Deference to the residents of the homes on Old River Road to the east is important and staff believes that is best served by the proposed design. It is a known quality. The eye blurs past it. If a different design or color were used we run the risk of calling attention to the tower.

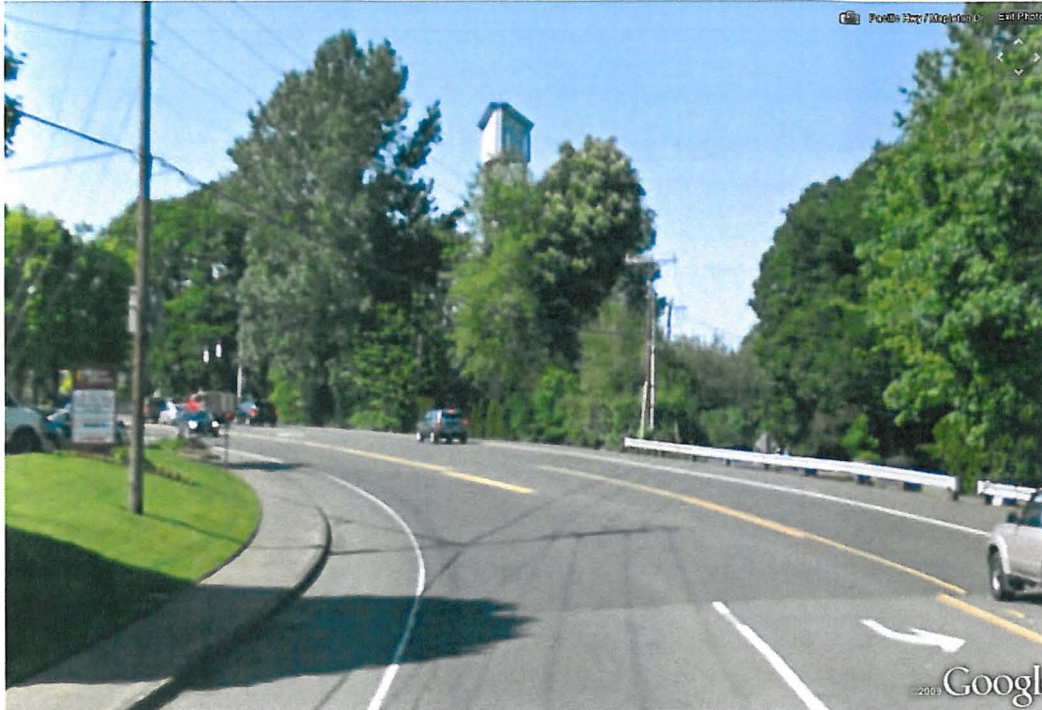


View from 21082 old River Road (above)

View from 20272 Old River Road (below)



Looking north on Willamette Drive towards WCF tower from southbound lane (below)



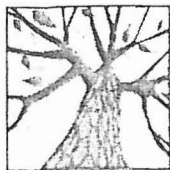
Staff also notes criterion 55.100(B)(7)(i) which states: *These architectural standards shall apply to public facilities such as reservoirs, water towers, treatment plants, fire stations, pump stations, power transmission facilities, etc. It is recognized that many of these facilities, due to their functional requirements, cannot readily be configured to meet these architectural standards. However, attempts shall be made to make the design sympathetic to surrounding properties by landscaping, setbacks, buffers, and all reasonable architectural means.*

Staff finds that this tower, much like the water tower referenced in the last paragraph, is driven by the functional requirements of verticality and signal coverage and cannot meet the architectural standards of this chapter. The best these facilities can aspire to is a design that is sympathetic to its surroundings. Staff finds that by blending with the surrounding tree grove in terms of height, design (selecting three tree-like stanchions to support the structure) and grey color, this criterion is met.

**CITY OF WEST LINN
PLANNING AND DEVELOPMENT**

EXHIBIT PC-1

**STAFF EXHIBITS
including public correspondence**



CITY OF
West Linn

Sent

AT&T Mobility
Attn: Vanessa Meyer
19802 SW 72nd Ave.
Suite 200
Tualatin, OR 97062

SUBJECT: CUP-09-02/DR-09-06

Dear Vanessa:

Your application is **complete**. The City now has 120-days to complete all reviews and exhaust all local appeals. That period lapses on May 26, 2010. This case is expected to be heard by the Planning Commission on March 3 or 17, 2010. You will be notified of the exact date by public notice 20 days before the hearing. You, or a representative, should plan on attending the hearing.

Please contact me at 503-723-2539, or for fastest response, email me at pspir@westlinnoregon.gov if you have any questions or comments, or if you wish to meet with planning and engineering staff regarding your case.

Sincerely,

Peter Spir

Associate Planner

Spir, Peter

From: Spir, Peter
Sent: Tuesday, February 16, 2010 7:25 AM
To: 'Gary Hitesman'
Subject: RE: CUP-09-02 19200 Willamette Drive Conditional Use and Design Review for Wireless Communication Facility

Gary
Thanks for your comments. They will be entered into the record.
Peter

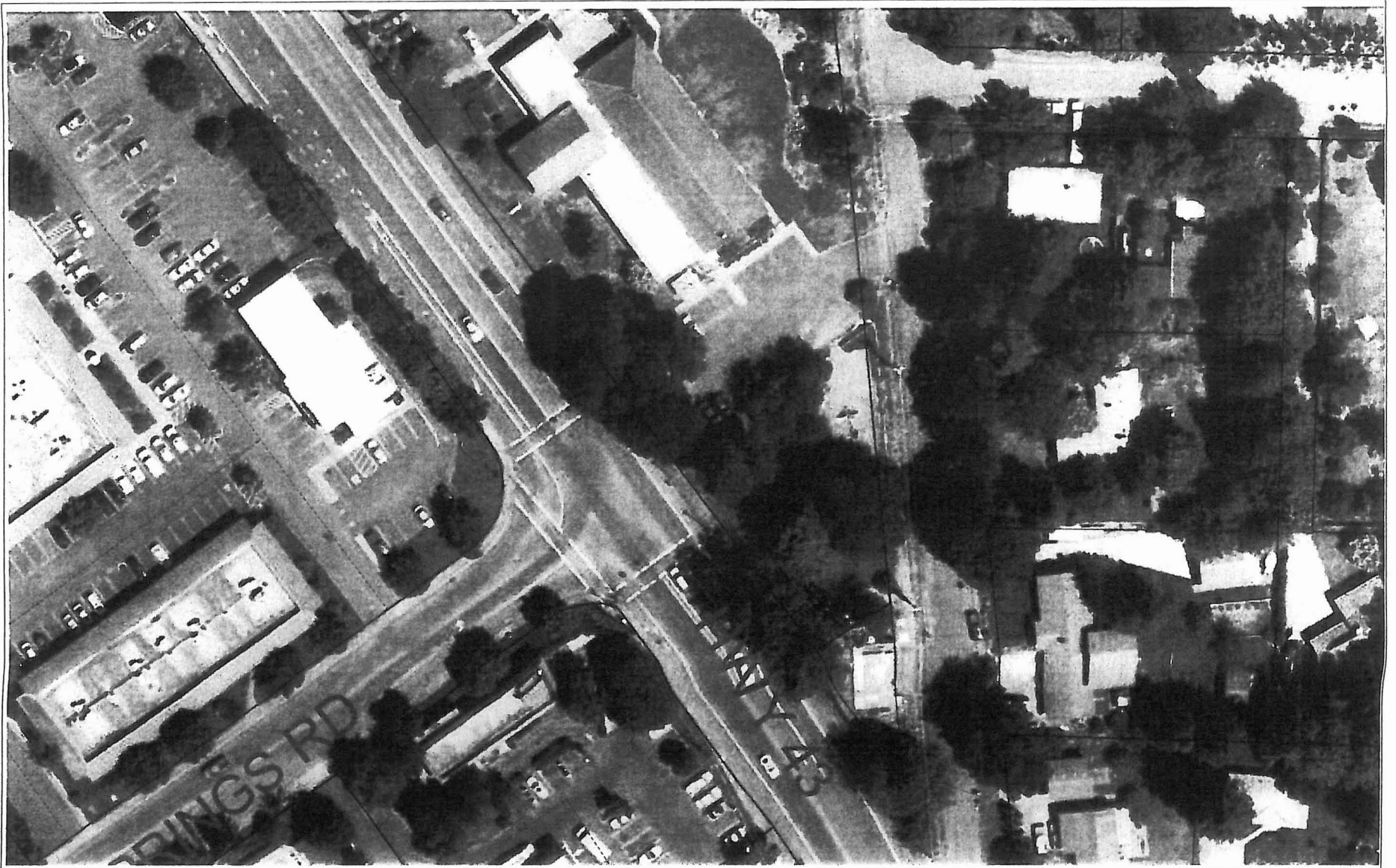
From: Gary Hitesman [mailto:GHitesman@EstradaLandPlan.com]
Sent: Saturday, February 13, 2010 4:14 PM
To: Spir, Peter; Sonnen, John
Cc: planningcommission@westlinnoregon.gov
Subject: CUP-09-02 19200 Willamette Drive Conditional Use and Design Review for Wireless Communication Facility

A visual simulation should be taken from the residential side, where additional ground units are to be placed. The current view showing mature trees hiding the building are from an interior view and the visual image does not adequately display any mitigation efforts facing residential homes across the street.

The housing should be placed further away from the street and additional berming with more plants should be introduced. As it is right now, the size of the housing, left alone, will have a negative value impact on local real estate.

The added mass also breaks with the existing proportion and balance of the composition rendering the tower a visual blight. A review of the extent of work proposed indicates a lack of vision and scarcity of elegance necessary at this prominent viewshed. For similar costs, better screening and a more appropriate tower cap is possible when compared to the current design. Any design, besides this one, could also be designed to weather better and become a suitable icon for a structure that 'aspires' to this height.

Gary Hitesman
Transit Architect & Urban Design
Estrada Land Planning
755 Broadway Circle, #300
San Diego, CA 92101
619-236-0143 x205
ghitesman@estradalandplan.com



City of West Linn GIS (Geographic Information System), SnapMap Date: 1/22/2010

Scale: 099 Feet

MAP DISCLAIMER:

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
April 2, 2009

SUBJECT: Addition of antenna and increase in height for stealth wireless tower, addition to surrounding mechanicals and screening, and landscaping improvements at 19200 Willamette Drive

ATTENDEES: Kevin S. Provance (applicant)
Staff: Tom Soppe (Planning)
Neighborhood: ??? (Robinwood NA)

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.

Project Details

The applicant proposes an additional wireless communications facility (WCF) within an existing "stealth" tower already housing other WCFs on the grounds of Emmanuel Presbyterian Church on the triangular block surrounded by Willamette Drive, Cedaroak Drive, and Old River Drive in the Robinwood neighborhood. The WCF will be placed within the existing tower, but this requires a 10-foot increase in the height of the stealth tower due to the height of the WCF. This application would also involve an increase of the size of the fenced mechanicals area at the base of the tower, the planting of new vegetation to screen the new fencing area this requires, and other landscape improvements. The 10-foot extension will involve lifting the current cupola atop the tower 10 feet and inserting under this a 10-foot tall set of architectural panels that are similar to the panels that already surround other parts of the tower. This is considered a "stealth" tower due to the panels and cupola. All increases to structures and equipment will take place within the footprint of the current lease area of the WCFs within the Church property.

The tower and surrounding WCF support system were originally applied for as a Conditional Use Permit at this location in 1997 as file CUP-97-05/DR-97-23. This file was denied by the Planning Commission but was appealed to the City Council (as file MIS-97-53), who overturned the Planning Commission's decision and approved the Conditional Use Permit and design review in early 1998. CDC 60.050(B), in Chapter 60 Conditional Uses, states, "Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this Chapter and Section 99.120(B)." Therefore a new Conditional Use Permit is required. CDC 60.070(B) states, "An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55." Chapter 55 is the Design Review chapter. This is an alteration of an existing conditional use, therefore a Design Review application is also required. Also, per Table 57.040 in CDC Chapter 57 (WCFs), stealth designs inside buildings require Class I Design Review in the R-10 zone, where the site is located. Note 2 for Table 57.040 says "Additions to buildings such as cupolas, clock towers, dormers, are permitted to accommodate

The City has 30 days to determine if the application is complete or not. Most applications are initially incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. Staff will schedule the Planning Commission hearing about 4-6 weeks after completeness determination. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

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.

p:/devrvw/pre-apps/pre ap sumry.4-2-09 19200 Willamette Drive

57.0-0 TABLE EXPLAINING APPLICABILITY OF WCF TYPE BY ZONE

Wireless Communication Facilities Type

Zone	New Tower 120' Max. Incl. Array	New Tower 40' Max. Incl. Array	CO-LOCATION		No Ext. Above Bldg. or Existing WCF	On Utility/ Light Poles in R.O.W. or Easemts All Zones- No Extension ⁴ .	Stealth Designs Inside Bldgs. ²	Install Accessory Bldgs., Equip., Landscaping
			30' Max Above Bldg. or Existing WCF ¹	10' Max. Above Bldg. or Existing WCF ¹				
GC, OBC, CI, R-2.1, R-3	No	CUP/DR Class II	No	DR Class I	Outright ³	Outright ³	Outright ³	Outright ³
GI	CUP/DR Class II	DR Class II	DR Class I	Outright ³	Outright ³	Outright ³	Outright ³	Outright ³
Public Bldgs in All Zones	No	No	No	DR Class I	Outright ³	Outright ³	Outright ³	Outright ³
All Other Zones	No	No	No	No	No	DR Class I	DR Class I	DR Class I
Historic W.F. Dr. Comm'l Overlay Zone	No	No	No	No	No	No	Outright ³	Outright-inside existing bldg. only ³

¹ Maximum 5 antenna arrays/users on same tower or in case of building, there is maximum 5 antenna arrays/users. Additional antenna arrays/users on same building must be at least 50 feet from existing cluster or outside of line of sight of existing cluster as seen from adjacent right-of-way. Maximum height is to top of highest antenna. The reference in the third vertical column "30' Max. Above Bldg. or Existing WCF" means that any WCF tower built under the provisions of the ordinance can be increased in height by a maximum of 30 feet. For example, a 120-foot tower in the General Industrial zone could be increased to 150 feet to accommodate co-location. No additional height increases would be permitted unless by Class II variance. WCF providers cannot stack one 30-foot increase on top of another 30-foot increase.

² Stealth designs represent the placement of antennas and all support equipment inside buildings or enclosures so they are not readily seen from adjacent right-of-ways or properties for the purpose of lessening or eliminating visual impacts. Additions to buildings such as cupolas, clock towers, dormers, are permitted to accommodate stealth WCF. No new freestanding buildings may be built exclusively or primarily for the purpose of concealing stealth WCF and support equipment.

³ Fencing, security, landscaping, screening, and noise standards of Section 57.080 (12-14) shall apply.

⁴ "No Extension" means that antennae or other WCF equipment may not extend above the top of the utility or light pole.

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**CITY OF WEST LINN
PLANNING AND DEVELOPMENT**

EXHIBIT PC-2

APPLICANT'S SUBMITTAL

FILE NOS.: CUP-09-02/DR-09-07

**REQUEST: Ten-foot addition to existing 80-foot tall WCF tower at 19200
Willamette Drive plus the addition of some equipment in a screened
area at the base of the tower requiring a Conditional Use Permit and a
Class II Design Review.**



**CONDITIONAL USE (MODIFICATION) APPLICATION
& DESIGN REVIEW-CLASS I APPLICATION**

**WIRELESS COMMUNICATIONS FACILITY
(COLLOCATION IN AN EXISTING
SLEATHED CUPOLA/CLOCK TOWER)
LOCATED IN AN SINGLE-FAMILY RESIDENTIAL (R-10) ZONE**

Prepared for:
AT&T Wireless, LLC
19801 SW 72nd Avenue
Tualatin, Oregon 97062

PW54 (MARYLHURST)

**19200 WILLAMETTE DRIVE
WEST LINN, OREGON 97068
T2S, R1E, Section 23, Tax Lot 04801**

Prepared by:
Kevin S. Provance, Principal Planner
Goodman Networks, Inc.
7360 SW Hunziker Street, Suite 206
Portland, Oregon 97223
(503) 367-5577



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PROPOSAL SUMMARY INFORMATION

Date: 08/28/09

Site Name: PW54 (Marylhurst)

Applicant: Goodman Networks, Inc.
AT&T Wireless, PCS, LLC
c/o Kevin S. Provance, Principal Planner
7360 SW Hunziker Street, Suite 206
Portland, Oregon 97223

Phone: (503) 367-5577
Fax: (503) 207-1737
Email: kprovance@goodmannetworks.com

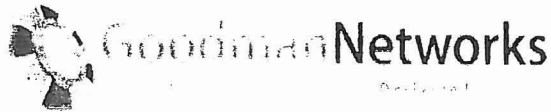
Property Owner: Crown Castle, LLC
8547 154th Avenue NE
Redmond, Washington 98052
Bryan Adams, Company Representative
(425) 202-2775

Proposed Use: A modification to CUP# 97-05 and a Design Review – Class I Application to allow for a 10 foot extension to the existing, stealthed, cupola/clock tower for the addition of AT&T's antennas as a collocation. The antennas shall be hidden within the oblique architectural panels beneath the cupola. The radio equipment shall reside within the designated lease area and will require an extension to the fence and landscaping for appropriate buffering.

Location: Emmanuel Presbyterian Church of West Linn
19200 Willamette Drive
West Linn, Oregon 97068

Tax Account No.: Tax Map 21E24BB
Tax Lot 04801
Lot Size 15.39 acres

Zoning/Land Use Comprehensive Plan Single Family Residential (R-10) – WCF
Low Density



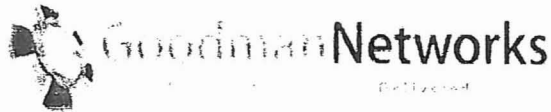
Project Description

AT&T proposes to extend the exiting, stealthed cupola/clock tower by 10 feet to allow for the collocation of its wireless antennas. The existing wireless communication facility is located adjacent to the Emmanuel Presbyterian Church in West Linn, Oregon. AT&T's proposal will provide coverage to an area that is currently underserved by its customers. Within this urban area, the amount of customers calling simultaneously during prime hours creates capacity issues and this proposed facility will allow for the additional service to all AT&T callers. Currently, this cupola/clock wireless communication facility is served by Sprint PCS Wireless.

This facility was approved back in 1997 (CUP 97-05) as a sleathed cupola/clock tower that matched the existing architecture of the church. The existing height of this facility is at 80 feet. AT&T's proposal will allow for a 10 foot extension maximum in the mid-section of the tower and shall match the existing architectural façade of the tower. The proposed 10 foot extension will not project of the existing heights of the trees that surround the tower on the subject property. As for the equipment compound, AT&T will extend the compound within existing lease area parcel and will rebuild the existing fence with new landscaping to buffer.

At the base of the tower, an extension of a 12x15 fenced compound will house all associated AT&T equipment with private access from Sprint's leased area. The ground equipment consists of radio cabinets and utility hookups (power and telephone). An 8-foot tall wooden fence will be newly constructed around AT&T and Sprint for consistency and aesthetic integrity. As for landscaping, AT&T proposes to replant new and appropriate vegetation for aesthetics and to buffer the any impacts of the compound around the wireless communication facility. No trees will have to be removed or impacted as a result of this project. A small sign will be placed on the fence for site identification, as well as emergency contact information.

Power and telephone utility connections are already present on the parcel to serve the existing equipment and will be utilized for the proposed facility. This project is not subject to the registration requires of the FAA based on the proposed height of this facility.



COMPLIANCE WITH ZONING REGULATIONS

57.070 SUBMITTAL REQUIREMENTS

To be considered a complete application, the following information is required:

1. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas intended to screen the WCF.

Response: AT&T has provided a plot plan that shows all the above mentioned.

2. An engineer's statement that the RF emissions at grade, or at nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative RF emissions if co-located.

Response: AT&T has provided a NIER (Non-Ionizing Electromagnetic Report) that demonstrates that this proposal will meet all FCC regulations regarding emissions.

3. A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment.

Response: AT&T's proposal shall allow for UMTS and GMS technologies that increase voice, data and video information on hand held cellular phones.

4. Provide facilities maintenance schedule.

Response: AT&T shall provide a detailed maintenance schedule as a conditional of approval to this application.

5. Provide zoning and Comprehensive Plan designation of proposed site.

Response: AT&T has provided Zoning and Comprehensive Plan designations for this application.

6. Photo or computer simulations of the proposed WCF from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.

Response: AT&T has provided photo simulations of this proposed extension as well as the extension to the equipment compound and proposed landscaping.

7. The distance from the nearest WCF and nearest co-location site. 57-5

Response: Since AT&T is collocating on this proposed facility, the nearest facility would be on this subject property.

8. An engineer's statement demonstrating:

- a. The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)
- b. The reason why the WCF must be constructed at the proposed height; and,
- c. Verification of good faith efforts made to locate or design the proposed WCF to qualify for a less rigorous approval process (building permit or site plan approval).

Response: AT&T shall provide RF justification as a condition of approval to this application. This collocation is most desired by the City of West Linn and AT&T has provided the necessary information that demonstrates a good faith effort in maintaining the aesthetic integrity of this existing site.

9. A copy of that portion of the lease agreement (or lease memo) with the property owner that includes co-location provisions (where applicable), facility removal within 90 days of abandonment, and a bond to guarantee removal, shall be submitted to the City for review purposes only. The bond may be effective only in the event that the application is approved.

Response: AT&T's proposal is a collocation opportunity from the tower owner, Crown Castle Tower, Inc. Crown Castle has provided AT&T with this opportunity as the last available collocator on this facility.

10. A signed statement from the applicant agreeing to allow co-location on the applicant's structure (where applicable).

Response: AT&T's proposal is a collocation opportunity from the tower owner, Crown Castle Tower, Inc. Crown Castle has provided AT&T with this opportunity as the last available collocator on this facility.

11. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.

Response: AT&T shall provide a comprehensive coverage map that shows existing and proposed cell coverage from this facility, both in on-air and off-air phases. AT&T will submit this information as a condition of approval to this application.

12. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for co-location is within the area recommended by the engineer's report, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies:

- a. The structure is not of sufficient height to meet engineering requirements;
- b. The structure is not of sufficient structural strength to accommodate the WCF;
- c. Electromagnetic interference for one or both WCF will result from co-location; or,
- d. The radio frequency coverage objective cannot be adequately met.

Response: AT&T's proposal is a collocation opportunity from the tower owner, Crown Castle Tower, Inc. Crown Castle has provided AT&T with this opportunity as the last available collocator on this facility.

13. Full response to Section 57.080 approval criteria as applicable.

Response: AT&T shall respond and meet the required approved criteria in 57.080 as applicable.

14. Fulfillment of co-location protocol requirements of Section 57.090.

Response: AT&T shall respond and meet the required approved criteria in 57.080 as applicable.

57.080 APPROVAL CRITERIA

1. For WCF allowed outright, a building permit is required. WCF, accessory buildings, and equipment shall satisfy Section 57.080(12-14).

Response: This collocation shall be reviewed as a Design Review Class I and a Conditional Use Application.

2. For WCF allowed by Design Review Class I, the applicable approval criteria of CDC Chapter 55 and applicable criteria of Section (5-14), below, shall apply.

Response: AT&T shall comply with all applicable criteria as stated in the Design Class I of Chapter 55 in the CDC.

3. For WCF allowed by Design Review Class II, the applicable approval criteria of CDC Chapter 55 and applicable criteria of Section (5-14), below, shall apply.

Response: This collocation shall be reviewed as a Design Review Class I and a Conditional Use Application

4. For WCF allowed by conditional use permit, the approval criteria of CDC Section 60.070 and applicable criteria of CDC Chapter 55 (Design Review) and Section (5-14), below, shall apply.

Response: AT&T shall comply with all applicable criteria as stated in the Design Class I of Chapter 55 and the Conditional Use Application criteria in Section 60.070 of the CDC.

5. Aesthetics.

- a. New towers shall maintain a galvanized steely grey finish or other accepted contextual or compatible color or, if required by the FAA, be painted pursuant to the FAA's requirements.
- b. If co-location on an existing tower is requested, the design of any antenna, accessory structure, or equipment shall, to the greatest extent possible, use materials, colors, and textures that will match the existing tower, building, or other existing structures.
- c. If co-location on an existing non-tower structure is requested, the antenna and supporting electrical and mechanical equipment shall be a neutral color that is the same as the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Response: AT&T's collocation will match the existing architectural façade of the cupola/clock tower. All materials will be identical to the existing wireless facility. The equipment compound extension shall match the existing compound with a new improved fencing and upgraded landscaping for buffering.

6. Setbacks.

- a. Towers designed to collapse within themselves shall be set back in accordance with the setbacks contained in the zone.
- b. Towers not designed to collapse within themselves shall be set back from the property line by a distance equal to one-half the height of the tower.

Response: This proposed collocation for an extension to the cupola/clock tower will comply with the current setback requirement.

7. Tower location. Co-location or placement on existing structures or buildings is the preferred siting choice. If co-location cannot be accommodated, new WCFs shall be placed as close as possible to existing WCFs so that the impacts are concentrated rather than spread out or dispersed.

Response: AT&T proposes to collocate on an existing wireless facility as preferred by the City of West Linn, Oregon.

8. Height. New towers shall not exceed 120 feet in height in the GI zone, and 40 feet in height in the GC, OBC, CI, R-2.1, R-3 zones except by Class II variance. Antennas, etc. may not extend above these heights.

Response: AT&T's 10 foot extension complies with the R-10 zoning district.

9. Lighting. None allowed except as required by the FAA.

Response: No lighting is required or being proposed as a result of this proposal.

10. Points of visual interest shall be protected. Long range views from the I-205 rest area towards Mt. Hood shall be protected pursuant to Section 57.080(11). Views from residential structures located within 250 feet of the proposed wireless communication facility to the following points of visual interest shall be protected to the greatest practical extent:

- a. Mountains.
- b. Significant public open spaces.
- c. Historic structures.

Response: AT&T's proposal shall not impact any views of mountains, public open spaces or historic structures as a result of the 10 foot extension to the existing wireless facility.

11. Methods for protecting points of visual interest. The following standards, and only the following standards, shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed wireless communication facility to a point of visual interest specifically identified above, are significantly impacted. The standards shall also apply to preserving long range views of Mt. Hood from the northbound I-205 rest area. The applicant shall:

- a. Investigate other locations within the same lot where such visual impacts can be minimized overall.
- b. Investigate alternative tower designs that can be used to minimize the interruption of views from the residents/public to the points of visual interest.
- c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that co-location or the use of other structures within the service area is not feasible at this time.
- d. Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good or better than that which would otherwise be required without said variations.

Response: The visual aesthetics of this proposal shall be preserved through the architectural design of the 10 foot extension; new fencing around the proposed extended compound and existing compound and improved landscaping around the entire lease

area. The photo simulations demonstrate that the collocation extension will not project over the existing tree line on the subject property.

12. Fencing and security. For security, tower(s) and ancillary facilities shall be enclosed by a fence up to eight feet high. No fence height variances shall be required.

Response: AT&T proposes to construct a new wooden fence, no more than 8 feet high, around the proposed and existing compound within the subject lease area. This will allow for better security and minimize visual impacts.

13. Landscaping and screening. Landscaping shall be placed outside the fence and shall consist of a fast growing vegetation with a minimum planted height of six feet placed densely so as to form a solid hedge. Landscaping shall be properly maintained.

Response: AT&T proposes to replant and add additional landscape around the proposed and existing compound. Landscaping shall be properly maintained.

14. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level to meet CDC Section 55.100(D)(3) noise standards.

Response: AT&T's equipment shall meet the sound levels, by the use of barriers, as specified in CDC Section 55.100(D)(3).

57.090 CO-LOCATION PROTOCOL

A. The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the approval authority, at the time the provider schedules a pre-application conference with the approval authority. This co-location protocol is designed to increase the likelihood that all reasonable opportunities for collocation have been investigated and that the appropriate information has been shared among the providers. The approval authority recognizes that co-location is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that co-location of antennae by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible co-location opportunities, and will also assure the approval authority that all reasonable accommodations for co-location have been investigated. The code creates strong incentives for co-location because proposals for co-location qualify for a less rigorous approval process (building permit or design review approval rather than a discretionary land use permit).

B. A pre-application conference is required for all proposed freestanding support structures.

C. At the time a pre-application conference is scheduled, the applicant shall demonstrate that the following notice was mailed to all other wireless providers licensed to provide service within the City:

"Pursuant to the requirements of Community Development Chapter 57, (name of wireless provider) is hereby providing you with notice of our intent to meet with the City of West Linn in a pre-application conference to discuss the location of a freestanding wireless communication facility that would be located at _____ (location) _____. In general, we plan to construct a support structure of _____ feet in height for the purpose of providing (cellular, PCS, etc.) service. Please inform us whether you have any existing or pending wireless facilities locating within (distance) of the proposed facility that may be available for possible co-location opportunities. Please provide us with this information within 10 business days after the date of this letter. Your cooperation is appreciated. Sincerely, (pre-application applicant, wireless provider)."

D. If a response to a co-location request letter is received by an applicant indicating an opportunity for co-location, the applicant shall make a good faith effort to analyze the feasibility of co-location. This analysis shall be submitted with an application for any freestanding support structure. A good faith effort to investigate the feasibility of co-location shall be deemed to have occurred if the applicant submits all of the following information:

1. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by co-location at the possible co-location site.
2. Evidence that the lessor of the possible co-location site either agrees or disagrees to co-location on his/her property.
3. Evidence that adequate site area exists or does not exist at the possible co-location site to accommodate needed equipment and meet all of the site development standards.
4. Evidence that adequate access does or does not exist at the possible co-location site.

E. If the applicant has provided information addressing each of the criteria in Section D above, the co-location protocol shall be deemed complete.

Response: AT&T has met this requirement since its proposal is to collocate on an existing wireless facility as preferred by the City of West Linn, Oregon.

57.100 ABANDONED FACILITIES

A wireless communication facility which has been discontinued for a period of six consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within 90 days from date of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties and enforcement under CDC Chapter 106. Upon written application, prior to the expiration of the six-month period, the Planning Director shall, in writing, grant a six-month extension for reuse of the facility. Additional extensions beyond the first six month extension may

be granted by the Planning Director subject to any conditions required to bring the project or facility into compliance with current law(s) and make compatible with surrounding development.

Response: AT&T shall meet comply with this criterion as specific in this section of the CDC.

60.000 CONDITIONAL USES

60.010 PURPOSE

The purpose of this chapter is to provide standards and procedures under which conditional uses may be permitted, enlarged, or altered if the site is appropriate and if other conditions can be met.

A. The Planning Commission may approve an application subject to a specific time period, at the termination of which there will be a renewal hearing. The decision at the renewal hearing shall be based on the factors in B1 and B2 below.

B. Approval of a conditional use shall be void after one year or such lesser time as the approval may specify, unless substantial construction pursuant thereto has taken place. The Planning Commission after a public hearing as provided by Section 99.060(B) may extend authorization for an additional period not to exceed one year, on request and a finding that:

1. There have been no changes in the facts on which the approval was based; and,
2. There have been no changes in the policy or applicable standards on which the approval was based.

Response: AT&T acknowledges the approval standards of the Planning Commission and shall comply with all timelines set by the Commission regarding the expiration of conditional use permits.

60.030 ADMINISTRATION AND APPROVAL PROCESS

A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in Section 99.060(B). A petition for review by Council may be filed as provided by Section 99.240(B).

B. All approved conditional use applications shall be subject to Design Review under the provisions of Chapter 55, and in the manner set forth in Section 99.060(B).

Response: AT&T acknowledges the approval standards of the Planning Commission and shall comply with all timelines set by the Commission regarding the expiration of conditional

use permits. This application shall address all criteria related the Design Review Class I standards for this proposal.

60.040 TIME LIMIT ON A CONDITIONAL USE APPROVAL

Approval of a conditional use by the Commission shall be void after three years if:

1. Substantial construction of the approval plan has not begun within that three-year period.
2. Construction on the site is a departure from the approved plan.

Response: AT&T acknowledges the approval standards of the Planning Commission and shall comply with all timelines set by the Commission regarding the expiration of conditional use permits.

60.050 BUILDING PERMITS FOR AN APPROVED CONDITIONAL USE

A. Building permits for all or any portion of a conditional use shall be issued only on the basis of the conditional use plan and conditions as approved by the Planning Commission.

B. Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this Chapter and Section 99.120(B).

Response: AT&T acknowledges the approval standards of the Planning Commission and shall comply with all timelines set by the Commission regarding the expiration of conditional use permits. AT&T shall meet all conditions of approval prior to the issuance of a building permit for this proposal. AT&T's application for this modification to the approved Conditional Use Permit (CUP-97-05 & DR 97-23).

60.060 THE APPLICATION

A. A conditional use application shall be initiated by the property owner or the owner's authorized agent.

Response: The conditional use application has been signed by the property owner and agent, AT&T as required by this section of the CDC.

B. A prerequisite to the filing of an application is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in Section 99.030(B) and (C).

Response: On April 2, 2009, AT&T, Planning Staff and the Robinwood Neighborhood conducted a Pre-Application Meeting as required by this section of the CDC.

C. A pre-requisite to the filing of an application is a meeting with the respective City recognized neighborhood association, per CDC Section 99.038, at which time the applicant will present his/her proposal and receive comments. (ORD. 1401)

Response: On May 12, 2009, AT&T presented its proposal to collocate its wireless antennas on the existing cupola/clock tower to the Robinwood Neighborhood Association.

D. An application for a conditional use shall include the completed application form and:

1. A narrative which addresses the approval criteria set forth in Section 60.070 and which sustains the applicant's burden of proof; and,

1. A site plan as provided by Section 60.080.

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 X 17 or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

Response: AT&T is providing a narrative that addresses all relative sections of the CDC for a collocation of wireless antennas to an existing, stealthed, cupole/clock tower. AT&T is provided three sets of drawings at 11 x 17. AT&T is provided three copies of all application materials as per the requirements of this section of the CDC.

E. Names and addresses of all who are property owners of record within 300 feet of the site shall be determined by the Director.

Response: AT&T is providing the original, certified list of all property owners within 300 feet of the subject property.

F. The applicant shall pay the requisite fee.

Response: AT&T is paying the request fee for the Conditional Use Application and Design Review- Class I Application as requested by the Planning Staff.

60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in Section 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:

- a. Adequate area for the needs of the proposed use; and,
- b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

Response: The proposed development will be contained within the existing lease area and is proposed to improve the existing conditions as a result of this development.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

Response: This proposal will not further impact the existing conditions of the subject property.

3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

Response: The granting of this proposal shall provide the necessary coverage and capacity to AT&T's existing and future customers while still preserving the architectural integrity of the site.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy.

Response: AT&T will utilize the existing public facilities already provided at the site.

5. The applicable requirements of the zone are met, except as modified by this chapter.

Response: AT&T has met the applicable requirements of this zone.

6. The supplementary requirements set forth in Chapters 52 to 55, if applicable, are met.

Response: This proposal is subject to the criteria in Chapter 55 for a Design Review – Class I

7. The use will comply with the applicable policies of the Comprehensive Plan.

Response: AT&T has met the applicable policies of the Comprehensive Plan.

B. An approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in Chapter 55.

Response: AT&T's proposal is subject to the design standards as stated in Chapter 55 of the CDC.

C. The Planning Commission may impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

1. Limiting the hours, days, place, and manner of operation.
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
3. Requiring additional setback areas, lot area, or lot depth, or width.
4. Limiting the building height, size or lot coverage, or location on the site.
5. Designating the size, number, location and design of vehicle access points.

Response: AT&T acknowledges the approval standards of the Planning Commission and shall comply with all timelines set by the Commission regarding the expiration of conditional use permits.

8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.

Response: AT&T is proposing a 6 foot wooden fence and improved landscaping to buffer the existing and proposed compound.

9. Limiting the number, size, location, height, and lighting of signs.

Response: AT&T shall only post the necessary signage as per the requirements of the FCC.

10. Limiting or setting standards for the location and intensity of outdoor lighting.

Response: AT&T is not proposing any outdoor lighting for this site.

11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.

Response: AT&T is proposing a 6 foot wooden fence and improved landscaping to buffer the existing and proposed compound. A landscape management plan will be submitted as a conditional of approval.

12. Requiring and designating the size, height, location, and materials for fences.

Response: AT&T is proposing a 6 foot wooden fence that will help buffer any potential noise issues. A new fence will be erected around the existing and proposed compound.

13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

Response: AT&T's proposal will not impact any existing trees in the area. This proposal will expand the compound out by 12 feet, just under the drip line of a tree located directly north of the compound. In accordance with the City's Arborist, AT&T compound expansion will not impact the existing tree to the north.

D. Aggregate extraction uses shall also be subject to the provisions of ORS 541.605.

Response: No aggregate extraction uses are subject to this application. There will be no impact to such uses as a result of this proposal.

60.080 SITE PLAN AND MAP

A. All site plans and maps shall include the name, address, and telephone number of the applicant, the scale of the site plan, north arrow, and a vicinity map.

Response: AT&T's drawings meets the applicable requirements as per this section of the CDC.

B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, 1" = 10' to 1" = 30') which contains the following information:

1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
2. The parcel boundaries, dimensions, and gross area.
3. The applicant's property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development to the adjacent property and development.
4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
5. The location, dimensions, and setback distances of all:
 - a. Existing structures, improvements, utilities, and drainage facilities on adjoining properties;
 - b. Existing structures, improvements, utilities, and drainage facilities to remain on the site; and,
 - c. Proposed structures or changes to existing structures, improvements, utilities, and drainage facilities.
6. The existing and proposed dimensions of:
 - a. The entrances and exits to the site;
 - b. The parking and circulation areas;
 - c. Loading and service areas for waste disposal, loading and delivery;
 - d. Pedestrian and bicycle circulation area;
 - e. On-site outdoor recreation spaces and common areas; and,
 - f. Above ground utilities.
7. The location of areas to be landscaped and the proposed landscape plan.
8. The location of all trees having a six-inch caliper at a height of five feet.

Response: AT&T's drawings meets the applicable requirements as per this section of the CDC.

C. The applicant shall submit the site plan on a map showing two-foot contours up to 20 percent grade and 10-foot contours on grades above 20 percent.

Response: AT&T's drawings meets the applicable requirements as per this section of the CDC.

55.000 DESIGN REVIEW

55.020 APPLICABILITY

This chapter provides two levels of design review: Class I and Class II. Class I design review applies to land uses and activities that require only a minimal amount of review. Class II design review is reserved for land use and activities that require comprehensive review. Class I design review applies to the following land uses and activities:

4. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.).

Response: AT&T's proposal is subject to the Design Review – Class I criteria and shall be reviewed as such.

55.030 ADMINISTRATION AND APPROVAL PROCESS

A. A pre-application conference is required before submitting a development plan application for design review as provided by Sections 99.030(B).

Response: A Pre-Application Meeting for a Design Review – Class I was conducted on April 2, 2009.

B. The application shall be submitted by the record owner(s) of the property, authorized agent, or condemnor.

Response: AT&T is submitting this application on behalf of the owner, Crown Castle.

C. Action on the development plan application shall be as provided by CDC Chapter 99, Procedures for Decision-Making: Quasi-Judicial, and the following:

1. The Planning Director for Class I design review applications or Planning Commission for Class II design review applications, shall approve, approve with conditions, or deny the application based on findings related to the applicable criteria set forth in Section 99.110 and this chapter.

2. A decision by the Planning Director may be reviewed by the City Council.

Response: This application will be reviewed with the Conditional Use Application at the Planning Commission.

D. Substantial modifications made to the approved development plan will require pre-application (e.g., more or fewer lots, different architectural design, etc.).

Response: This application required a pre-application to address architectural design issues.

55.040 EXPIRATION OF APPROVAL

If substantial construction has not occurred within three years from the date of approval of the development plan, the approved proposal will be void.

Response: AT&T acknowledges this requirement and shall comply with the timeline for construction.

55.060 STAGED OR PHASED DEVELOPMENT

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of Section 99.125.

Response: AT&T does not propose to phase this project at this time.

55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

Response: AT&T is submitting this application on behalf of the owner, Crown Castle.

B. A pre-application conference shall be a prerequisite to the filing of an application.

1. The Director shall explain the applicable policies, ordinance provisions, opportunities and constraints which may be applicable to the site and type of proposed development. The Director shall determine which class of design review is required.
2. The following subjects shall be reviewed at the pre-application conference:
 - a. The parcel's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.
 - b. The proposed use and types of adjacent land uses and the opportunities for shared use such as parking, or for the need for buffers or sound barriers.
 - c. The natural features on the site: topography, drainage courses, micro-climate vegetation, and soil conditions and stability as these features relate to plan policies and ordinance provisions and the site development plan.
 - d. The availability of utilities (on site and off site).
 - e. The site access and potential traffic problems.
 - f. The availability of transit, capacity of the road system, and existence of plans for bicycle and pedestrian ways.
 - g. Existing or potential noise sources.
 - h. Conditions placed on previous applications.
 - i. Review submittal requirements.
 - j. Preferred architectural design and building orientation.

Response: A Pre-Application Meeting for a Design Review – Class I was conducted on April 2, 2009.

C. A pre-requisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1500 square feet in size, a 4-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment, is a meeting with the respective City recognized neighborhood association, per CDC Section 99.038, at which time the applicant will present their proposal and receive comments. Wireless communication facilities (WCF) shall also fulfill co-location protocol of CDC Section 57.090.

Response: This application is for a collocation and complies with the collocation protocol in Section 57.090 of the CDC.

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

- a. A site analysis (Section 55.110) only if the site is undeveloped.
- b. A site plan (Section 55.120) is required.
- c. Architectural drawings, including building envelopes and all elevations (Section 55.140) only if architectural work is proposed.
- d. Pursuant to Section 55.085, additional submittal material may be required.

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 X 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

Response: AT&T is provided three sets of drawings at 11 x 17. AT&T is provided three copies of all application materials as per the requirements of this section of the CDC.

3. A narrative, based on the standards contained in this Code, which supports any Requested exceptions as provided under Section 55.170.

Response: AT&T is providing a narrative that addresses all relative sections of the CDC for a collocation of wireless antennas to an existing, stealthed, cupole/clock tower.

4. Submit full written responses to approval criteria of Section 55.100 for Class II Design review, or Section 55.090 for Class I design review, plus all applicable referenced approval criteria.

Response: AT&T is submitting full written responses to the approval criteria for a Class I Design Review as per section 55.090.

E. The applicant shall submit samples of all exterior building materials and colors in the case of new buildings or building remodeling.

Response: AT&T's photo simulations illustrate the specific architectural design that will

match the existing façade of the cupola/clock tower.

F. The applicant shall pay the required fee.

Response: AT&T is paying the request fee for the Conditional Use Application and Design Review- Class I Application as requested by the Planning Staff.

55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

A. The Planning Director may require additional information as part of the application subject to the provisions of Section 99.035(A).

B. The Planning Director may waive any requirements for the application subject to the provisions of Section 99.035(B) and (C).

Response: AT&T acknowledges the requirement of the Planning Director to request additional information as well as to waiver specific standards at his/her discretion.

55.090 APPROVAL STANDARDS - CLASS I DESIGN REVIEW

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. Section 55.100 B (1-4) "Relationship to the natural physical environment" shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

2. Section 55.100 B (5-6) "Architecture, et al" shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

1. Pursuant to Section 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

Response: AT&T acknowledges the decision of the Planning Director to make a determination whether this application meets the natural physical environment of the subject parcel and the architecture style of the existing cupola/clock tower.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Response: Public facilities are currently available at this site for this proposal.

C. The Planning Director shall determine the applicability of the approval criteria in

55.090(A), above.

Response: AT&T acknowledges the Planning Director's discretion regarding applicable criteria for this application.

54.000 LANDSCAPING

54.020 APPROVAL CRITERIA

A. Every development proposal requires inventorying existing site conditions which include trees and landscaping. In designing the new project, every reasonable attempt should be made to preserve and protect existing trees and to incorporate them into the new landscape plan. Similarly, significant landscaping (e.g., bushes, shrubs) should be integrated. The rationale is that saving a 30-foot tall mature tree helps maintain the continuity of the site, they are qualitatively superior to two or three 2-inch caliper street trees, they provide immediate micro-climate benefits (e.g., shade), they soften views of the street, and they can increase the attractiveness, marketability, and value of the development.

Response: AT&T's proposal shall not impact the existing tree canopy on the church's property. The City's Arborist has stated that AT&T's proposal will not impact the tree to the north of the equipment compound.

B. To encourage tree preservation, the parking requirement may be reduced by one space for every significant tree that is preserved in the parking lot area for a maximum reduction of 10 percent of the required parking. The City Parks supervisor or arborist shall determine the significance of the tree and/or landscaping to determine eligibility for these reductions.

Response: AT&T is not proposing additional parking spaces for this project. No trees in the existing church parking lot will be impacted.

C. Developers must also comply with the Municipal Code chapter on tree protection.

Response: AT&T shall comply with the Municipal Code chapter on tree protection.

D. **Heritage trees.** Heritage trees are trees which, because of their age, type, notability, or historical association are of special importance. Heritage trees are trees designated by the City Council following review of a nomination. A heritage tree may not be removed without a public hearing at least 30 days prior to the proposed date of removal. Development proposals involving land with heritage tree(s) shall be required to protect and save the tree(s). Further discussion of Heritage trees is found in the Municipal Code.

Response: No heritage trees will be removed or impacted as a result of this proposal.

E. **Landscaping - by type, location and amount.**