



## **STAFF REPORT TO THE HEARINGS OFFICER**

**Permit Type:** Conditional Use

**File No.** Z0077-24

**Proposal:** Conditional use for installation of an unmanned telecommunications facility that is proposed as a 195' steel monopole

**Staff Recommendation:** Denial

**Date of Staff Report:** March 13, 2025

**Date of Hearing:** March 20, 2025

**Issued By:** Joy Fields, Principal Planner, [jfields@clackamas.us](mailto:jfields@clackamas.us); 503-742-4510

**Assessor's Map & Tax Lot(s):** T4S R3E Section 02 Tax Lot 2000

**Site Address:** 22630 S Upper Highland Rd., Beaver Creek, OR 97004

**Applicant:** Brian Cook, Vertical Bridge/T-Mobile

**Owner of Property:** Connie Diane Sharp

**Zoning:** Ag/Forest (Ag/F)

**Community Planning Organization (CPO) for Area:**

Clarks Highland Community Planning Organization (CPO), Craig Loughridge, [clarkeshighland@gmail.com](mailto:clarkeshighland@gmail.com)

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:** ORS Chapter 215 requires that if you receive this notice, it must be promptly forwarded to the purchaser.

**OPPORTUNITY TO REVIEW THE RECORD:** The submitted application is available for review online at <https://acela.clackamas.us/citizenaccess/>. Select the Planning tab and enter the file number to search. Select Record Info and then select Attachments from the dropdown list, where you will find the submitted application. The complete application file is available for inspection at no cost by contacting the Planner listed on the first page of this staff report. Copies of all documents may be purchased at the rate of \$2.00 per page for 8 1/2" x 11" or 11" x 14" documents, \$2.50 per page for 11" x 17" documents, \$3.50 per page for 18" x 24" documents and \$0.75 per sq ft with a \$5.00 minimum for large format documents.

**APPLICABLE APPROVAL CRITERIA:** This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 406, 407, 835, 1005, 1006, 1007, 1009, 1015, 1021, 1203 and 1307.

**PUBLIC AND AGENCY COMMENTS:**

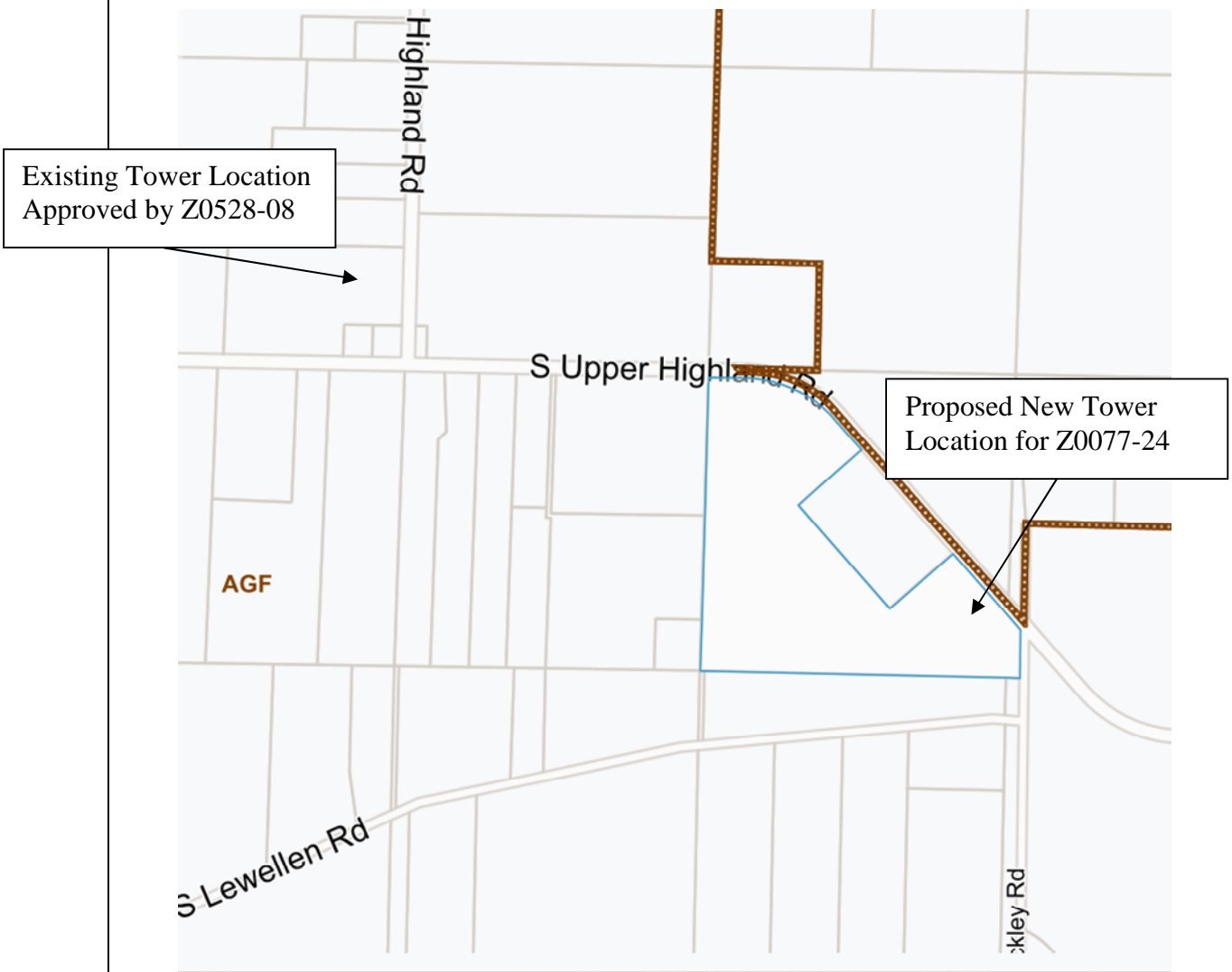
Notice was sent to applicable agencies and owners of property within 2,640 feet. Comments received relating to the applicable approval criteria listed above are addressed in the Findings Section. Comments from the following were received:

- Transportation and Engineering Program (Exhibit 14)
- Members of the public in opposition (Exhibit 13 and 15)

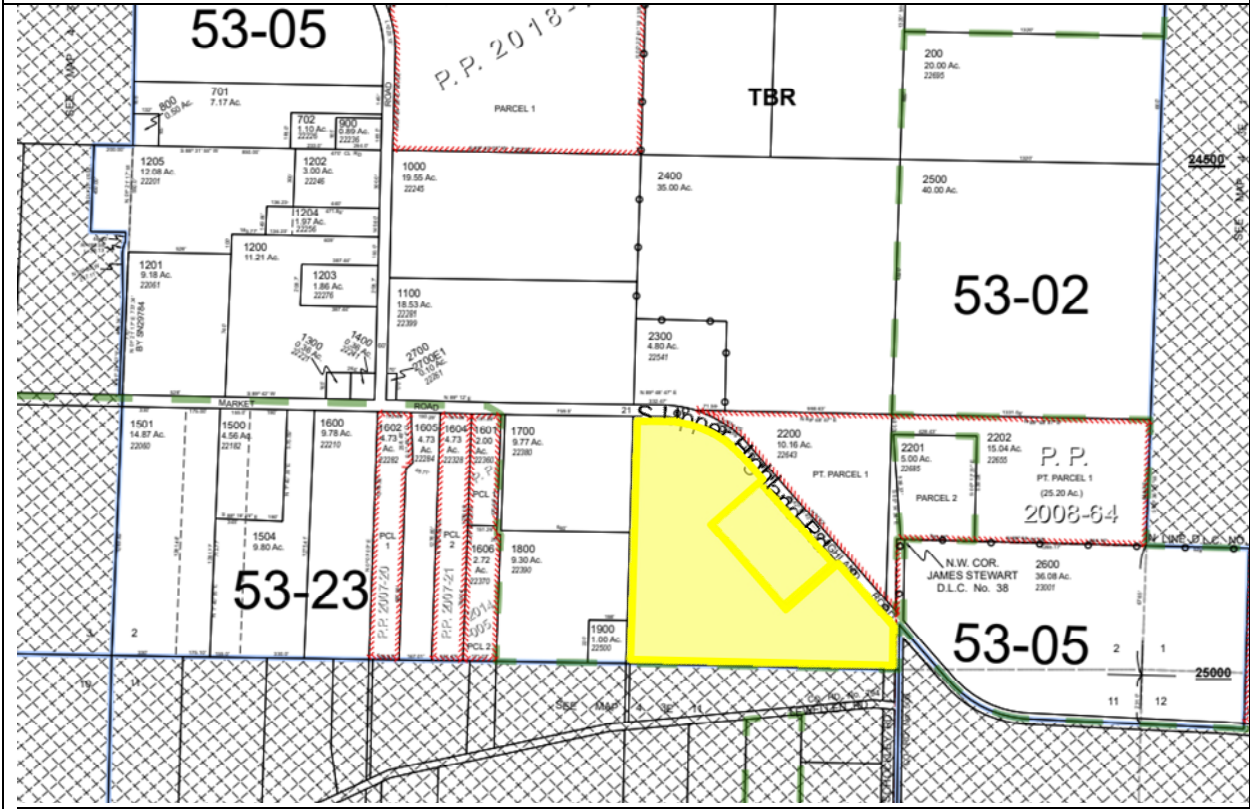
*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email [DRenhard@clackamas.us](mailto:DRenhard@clackamas.us).*

503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?翻译或口译? |  
Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

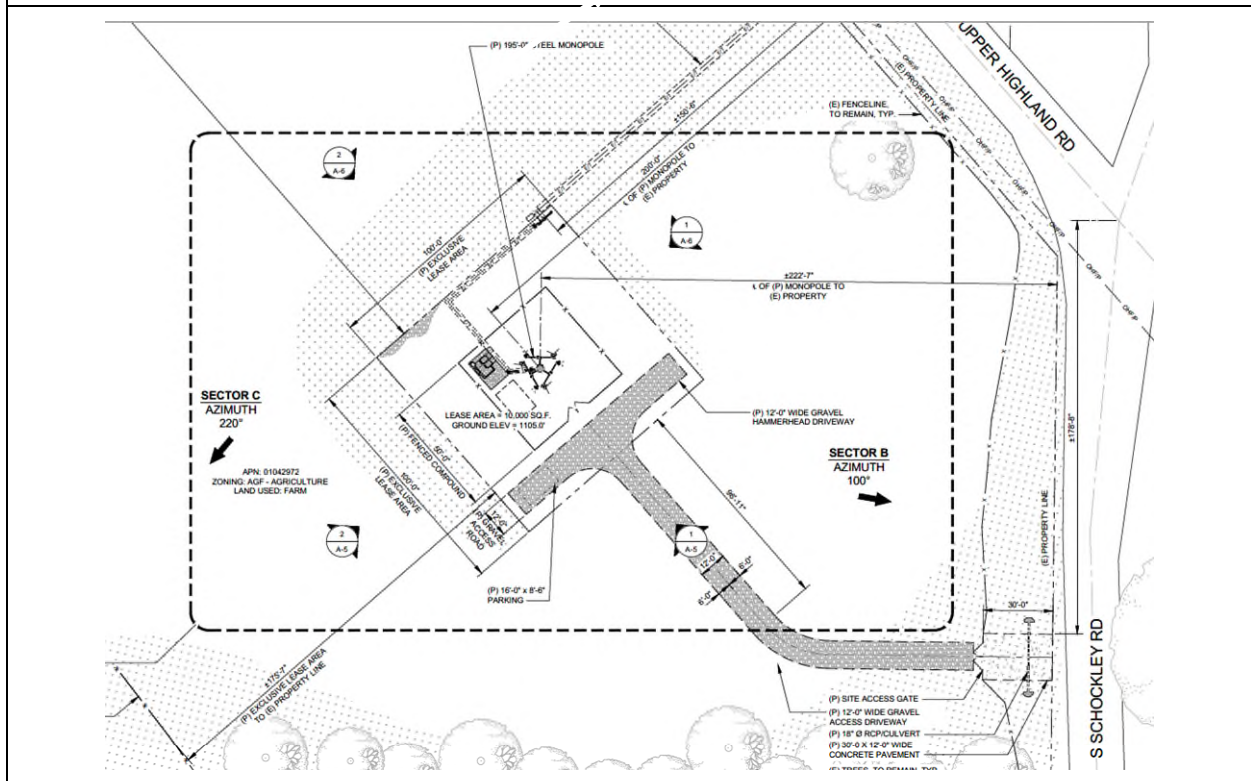
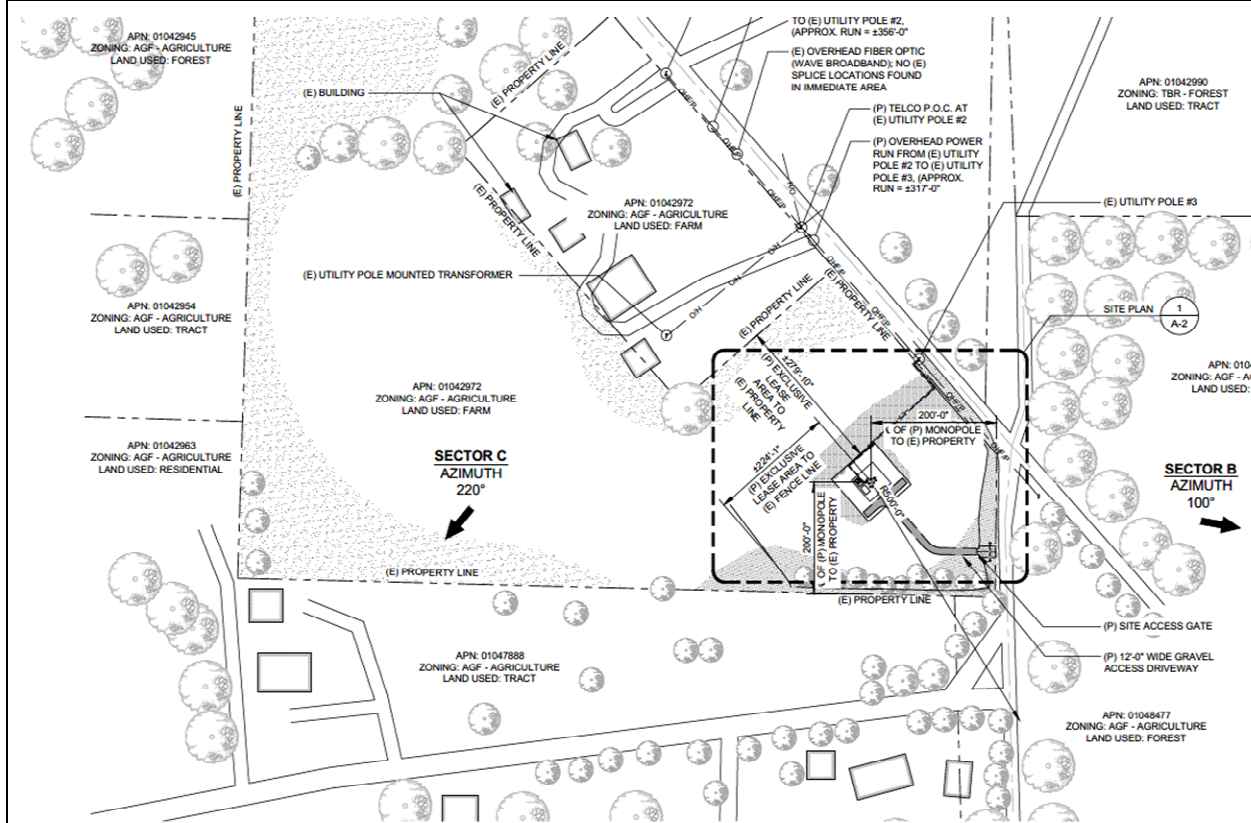
# Location Map



# Tax Map



# Site Plan



## RECOMMENDATION

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Staff recommends denial

## FINDINGS

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This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 406, 407, 835, 1005, 1006, 1007, 1009, 1015, 1021, 1203 and 1307; and the Comprehensive Plan. Clackamas County Planning and Zoning Staff have reviewed these Sections of the ZDO and Comprehensive Plan in conjunction with this proposal and make the following findings and conclusions:

### 1) PROJECT OVERVIEW:

The applicant is requesting the review and approval of a conditional use permit to establish a 195' monopole telecommunication tower

A pre-application conference was held with the applicant on October 12, 2023 to discuss the preliminary proposal (reference file ZPAC0089-23).

The subject property is approximately 22.69 acres in area and is currently developed with hay fields that are periodically grazed. The adjacent tax lot under the same ownership contains a detached single family home.

### 2) ZDO SECTION 407 AG/FOREST DISTRICT

**407.04 Uses Permitted:** Uses permitted in the AG/F District are listed in Table 407-1.

***Finding:** The applicant proposes to establish a 195 foot tall wireless telecommunication facility on property within the Ag/Forest zoning district. Wireless telecommunication facilities (other than essential public communication services) are subject to Section 835 and listed as a Conditional Use. Section 835 Table 835-1 also identifies Level Two Wireless Telecommunication Facilities as a Conditional use subject to Section 406.05(A)(1) when the subject property is zoned AG/F.*

### 3) ZDO SECTION 406 TIMBER DISTRICT

**406.05(A)(1):** *The use may be approved only where such uses: (A) Will not force a significant change in farm or forest practices on surrounding lands devoted to farm or forest use; and (B) Will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.*

**Finding:** The applicant provided no assessment of the farm and forest practices in the surrounding area and provided no explanation of how the proposed tower will impact the farm and forest practices. The applicant identified that the tower will be located in a field currently grazed by farm animals and did not address if



there would be an impact to the current farming practices of the subject site. For fire hazard the applicant provided the following narrative “**406.05(A)(1)ii**: *The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel since emergency responders use wireless telecommunications to save lives in the event of a natural catastrophe where no other services are available or working under the extreme conditions. E911 Services save lives, not impede them.*” The applicant provided no information on fire hazards related to the construction of the tower itself, or the design of the access and compound for fire access. Therefore, there is no evidence in the record for how the tower will impact farm and forest practices of the surrounding area or the subject site and there is no indication whether the tower would impact wildfire risk on the subject property. **This criterion is not met.**

#### **4) ZDO SECTION 1203.02 CONDITIONAL USES**

##### **A. 1203.02: Submittal Requirements**

**Finding:** This application includes a completed land use application form, site plan, application fee and completed supplemental application addressing the criteria in ZDO Section 1203. The application also includes a description of the proposed use and vicinity map. All the submittal requirements under Subsection 1203.02 are included in the application. The application was submitted on February 29, 2024 and additional materials received were on March 5, May 15, August 14, August 20, 2024, November 21 2024, and February 5, 2025. Following submission of additional requested information, and the signed statement by the applicant indicating all materials were provided, the application was deemed complete on August 20, 2024.

**1203.03(A):** *The use is listed as a conditional use in the zoning district in which the subject property is located.*

**Finding:** The subject property is located in the Ag/Forest (Ag/F) zoning district. ZDO Section 407, Table 407-1 controls land uses in the underlying Ag/F district.

Wireless telecommunication facilities (other than essential public communication services) are subject to Section 835 and listed as a Conditional Use in Table 407-1. The proposed use is a conditional use in the underlying zoning district.

**This criterion is met.**

**1203.03(B):** *The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.*

**Finding:** As stated by the applicant “*The characteristics of the subject property are within the search ring (location) and offered a large (size) and open (shape) plot size and is relatively flat (topography) without any existing improvements (existing improvements) within a grazing field surrounded by existing trees and vegetation (natural features) consistent with allowed uses and ease of construction.*” There is nothing in the record to indicate the property for the

proposed tower has any characteristics that make it unsuitable. Staff confirmed that the topography is flat where the proposed tower is located. The only environmental feature regulated by the ZDO is a small Type F stream located on the northern portion of the property that is approximately 950 feet from the proposed tower location. Therefore, there are no adverse impacts anticipated to the natural features on the property.

The site plan submitted by the applicant on March 15, 2004 show that compound is about 280 feet from the tax lot line and an additional 100 feet to any structural development.

**This criterion is met.**

**1203.03(C):** *The proposed use is consistent with Subsection 1007.07, and safety of the transportation system is adequate to serve the proposed use.*

**Finding:** Staff reviewed the proposal for compliance with 1007.07. The applicant indicated that “Since the project proposes the installation of an unmanned telecommunications facility where no regular traffic is impacted, surrounding property uses would not be limited at all.” And “It would be up to Clackamas County existing transportation systems to serve this proposed use. We require zero safety improvements.”

The findings from the Transportation and Engineering staff are included in the staff report as Exhibit 14 and include the following finding “Based on ZDO subsection 1007.07.B3, the use qualifies for an exemption regarding transportation facilities concurrency”. **This criterion is not applicable to wireless telecommunication facilities.**

**1203.03(D):** *The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.*

**Finding:** The site is in the Ag/Forest (Ag/F) district and is surrounded by other properties in Ag/F and Timber (TBR) districts. Permitted uses of the Ag/F district are included in ZDO Section 407, and permitted uses of the TBR district are included in ZDO Section 406.

This criterion does not require the proposed use to not have any impacts, rather the impacts must not substantially limit, impair or preclude the use of surrounding properties for the allowed primary uses.

The applicant provided no evidence of surrounding farm or forest uses and how, or if, the proposed Telecommunication Tower would impact those farm and forest uses. Therefore, staff are unable to determine based on the evidence in the application whether the proposed use would substantially limit, impair, or preclude the primary use of surrounding properties. **This criterion is not met.**



- B. **1203.03(E):** The proposed use is consistent with the applicable goals and policies of the Comprehensive Plan.

**Finding:** Staff has reviewed this proposal relative to the Comprehensive Plan and finds the goals and policies from the following Chapters apply:

Chapter 3 - Natural Resources and Energy:

Chapter 4 - Land Use:

Chapter 7 - Public Facilities and Services

Within those chapters telecommunication towers are subject to the following specific policies: 3.C.1.3; 3.I.1; 4.OO.11; and Public facility goals. When asked by staff to provide information on how the application met the Comprehensive Plan goals and policies the applicant stated in Exhibit 2b and 2c *“The proposed location of the conditional use is in accord with the objectives and requirements of the development code as it meets the requirements and standards outlined for wireless communication facilities in regards to location, visibility, height, compatibility and equipment shelters; and The proposed location and the conditional use under which it will be operated is consistent with the Comprehensive Plan and it will not be detrimental to the public health, safety, or welfare since the proposal includes telecommunications infrastructure that is considered an essential component of the circulation system as identified by the Comprehensive Plan, because the location is in an area that will not incur adverse traffic impacts due to limited site visits; and The traffic generated by the proposed conditional use will not overload the capacity of the surrounding street system and will not create a hazard to public safety as little or no traffic will visit the site on a regular basis.”*

As noted in the findings for Sections 406, 835, and 1009, the applicant did not provide sufficient information to support the need to the development of a tower when one is located approximately 1/2 mile of the proposed site and there are no efforts to make the proposed tower compatible with the surrounding area through screening, buffering, or analyzing farm and forest impacts. Therefore, there is no evidence that the goals and policies of the Comprehensive Plan are met through this proposal. **This criterion is not met.**

- C. **1203.03(F):** The proposed use complies with any applicable requirements of the zoning district and overlay zoning district(s) in which the subject property is located, Section 800 Special Use Requirements, and Section 1000 Development Standards.

**Finding:** Staff reviewed compliance with ZDO Section 800 and 1000, as applicable. The findings are included in the staff report below.

## 5) ZDO SECTION 835 WIRELESS TELECOMMUNICATION FACILITIES

### 835.04 Submittal Requirements:

*A site plan, drawn to scale, that includes:*

1. Existing and proposed improvements;
2. Adjacent roads;
3. Parking, circulation, and access;
4. Areas of vegetation to be added, retained, replaced, or removed;
5. Setbacks of all existing and proposed structures; and
6. If an adjustment is proposed pursuant to Subsection 835.06, the distance from the proposed location of the wireless telecommunication tower to off-site structures that are closer to the proposed location than a distance equal to the height of the proposed tower.

**Finding:** Staff deemed the application incomplete on March 25, 2024 (Exhibit 4) and requested more information including how the proposed use complied with ZDO 835. The site plan provided on March 5, 2024 (Exhibit 2a) includes the proposed improvements, adjacent roads, access, distance from proposed tower to the property, and existing structures on adjacent property. However, the site plan does not show areas of vegetation to be added, retained, replaced, or removed. Additionally, the applicant failed to provide a landscaping plan to comply with 836.06(D)(4), and thus there is no information in the application on the vegetation to be added, retained, replaced, or removed. On May 15, 2024 (Exhibit 2b) the applicant provided a signed incomplete application notice form stating that they submitted the required information. On May 23, 2024 staff advised the applicant that the application was still incomplete (Exhibit 5). To date staff have yet to receive information on vegetation removal, retention, replacement, or addition. **These criteria are not met.**

**835.05 Uses Permitted:** The types of wireless telecommunication facilities permitted in each zoning district are listed in Table 835-1, Permitted Wireless Telecommunication Facilities. Except for essential public communication services and small wireless facilities, wireless telecommunication facilities are classified as level one or two. Wireless telecommunication facilities, except small wireless facilities, are subject to the applicable provisions of Subsections 835.06(A through D) and 835.08, and an adjustment may be approved pursuant to Subsection 835.07.

**Finding:** Level Two Wireless Telecommunication Facility not included in any other category in Table 835-1 is listed as a Conditional Use in the Ag/F zoning district. Footnote 1 of the Table applies, and states that in the Ag/F district, the use is also subject to Subsection 406.06(A)(1) that is addressed above.

**835.06(D) Standards for Level Two Wireless Telecommunication Facilities:**

*1. New Towers: If a new wireless telecommunication tower is proposed:*

*a. No new tower will be permitted unless no existing support structure can accommodate the proposed antenna. All proposals for new wireless telecommunication facilities must be accompanied by a statement from a qualified person that the necessary telecommunication service cannot be provided by collocation for one or more of the following reasons:*

*i. No existing support structures, or approved but not yet constructed support structures, are located within the geographic area required to meet the applicant's engineering requirements;*

*ii. Existing support structures are not of sufficient height to meet the applicant's engineering requirements;*

*iii. Existing support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;*

*iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing support structure, or the existing antenna would cause interference with the applicant's proposed antenna; or*

*v. The applicant demonstrates that there are other limiting factors that render existing support structures unsuitable.*

**Finding:** The applicant provided a map of existing towers with the coverage area for L700, and the proposed tower location with the search ring as an exhibit for the pre-application conference ZPAC0089-23 and submitted that same map of existing towers with coverage for this application on 5/15/24 (Exhibit 2b and Exhibit 6). However, on November 21, 2024 the applicant asked staff to send them information on an AT&T tower within the search ring provided (the same search ring from Exhibit 6). Using aerial images staff found that there is an existing AT&T tower located on the northwest corner of the intersection of S. Upper Highlands Rd and S. Lower Highland Rd on property with map and tax lot # 43E02 01200. This property is in the northwestern portion of the search area and is only 2,550 feet from the property where the tower proposed through Z0077-24. The land use decision for the tower at 43E02 01200, identifies it as an AT&T tower that is 180 feet tall steel monopole with the structural capacity to have at least two additional antennae arrays added to the tower through collocation. On February 5, 2025 the applicant provided an updated coverage map showing existing and proposed N600 coverage (Exhibit 2g). The applicant provided no narrative, or structural assessment on the suitability for the existing tower to support the new antenna proposed by T-Mobile. Therefore, there is nothing in the record that indicates there is a structural support issue or other limiting factors that render existing support structures unsuitable. **This criterion is not met.**

*b. If the tower is inside the Portland Metropolitan Urban Growth Boundary, it shall be a monopole.*

**Finding:** The proposed location of the tower is outside the Portland Metropolitan Urban Growth Boundary. **This criterion is not applicable.**

*c. The tower shall be designed and built to accommodate collocation or additional loading. This means that the tower shall be designed specifically to accommodate no less than the following equipment, in addition to the applicant's proposed equipment:*

*i. Twelve antennas with a float plate wind-loading of not less than four square feet per antenna;*

*ii. A standard mounting structure, standoff arms, platform, or other similar structure designed to hold the antennas;*

*iii. Cable ports at the base and antenna levels of the tower; and*

*iv. Sufficient room within or on the tower for 12 runs of 7/8-inch coaxial cable from the base of the tower to the antennas.*

**Finding:** The applicant states "Please refer to the drawings submitted for this project. The tower is being designed to accommodate 3 additional carriers should they be interested in collocation." The drawing sheet A-6 shows the tower with the locations available for future antennas. The drawing sheet A-3 shows the antenna array has three support arms (sectors) that each have the ability to hold one antenna according to sheet A-6. Therefore, the plans and drawing sheets provided in the application show that twelve antennas could be supported by the proposed monopole with a design that includes standard mounting structure, and sufficient room to meet the cable requirements. **These criterion are met.**

*d. The tower shall be painted or coated in a manner that blends with the surrounding area. The finished coloring shall result in a non-reflective surface that makes the tower as visually unobtrusive as possible unless state or federal regulations require different colors.*

**Finding:** The applicant states "The tower finishing, as viewed on the previously provided photosimulations contain a non-reflective surface that makes the tower visually unobtrusive." The referenced submittal is Exhibit 2. In the "photosimulations" the steel monopole appears to be silver, or whitish. It is unclear if the steel will be painted or coated in a manner that blend in with the surrounding area during the period of the year that has no snow. **This criterion is not met.**

*e. If the proposed wireless telecommunication facility requires approval of a conditional use permit, placement of the tower in an alternate location on the tract may be required, if the alternate location would result in greater compliance with the criteria in Section 1203, Conditional Uses, than the proposed location. In*

*order to avoid relocating the proposed tower, the applicant shall demonstrate that the necessary wireless telecommunication service cannot reasonably be provided from the alternate location.*

**Finding:** The application requires approval of a conditional use permit. There is an existing tower that is available for collocation located on property within ½ mile of the subject property. Therefore, there is a more suitable location for the T-Mobile antennae array on an existing tower, but it is located outside of the subject tract. Due to the small Type F stream located on the opposite side of the tract, the proposed location is a suitable location if the tower is approved. **This criterion is not applicable.**

*2. Equipment shelters shall be entirely enclosed. They may be painted or coated with a finish that best suits the operational needs of the facility, including the ability to reflect heat and to resist accumulations of dirt. If there is a conflict between acceptable colors and the operational needs of the facility, the use of architectural screen panels may be required.*

**Finding:** The applicant states “As evidenced by the submitted ARCHITECTURAL DRAWINGS, we are not proposing equipment shelters.” In Exhibit 2a Architectural drawing sheet A-3 shows an area in the leased area for “PROPOSED EQUIPMENT PLAN”. In Exhibit 2d the photo simulations identify “proposed equipment lease area.” Therefore, there are areas in the plan with equipment that serves the tower.

In Exhibit 2a drawing A-6, and Exhibit 2c drawing A-4, a cabinet with a generator and carrier equipment is identified. A cabinet containing equipment would be considered by staff to be an equipment shelter since it is sheltering the equipment. There is no evidence that these equipment shelters will be painted or coated to reflect heat or resist accumulations dirt. **This criterion is not met.**

*3. No lighting shall be permitted on a wireless telecommunication tower, except as required by state or federal regulations. If lighting is required, the light shall be shielded or deflected from the ground, public rights-of-way, and other lots, to the extent practicable.*

**Finding:** The applicant states “Lighting will be approved should “State or Federal regulations” require it. We are not proposing lighting unless required to do so. This typically falls in line with our FAA tower requirements but only for certain tower heights.” **This criterion can be met with a condition of approval.**

*4. Unless the wireless telecommunication facility is located entirely on a utility pole, it shall be located within an area that is enclosed on all sides. The enclosure shall be a minimum of six feet tall and sight-obscuring.*

**Finding:** The applicant states “As evidenced by the submitted ARCHITECTURAL DRAWING, we are proposing chain-link fencing to surround the site. Privacy slats will be installed for sight-obscuring. Please refer to attached PHOTOSIMULATIONS.” The

photosimulations in Exhibit 2d show a chain link fence without the privacy slats. **This criterion can be met with a condition of approval.**

*5. Landscaping shall be placed outside of the enclosed area required pursuant to Subsection 835.06(D)(4) and shall include ground cover, shrubs, and trees that are reflective of the natural surrounding vegetation in the area. However, if a portion of the wireless telecommunication facility is screened from points offsite by a building with a height of at least eight feet, landscaping is not required for the screened area. In addition, Subsection 1009.10 applies.*

**Finding:** The applicant states “*Landscaping is not being proposed since we believe it is not appropriate at this site since it is within a rural agricultural farm use area and not within an identified public view corridor nor within any city limits with water resources. Inappropriate landscaping requirements catalog an unnecessary use of limited water resources better used for fire and emergency services. However, compliance will occur if the Oregon Water Resources Department concludes that Subsection 835.06(D)(4) benefits the intent of its Oregon’s Integrated Water Resources Strategy (IWRS) or any other of its programs where water conservation is regulated.*” Landscaping is required because there is no building between the proposed wireless telecommunication facility and the two adjacent roadways. No landscaping plan, or narrative describing the addition of vegetation was provided. **This criterion is not met.**

*6. Noise generated by the wireless telecommunication facility shall not exceed the maximum levels established by the Oregon Department of Environmental Quality (DEQ). If lots adjacent to the subject property have a lower DEQ noise standard than the subject property, the lower standard shall be applicable.*

**Finding:** The applicant provided a noise study. The noise study states “*Clackamas County Code Title 6, Section 6.05.040(A) prescribes a maximum noise standard of 50 dBA at any time between 10:00 p.m and 7:00 a.m. the following day, or 60 dBA at any time between 7:00 a.m. and 10:00 p.m.. After review of the site and proposed equipment and assuming complete accuracy and repeatability with respect to the manufactures’ specifications, the sum of the equipment to be deployed will not exceed the Noise Standards limit of 50 dBA, Noise the strictest Maximum Level found in the County’s Noise Ordinance.*” (Exhibit 2c). The noise study has no information on the maximum levels established by the Oregon Department of Environmental Quality (DEQ). Therefore, staff is unable to determine if levels established by Oregon Department of Environmental Quality (DEQ) are met. **This criterion is not met.**

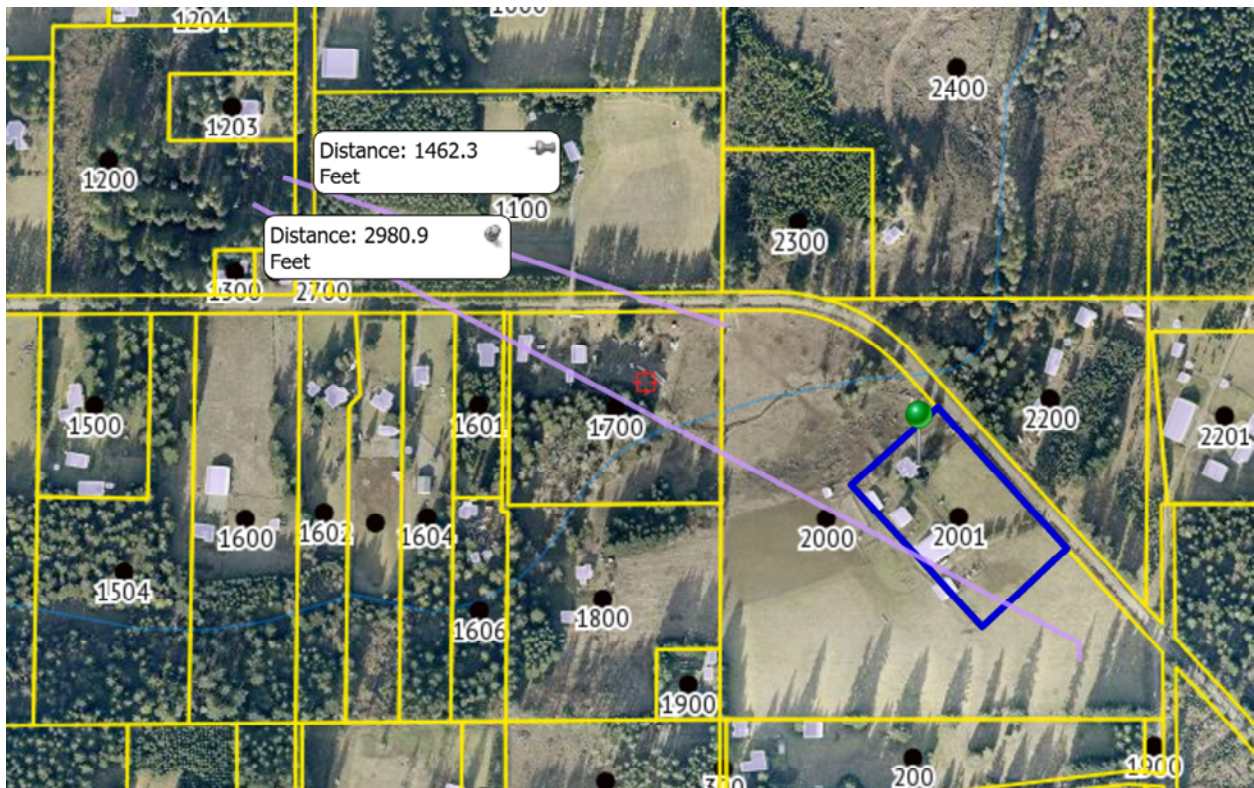
*7. Dimensional Standards: Dimensional standards applicable to wireless telecommunication towers are listed in Table 835-2, Dimensional Standards for Wireless Telecommunication Towers.*

**Finding:** The applicant states “As evidenced by the drawings previously submitted, the proposed site complies with the Dimensional Standards Table.”

Table 835-2: Dimensional Wireless Telecommunication Towers include the following standards:

| Zoning District                                                | Maximum Height | Minimum Tower Separation |
|----------------------------------------------------------------|----------------|--------------------------|
| AG/F, EFU, and TBR, provided that the tower is outside the UGB | 250 feet       | 2,640 feet               |

The subject property is less than 2,600 feet from a property that contains an existing tower. However, based on aerial images, the proposed location of the tower on the subject property is approximately 2,981 feet from the existing tower.



**This criterion is met for tower separation.**



## 6) ZDO SECTION 1000 DEVELOPMENT STANDARDS

*Not all review subsections in ZDO Section 1000 are applicable. Below is an evaluation of the criteria that are applicable to the proposed conditional use*

**A.** Sections 1002, 1003, and 1004 are not applicable to the subject property.

**B.** Section 1005 relates to the design of the buildings and the site.

**Finding:** The proposal does not involve the construction of any buildings; Subsection 1005.02 and 1005.03 are not applicable. Subsection 1005.04 provides requirements for outdoor lighting; no outdoor lighting is proposed. This section is not applicable to this specific development as proposed, however, if the FAA requires lighting this section applies. **As conditioned this criteria can be met.**

**C. 1006.03(E) Water Supply.** The following standards apply outside the Portland Metropolitan Urban Growth Boundary, Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, and Zigzag Village:

- a. Applicants shall specify a lawful water source for the proposed development, such as a public or community water system, certificated water right, or exempt-use well.

**Finding:** The property is not within a public or private water district, and is not within a groundwater limited area. The proposed development does not propose using any water as this is a telecommunication tower. **This section is not applicable.**

**D. 1006.06 Surface Water Management and Erosion Control.** The following surface water management and erosion control standards apply:

- a. Positive drainage and adequate conveyance of surface water shall be provided from roofs, footings, foundations, and other impervious or near-impervious surfaces to an appropriate discharge point.
- b. The requirements of the surface water management regulatory authority apply. If the County is the surface water management regulatory authority, the surface water management requirements of the Clackamas County Roadway Standards apply
- c. Approval of a development shall be granted only if the applicant provides a preliminary statement of feasibility from the surface water management regulatory authority. The statement shall verify that adequate surface water management, treatment and conveyance is available to serve the development or can be made available through improvements completed by the developer or the system owner.
  - i. The service provider may require a preliminary storm water management plan, storm drainage report, natural resource

assessment and buffer analysis prior to signing the preliminary statement of feasibility

- ii. The statement shall be dated no more than one year prior to the date a complete land use application is filed and need not reserve surface water treatment and conveyance system capacity for the development.

**Finding:** In those areas that are not within a surface water management district, the preliminary statement of feasibility shall be signed by the Surface Water Management Agency of Clackamas County (SWMACC).

Clackamas County is the surface water management authority for the area including the subject site. The applicant has submitted a Preliminary Statement of Feasibility in the original application. However, the form had not been reviewed or signed by Development Engineering. Therefore, there is no indication that adequate surface water management, treatment, and conveyance is available to service the development or can be made available through improvements completed by the development or the system owner (Exhibit 2a). **This criterion is not met.**

- E. 1007 Roads and Connectivity.** *The location, alignment, design, grade, width, and capacity of all roads shall be planned, coordinated, and controlled by the Department of Transportation and Development and shall conform to Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards. Where conflicts occur between Section 1007, the Comprehensive Plan, and the Clackamas County Roadway Standards, the Comprehensive Plan shall control.*

*Right-of-way dedications and improvements shall be required of all new developments, including partitions, subdivisions, multifamily dwellings, two- and three-family dwellings, condominiums, single-family dwellings, and commercial, industrial, and institutional uses, as deemed necessary by the Department of Transportation and Development and consistent with Section 1007, Chapters 5 and 10 of the Comprehensive Plan, and the Clackamas County Roadway Standards.*

*Developments shall comply with the intersection sight distance and roadside clear zone standards of the Clackamas County Roadway Standards.*

*Transportation Facilities Concurrency applies to the following development applications, with exceptions: design review, subdivisions, partitions, and conditional uses.*

**Finding:** The Clackamas County Development Engineering Program reviewed the application materials and provide the following comments in Exhibit 14:

1007.07 findings: "Based on ZDO subsection 1007.07.B3, the use qualifies for an exemption regarding transportation facilities concurrency".

The County has adopted access control standards to provide positive impact on traffic safety and efficiency for County and State roads. These standards promote shared access points to comply with access control, spacing standards, and to promote safer operations. Applicable references include ZDO section 1007 and Clackamas County Roadway Standards Section 220.

S Upper Highland Rd is classified as a rural minor arterial, while S Schockley Rd is classified as a rural collector. Clackamas County Roadway Standards Section 220.4(a) requires accesses subject to land use shall first take access to the lower functional classified roadway unless evidence or an engineering study establishes that access to the higher classified roadway is needed for safety, circulation or to address topographical or environmental constraints, or are otherwise a benefit to the public. The applicant is proposing access from S Schockley Road, consistent with access standards.

Section 240.2(b) of the Clackamas County Roadway Standards requires that all new accesses provided adequate intersection sight distance (ISD) and stopping sight distance (SSD) for all accesses. The minimum intersection sight distances for the access on S Schockley Road will require 390 feet to the south, and visibility to the intersection of S Schockley Road with S Upper Highland Rd. Minimum stopping sight distances of 250 feet northbound approaching the site access will be required. The applicant's site plan indicates that adequate sight distance is feasible.

Access to the communication facility is proposed from an approximately 240-foot long access road. The Clackamas County Roadway Standards requires the first 20 feet of an access drive to be paved per Standard Drawing D500. The remainder of the roadway can be gravel, per Roadway Standards Drawing R100. Where a gate is proposed, a minimum setback for the edge of the roadway of 30 feet is required to meet fire access standards, as well as allowing vehicles to safely pull off the road in order to open the gate.

The applicant is required to provide adequate on-site circulation for the parking and maneuvering of all vehicles anticipated to use the site in accordance with ZDO section 1015 and applicable Roadway Standards requirements. The minimum access road includes a 12-foot wide gravel surface, within a minimum 20-foot wide, unobstructed clear zone. Designated vehicle parking spaces will be required to comply with ZDO section 1015 dimensional requirements and require a surface of screened gravel or better.

**As proposed, these standards can be met with conditions.**

#### **F. 1009 Landscaping.**

##### *1009.02 MINIMUM AREA STANDARDS*

*A. Table 1009-1, Minimum landscaped area, establishes the minimum percentage of the area of the subject property that shall be landscaped.*

**Finding:** There is no minimum required percentage of landscaping for properties in the Ag/F district; however, landscaping is required pursuant to

Subsection 835. No landscaping is proposed and no indication was given that vegetation will be planted. **These criteria are not met.**

#### *1009.04 SCREENING AND BUFFERING*

*A. Screening shall be used to eliminate or reduce the visual impacts of the following:*

- 1. Service areas and facilities, such as loading areas and receptacles for solid waste or recyclable materials;*
- 2. Storage areas;*
- 3. Ground-mounted rainwater collection facilities with a storage capacity of more than 100 gallons;*
- 4. Parking lots within or adjacent to an Urban Low Density Residential, VR-5/7, VR-4/5, RA-1, RA-2, RR, RRRF-5, FF-10, FU-10, or HR District; and*
- 5. Any other area or use, as required by this Ordinance.*

*B. Screening shall be accomplished by the use of sight-obscuring evergreen plantings, vegetated earth berms, masonry walls, sight-obscuring fences, proper siting of disruptive elements, building placement, or other design techniques.*

*C. Screening shall be required to substantially block any view of material or equipment from any point located on a street or accessway adjacent to the subject property. Screening from walkways is required only for receptacles for solid waste or recyclable materials. A sight-obscuring fence at least six feet in height and up to a maximum of 10 feet in height shall be required around the material or equipment.*

*D. Buffering shall be used to mitigate adverse visual impacts, dust, noise, or pollution, and to provide for compatibility between dissimilar adjoining uses. Special consideration shall be given to buffering between residential uses and commercial or industrial uses, and in visually sensitive areas.*

*E. Buffering shall be accomplished by one of the following: 1. A landscaping strip with a minimum width of 15 feet and planted with: a. A minimum of one row of deciduous and evergreen trees staggered and spaced a maximum of 30 feet apart; b. A perennial, evergreen planting with sufficient foliage to obscure vision and which will grow to form a continuous hedge a minimum of six feet in height within two years of planting; and c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;*

*2. A berm with a minimum width of ten feet, a maximum slope of 40 percent on the side away from the area screened from view, and planted with: a. A perennial, evergreen planting with sufficient foliage to obscure vision and which will grow to form a continuous hedge within two years of planting. The minimum combined height of the berm and planting shall be six feet; and b.*

*Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area;*

*3. A landscaping strip with a minimum width of five feet and including: a. A masonry wall or sight-obscuring fence a minimum of six feet in height. The wall or fence is to be placed along the interior side of the landscaping strip; b. Evergreen vines, evergreen trees, or evergreen shrubs, any of which shall be spaced not more than five feet apart; and c. Low-growing evergreen shrubs and evergreen ground cover covering the balance of the area; or*

*4. Another method that provides an adequate buffer considering the nature of the impacts to be mitigated.*

**Finding:** There is no parking lot or large rainwater collection systems proposed. However, landscaping is required pursuant to Subsection 835 and thus this Ordinance requires landscaping for screening and buffering the Wireless Telecommunication Tower from the adjacent roads and uses. The proposed use includes a 195 foot steel monopole tower in addition to equipment located in the northwestern area of the leased compound. No landscaping is proposed and no indication was given that vegetation will be planted to screen or buffer the compound and meet the requirements of 1009.04. **These criteria are not met.**

**G. 1015 Parking and Loading.** Section 1015 is designed to ensure that developments in Clackamas County provide sufficient and properly designed parking for motor vehicles and bicycles as well as appropriate off-street loading areas. Outside the UGB, areas used for parking, loading, and maneuvering of vehicles shall be surfaced with screened gravel or better, and shall provide for suitable drainage [1015.01(B)]. Parking and loading requirements for uses and structures not specifically listed in Tables 1015-1 shall be subject to the requirements for the most similar use.

**Finding:** Applicant plans to use a driveway access from S Schockley Rd to access proposed development.

The land use categories in Table 1015-1 do not provide a similar use to the proposed telecommunication facility; however, the parking demand is most similar to “on-site vehicular parking for employees, customers and visitors, determined through Conditional Use process” like the surface mining standards.

The development proposal will operate as an unstaffed facility. There is a need to accommodate at least one vehicle for occasional maintenance and inspection needs of the unstaffed facility. At least one 8.5 feet wide by 16 feet long parking space shall be provided. Designated vehicle parking spaces will be required to comply with ZDO Section 1015 dimensional requirements and require a surface of screened gravel or better. The original application provided by the applicant (Exhibit 2) showed a circular gravel drive. This was modified by the site plan provided on March 5, 2024 to include a

hammerhead turnaround for fire trucks and other visitors. The southern arm of the hammerhead is identified as providing the one required parking space that is 8.5' by 16' in area.

As the Transportation and Engineering Program staff noted in Exhibit 14:

3) The applicant shall design and construct a minimum 12-foot wide by 20-foot long, paved approach onto S Schockley Road, per Roadway Standards Drawing D500.

4) The applicant shall design and construct a minimum 12-foot wide, gravel access road from paved approach to the communication facility site. The access road shall be consistent with Roadway Standards Drawing R100.

5) Minimum intersection sight distance of 390 feet shall be provided to the south on S Schockley Road. Visibility to the intersection of S Schockley Road with S Upper highland Road shall be provided. Intersection sight distance shall be measured 14.5 feet back from the edge of pavement at a height of 3.5 feet to an object height of 3.5 feet in the center of the oncoming travel lane.

6) A turnaround shall be constructed at or near the end of the access road, constructed per Standard Drawing C350.

7) Adequate storm drainage facilities shall be provided. A storm water management plan, Roadway Standards Chapter 4 shall be provided when 10,000 square feet or more of impervious are is developed. Adequate conveyance of stormwater runoff shall be provided for the site and access road.

8) If an acre or more of area are disturbed for construction of the roadway and site improvements, the applicant obtain a NPDES 1200-C Erosion Control Permit from the Oregon Department of Environmental Quality. Any Oregon DEQ permitting shall be obtained and submitted prior to Development Permit issuance.

9) The applicant shall provide adequate on-site circulation areas for the parking and maneuvering of all vehicles anticipated to use the solar facility. Parking spaces shall meet ZDO section 1015 dimensional requirements, and Roadway Standards, Drawing P100/P200.

**This criteria can be met with conditions.**

**H. 1021 Solid Waste and Recyclable Material Collection.** Outlines the standards for refuse and recycling for commercial developments.

**Finding:** The requirements and standards of Section 1021 are applicable to conditional uses; yet since the development site does not include any administrative office, workshop, or other area for employees to work, it is unlikely that there will be any garbage or recycling generated by this development site. Moreover, the telecommunication facility will operate as an unstaffed facility and will not generate waste. Based on the scope of work of the proposed developed staff can construe that there is no need for solid

waste and recycling material collection on site, and therefore compliance with Section 1021 is not necessary. **This criteria is not applicable.**

### **1307.07 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

*A. Initiation of Applications: Type I, II, II-E, and III land use permit applications may be initiated by:*

- 1. The owner of the subject property;*
- 2. The contract purchaser of the subject property, if the application is accompanied by proof of the purchaser's status as such;*
- 3. The agent of the owner or contract purchaser of the subject property, if the application is duly authorized in writing by the owner or the contract purchaser, and accompanied by proof of the agent's authority; or*
- 4. If the application is for Comprehensive Plan designation or zoning of a Historic District or Historic Corridor, the owners or contract purchasers of at least 60 percent of the property within the area to be so designated or zoned.*

**Finding:** The applicant was initiated by Brian Cook and signed by Connie Diane Sharp. The property was conveyed most recently to Connie Farrens and Roland Farrens, through recorded document #2008-031317. Staff requested additional evidence of ownership from the applicant on September 12, 2024 to ensure that the application was initiated and signed by all property owners (Exhibit 10). No additional ownership evidence was provided for the record. **This criterion is not met.**

*C. Application Submittal: Type I, II, II-E, and III land use permit applications are subject to the following submittal requirements:*

- 1. The following shall be submitted for an application to be complete: a. A completed application form, such form to be prescribed by the Planning Director, and containing, at a minimum, the following information:*
  - i. The names, mailing addresses, and telephone numbers of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;*
  - ii. The address of the subject property, if any, and its assessor's map and tax lot number;*
  - iii. The size of the subject property;*
  - iv. The Comprehensive Plan designation and zoning district of the subject property;*
  - v. The type of application being submitted;*
  - vi. A brief description of the proposal; and*



*vii. Signature(s) of the applicant(s) and all owners or all contract purchasers of the subject property, or the duly authorized representative(s) thereof, authorizing the filing of the application.*

**Finding:** Staff deemed the application complete on August 20, 2024 after receiving the signed Incomplete Notice by the applicant that indicated all of the materials needed for a complete application were provided. However, further review showed that it was unclear whether all of the property owners signed the application. Additional documentation on ownership precluding Roland Farrens was not provided. **This criterion is not met.**

## **IF APPROVED RECOMMENDED CONDITIONS OF APPROVAL**

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If approved, staff recommends that approval of this application for the Conditional Use permit be subject to the following conditions. The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parentheses.

1. Approval of this land use permit is based on the submitted written narrative and plans filed with the County on February 29, 2024, and additional materials received on March 5, 2024, May 15, 2024, August 14, 2024, August 20, 2024 September 10, 2024, and February 5, 2025. No work shall occur under this permit other than which is specified within these documents, unless otherwise required or specified in the conditions below. It shall be the responsibility of the property owner(s) to comply with this document(s) and the limitation of any approval resulting from the decision described herein.
2. The conditional use approval is valid for four (4) years from the date of the final written decision (ZDO 1203.05). During this four year period, the approval shall be implemented, or the approval will become void. "Implemented" means all major development permits shall be obtained and maintained for the approved conditional use, or if no major development permits are required to complete the development contemplated by the approved conditional use, "implemented" means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A "major development permit" is:
  - a) A building permit for a new primary structure that was part of the conditional use approval; or
  - b) A permit issued by the County Engineering Division for parking lot or road improvements required by the conditional use approval.

If the approval of a conditional use is not implemented within the initial approval period established by Subsection 1203.05(A), a two-year time extension may be approved pursuant to Section 1310, Time Extension.

3. If a conditional use is implemented pursuant to Subsection 1203.05 and later discontinued for a period of more than five consecutive years, the conditional use shall become void. [1203.06]
4. **Prior to obtaining a building permit**, the landowner for the project shall sign and record in the deed records for Clackamas County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.930(2) and (4). A sample of the required document may be obtained from Planning and Zoning. **A copy of the recorded document shall be submitted to Planning and Zoning.** [OAR 660-033-0130(38)(l)]
5. The following fire fuel break standards shall be required. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner. **Prior to a building permit**, the property owner shall submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards. A copy of the Fuel-Free Break Standards Compliance Form may be obtained from Planning and Zoning. [ZDO 406.08(A)]
  - a. The primary safety zone is a fire fuel break extending a minimum distance around structures. The minimum distance is established by Table 406-2, *Minimum Primary Safety Zone* and Figure 406-1, *Example of Primary Safety Zone*. Vegetation within the primary safety zone may include green lawns and shrubs less than 24 inches in height. Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, limbs, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the structure. As slope increases, the primary safety zone shall increase away from the structure and down the slope at a 45-degree angle from the structure, in accordance with Table 406-2 and Figure 406-1.
6. Applicant shall implement soil compaction and weed control plans, as submitted with application. [OAR 660-033-0130(38)(h)]
7. Wireless telecommunication facilities will be considered abandoned when there has not been a provider licensed or recognized by the Federal Communications Commission operating on the facility for a period of 365 consecutive days. Determination of abandonment will be made by the Planning Director, who shall have the right to demand documentation from the facility owner regarding the tower or antenna use. Upon determination of abandonment, the facility owner shall have 60 calendar days to reuse the facility or transfer the facility to another owner who will reuse it within 60 calendar days of the determination of abandonment. [835.08]
8. Prior to the issuance of a building permit or the initiation of any construction activities associated with the solar facility, the applicant shall submit to Clackamas County Development Engineering:

- a) Written approval from the local Fire District for the planned access, circulation, fire lanes. The approval shall be in the form of site stamped and signed by the Fire Marshal.
- b) A set of street and site improvement construction plans, in conformance with Clackamas County Roadway Standards Section 140, to Clackamas County's Engineering Office and obtain written approval, in the form of a Development Permit.
  - i) The permit will be for driveway, drainage, parking and maneuvering areas, and other site improvements.
  - ii) The minimum fee deposit is required upon submission of plans for the Development Permit. The fee will be calculated based on 8.83% of the public improvements and 5% of the onsite transportation improvements, according to the current fee schedule.
  - iii) The applicant shall have an Engineer, registered in the state of Oregon, design and stamp construction plans for all required improvements, or provide alternative plans acceptable to the Engineering Division.

**OTHER CONDITIONS OF APPROVAL WILL BE NEEDED TO ESTABLISH FARM FOREST IMPACTS, TOWER AND EQUIPMENT SHELTER COATING, LANDSCAPING, AND STRUCTURAL ANALYSIS OF EXISTING TOWER.**