



STAFF REPORT TO THE HEARINGS OFFICER

Permit Type: Conditional Use

File No. Z0339-24

Proposal: Verizon Wireless proposes to install antennas, and associated equipment on a new 195' tall self-support tower. Equipment cabinets and a generator will be placed at grade, surrounded by a chain link fence within a 75 x 75 foot leased area.

Staff Recommendation: Approval with conditions

Date of Staff Report: October 17, 2024

Date of Hearing: October 24, 2024

Issued By: Joy Fields, Principal Planner, jfields@clackamas.us

Assessor's Map & Tax Lot(s): T3S R3E Section 19 Tax Lot 600

Site Address: 18133 S STEINER RD,

Applicant: Brandon Clower, Vertical Bridge/Verizon Wireless

Owner of Property: Lukas-Hanna Irrevocable Trust

Zoning: Timber (TBR)

Community Planning Organization (CPO) for Area:

Redland - Fischers Mill - Viola **Contact:** Lance Ward; lancecward@aol.com; 503.631.2550.

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://accela.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, 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.

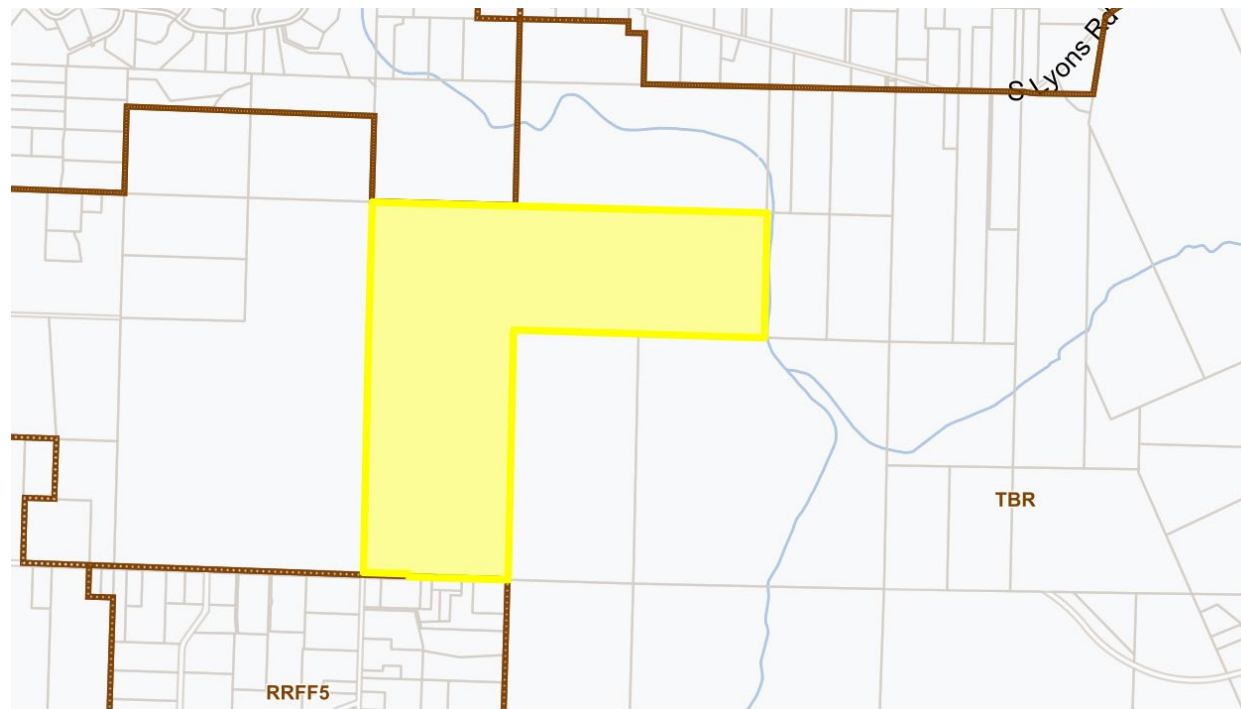
Public and Agency Responses Requested:

- Clackamas County Development Engineering Division
- Clackamas Fire District #1
- 1000 Friends of Oregon
- Redland - Fischers Mill - Viola (CPO)
- Oregon Department of Fish and Wildlife
- Oregon Department of State Lands
- Oregon Department of Aviation
- Property Owners within one-half mile

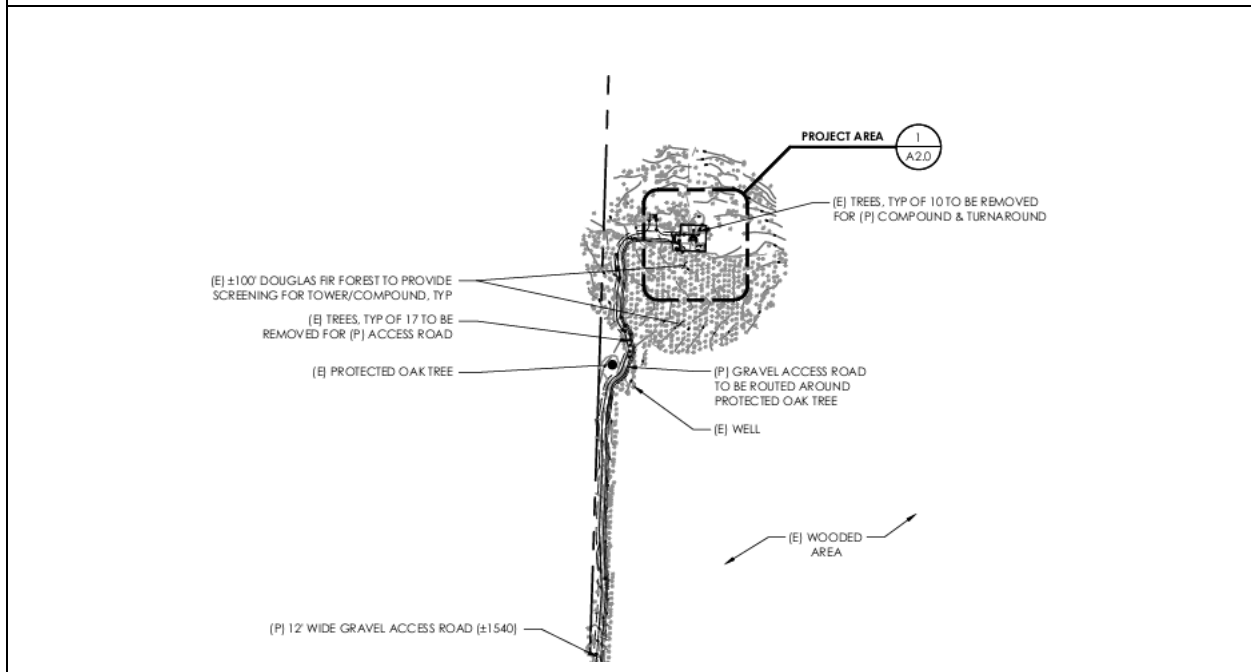
Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or email DRenhard@clackamas.us.

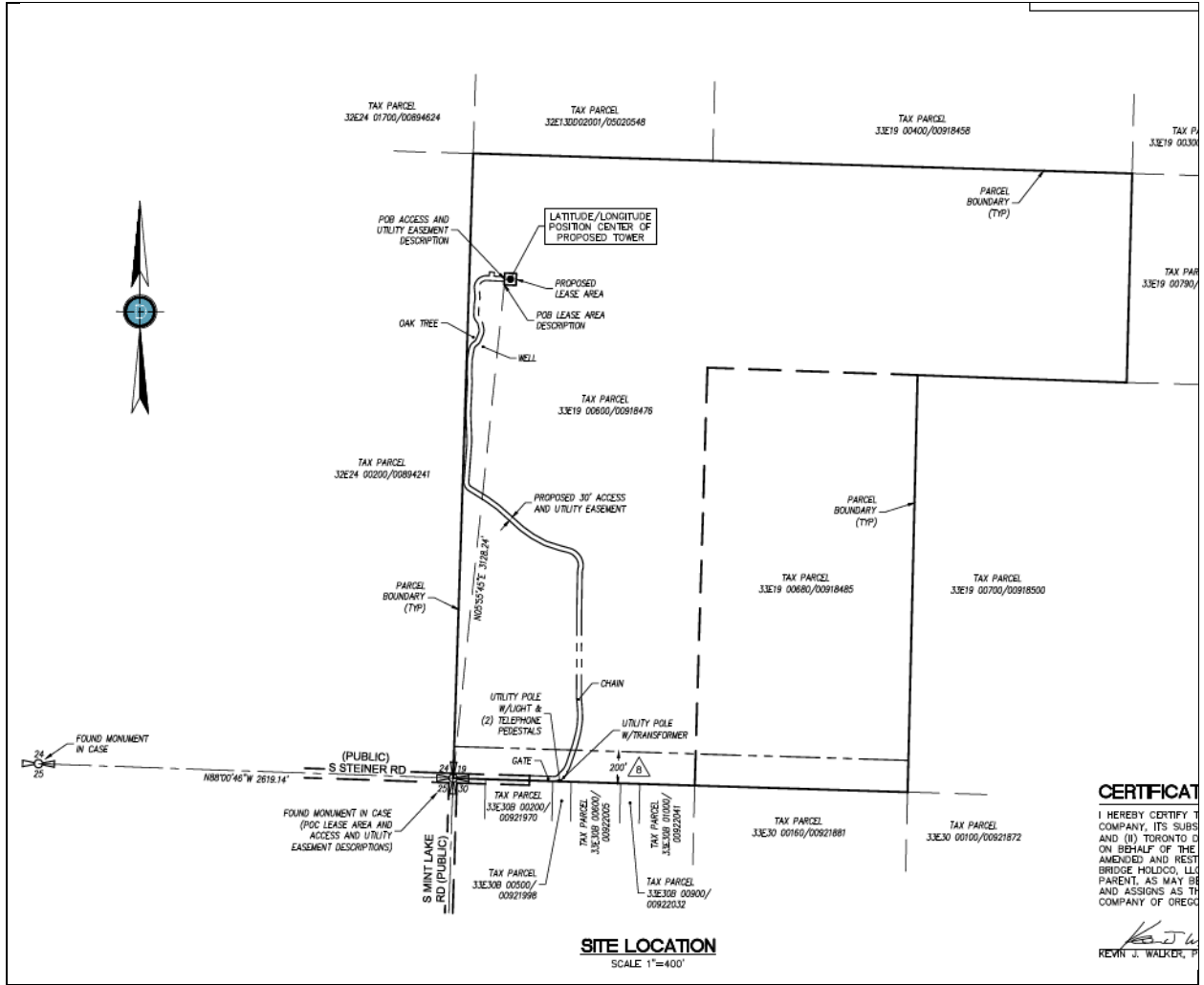
503-742-4545: ¿Traducción e interpretación? |Требуется ли вам устный или письменный перевод?翻译或口译? |
Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?

Location Map

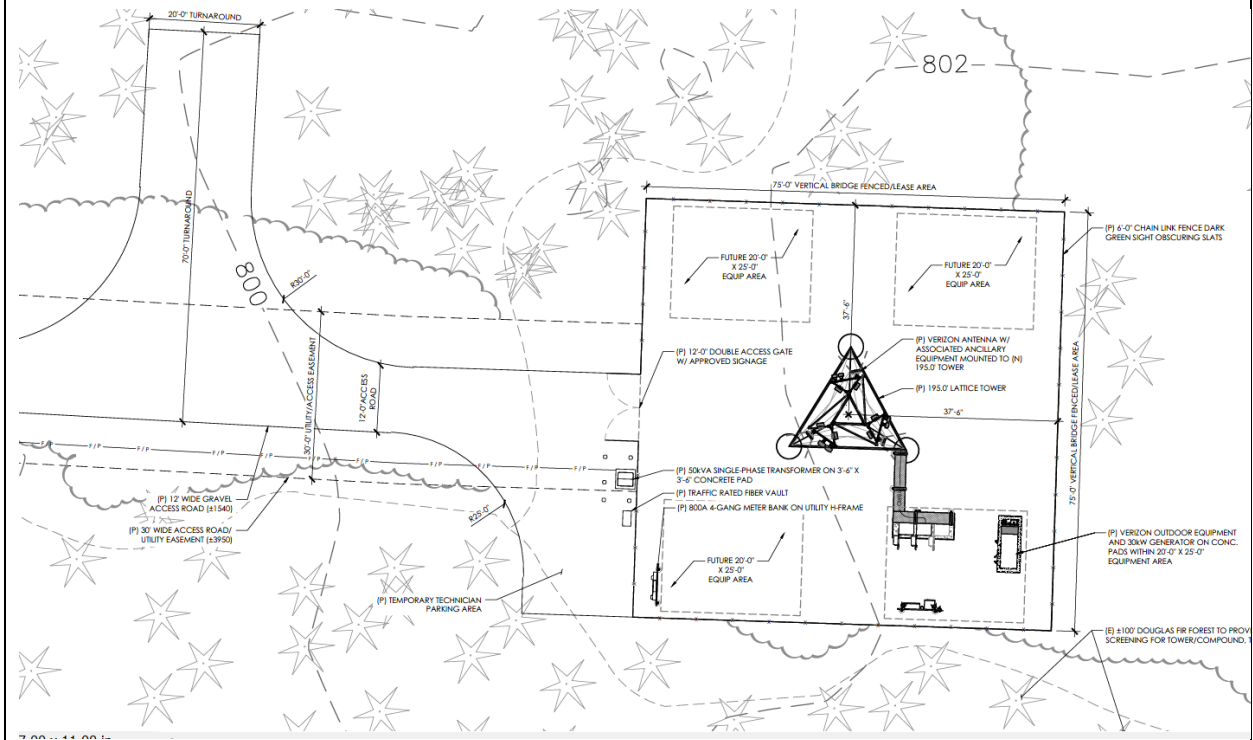


Site Plans





Site Details



RECOMMENDATION

Staff recommends approval of the Conditional Use permit subject to conditions.

RECOMMENDED CONDITIONS OF APPROVAL

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 August 19, 2024. 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)(I)]

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 applicant 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. 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. [ZDO 835.08]
7. Landscaping screen shall utilize the existing trees within 25 feet of the leased area. These trees shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels within this 25 foot landscaped strip shall be removed. ZDO 1009 and 835.06(D)(5).
8. At least one 8.5 feet wide by 16 feet long parking space shall be provided as a designated vehicle parking spaces in compliance with dimensional standards found in ZDO Section 1015. ZDO 1015.01.

Development Engineering recommended conditions of approval:

- 1) All frontage and onsite improvements shall be in compliance with Clackamas County Roadway Standards.
- 2) The applicant shall obtain a Development Permit from Clackamas County Department of Transportation and Development prior to the initiation of any construction activities associated with the project.
- 3) The applicant shall design and construct a minimum 12-foot wide, gravel access road from the end of the public portion of S Steiner Road to the communication facility site. The access road shall be consistent with Roadway Standards Drawing R100.
- 4) A turnaround shall be constructed at or near the end of the access road, constructed per Standard Drawing C350.
- 5) 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 area is developed. Adequate conveyance of stormwater runoff shall be provided for the site and access road.
- 6) 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.
- 7) 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.
- 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.

FINDINGS

This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections 202, 406, 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 new 195' tall self-support tower for wireless telecommunication antennas, and associated equipment cabinets and a generator will be placed at grade, surrounded by a chain link fence with screening slats around the 75 x75 foot leased area....

A pre-application conference was held with the applicant on October 12, 2023 to discuss the preliminary proposal (reference file ZPAC0024-24).

The subject property is approximately 217.55 acres in area and is currently developed with a home and barn at the southern edge of the property.

Public Comment: At the time of this staff report, the Planning and Zoning Division had received two public comments in opposition and one public comment in support of this proposal. Additional comments were received from the Clackamas County Transportation and Engineering Program.

2) **ZDO SECTION 406 TIMBER DISTRICT**

Section 406 regulates the Timber District, which includes the subject property. This application is for a Wireless Telecommunication Facility. Table 406-1 identifies that use as subject to Section 835. In Section 835, Table 835-1 further identifies that Level Two Wireless Telecommunication Facilities in the TBR District are a Conditional Use subject to 406.05(A)(1).

Finding: The proposed use is a Conditional Use in the Timber District. **This criterion is met.**

406.05(A)(1): the use may be approved only where such uses: (i) 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 is proposing to upgrade and use an existing gravel road and foot path to access the project site that is 75 by 75 feet in size. Although the access road is over 3,000 feet long, it utilizes existing road and walking path for much of the length. The proposed access road also skirts the western property boundary that leaves the majority of the 217 acres to be used for farm and forest practices. As the applicant

states in the application “the compound is proposed near the northwest corner of the property to minimize impacts to the parcel and future forest or farming practices. It is anticipated that this proposed use will not force a significant change or increase the cost of farming/forest practices on the parcel.

The proposed development will require a fuel break per Clackamas County requirements around the proposed compound, which will help minimize the potential for fire hazards. Additionally, a fire approved turnaround will be provided at the equipment area as well as required pullouts along the access road. These improvements will assist in reducing the overall risk and costs associated with a wildfire.”

As conditioned, this criterion can be met.

406.08(A)(1): *A primary fuel-free break area shall be maintained surrounding any new structure, including any new dwelling.*

- 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 and Figure 406-1. The goal within the primary safety zone is to remove fuels that will produce flame lengths in excess of one foot. 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 406-02 and Figure 406-1.*

Finding: As demonstrated by the submitted site plan, the proposed telecommunication tower site can comply with the primary safety zone fire fuel break distance around the structure. The applicant is proposing a compound that is 75 x75 and thus the primary fuel-free break area will be contained within the compound that will be devoid of vegetation. As the applicant states “The proposed compound will have a gravel surface and be cleared of all vegetation within and just outside the fence area. Therefore, this design will meet the 30’ primary safety zone requirement.

A condition of approval requires compliance. The condition of approval also requires the applicant to submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards prior to Planning and Zoning approval of development permits for the new structure. **As conditioned, this criterion can be met.**

406.08(A)(2): *For any new dwelling, a secondary fuel-free break area shall be cleared and maintained on land surrounding the dwelling that is owned or controlled by the owner.*

- a. *The secondary fuel-free break extends around the primary safety zone required pursuant to Subsection 406.08(A)(1). The goal of the secondary fuel-free break shall be to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel –free break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed. The minimum width of the secondary fuel-free break shall be the lesser of:*
 - i. *100 feet; or*
 - ii. *The distance from the dwelling to the edge of land surrounding the dwelling that is owned or controlled by the owner.*

Finding: The structure is not a dwelling. Therefore, a secondary fuel-free break area is not applicable to the proposed project. However, the applicant proposes to use existing forest and trees surrounding the compound to screen the wireless telecommunication tower from view pursuant to ZDO 1009 and 835.06(D)(5). Therefore, the spacing requirements of the secondary fuel-free break area standards could be used to ensure the landscaping requirements do not increase fire hazards for the area. **This criterion is not applicable.**

406.08(A)(3): *Structures within a River and Stream Conservation Area or the Willamette River Greenway shall be sited consistent with the requirements of Sections 704 and 705, respectively. Structures shall be sited so that a primary safety zone can be completed around the structure outside of the river or stream corridor setback/buffer area. The area within the river or stream setback/buffer area shall be exempt from the secondary fuel-free break area requirements.*

Finding: The subject site is not located within a River and Stream Conservation Area. Specifically, there is a protected stream beginning along the eastern part of the 200 + acre property. The associated RSCA areas are Large Type F streams with a 100-foot buffer from the mean high water line of the stream. As demonstrated by the submitted site plan, the proposed structure will be more than 1000 feet west of the mean high water line, which easily allows the primary safety zone to be completed around the structure outside of the stream setback/buffer area. The subject property is not located within the Willamette River Greenway. **This criterion is met.**

406.08(A)(4): *The fuel-free break standards shall be completed and approved prior to issuance of any septic, building, or manufactured dwelling permits. Maintenance of the fuel-free breaks shall be the continuing responsibility of the property owner.*

Finding: A condition of approval requires compliance. The condition of approval also requires the applicant to submit a signed and notarized form acknowledging compliance with the fuel-free fire break standards prior to Planning and Zoning

approval of development permits for the new dwelling. **As conditioned, this criterion can be met.**

406.08(B): *B. Additional Fire-Siting Standards for New Dwellings:*

Finding: The proposal is not a dwelling. **These criterion are not applicable.**

406.08(C). *Compatibility Siting Standards: The following compatibility siting standards shall apply to any new structure, including any new dwelling, approved pursuant to a land use application based on standards in effect on or after April 28, 1994: 1. Structures shall be sited on the subject property so that: a. They have the least impact on nearby or adjoining forest or agricultural lands; b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; c. The amount of forest lands used to site access roads, service corridors, and structures is minimized; and d. The risks associated with wildfire are minimized. 2. Siting criteria satisfying Subsection 406.08(C)(1) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the subject property least suited for growing trees.*

Finding: The proposal is not for a dwelling. The structure is proposed inside a 75x75 foot compound approximately 260 feet from the property boundary. Therefore, the impact from the proposed use is limited to a 75 x 75 foot area and associated access road. The plan has been drawn up to have the access road close to the property boundary and thus there is minimal impact anticipated to the forest use from the proposal. The proposal separates the wireless telecommunication facility from the home and barn located at the southern area of the property. The property is over 200 acres in size and is surrounded by large parcels that have predominantly been involved in timber use. Therefore, although the structures are not clustered, the location of proposed tower minimizes impact to farm and forest use by limiting project impacts to an area along the western property boundary. **These criterion are met.**

3) ZDO SECTION 1203.02 CONDITIONAL USES

1203.02: Submittal Requirements

Finding: This application includes a site plan, application fee, and a completed land use application form 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 August 19, 2024. The application was deemed complete on September 06, 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 Timber (TBR) zoning district. ZDO Section 406, Table 406-1 controls land uses in the underlying TBR and identifies that wireless telecommunication facilities are subject to Section 835. Wireless telecommunication facilities are listed as a conditional use in Table and 835-1. 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: The subject property is approximately 217 acres in size with surrounding parcels being in timber use. The structural development and access are concentrated along the western property boundary that will minimize impact to surrounding forest uses. The access road utilizes an existing road and walking path. The tower is located at an elevation that maximizes the service area provided, but is not on the very top of the hill so the visual impact of the tower is mitigated by nestling the tower into the trees.

As the applicant states “The area chosen for the proposed tower is in the NW corner of the parcel, partially accessible by an existing gravel access road which transitions to a wide walking path that will be improved for access. The topography in the area is also relatively flat, so minimal grading will occur, and erosion will be kept to a bare minimum. Additionally, approximately 66% of the parcel is heavily forested with mature, coniferous trees and ground cover. Because of this, the entire compound will be screened from adjacent properties, and the tower will be screened. The tower will only be visible as it extends above the trees, which range in height from ~70-150’ tall.”

Therefore, impacts and perceived impacts from the proposed wireless telecommunication tower are minimized while providing infrastructure to fill a gap in cell phone coverage. **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 staff findings are included in the staff report below. Additionally, the applicant states “Per Section 1007.07.B.3, unmanned facilities, such as wireless telecommunication facilities, where no employees are present except to perform periodic servicing and maintenance, are exempt from this requirement. However, an existing and proposed 12’ wide gravel access road meeting ingress/egress requirements will be utilized to access the site. Required County turnouts will be utilized on the access road at 400’ intervals, and a 70’ long County approved hammerhead will be provided at the compound to provide adequate fire apparatus turnaround and temporary maintenance parking, as needed.” **This criteria is met.**

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 Timber (TBR) districts. Permitted uses in 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 proposed location of the wireless telecommunication tower and the use of the property for a tower, will not substantially limit adjacent properties from continuing as timber properties or preclude the use of adjacent properties for timber use, or rural residential use.

The applicant states “We assert that the facility will not alter the character of the area in the following ways:

1. **Aesthetic Integration:** The design of the facility incorporates materials and colors that blend with the natural and built environment of the surrounding area. This approach minimizes visual impact and preserves the aesthetic character of the neighborhood.
2. **Height and Visibility:** The height of the wireless communication facility is within the permissible limits set by the county. The facility has been strategically placed to minimize visibility from surrounding properties, thereby reducing any potential visual intrusion.
3. **Noise and Emissions:** The facility will operate within the standards set by local, state, and federal regulations regarding noise and emissions. This ensures that there will be no substantial impact on the environmental quality of the surrounding properties.
4. **Land Use Compatibility:** The wireless communication facility is compatible with the primary uses allowed in the zoning districts of the surrounding properties. It will not introduce activities or operations that conflict with residential, agricultural, or other land uses in the area.
5. **Access and Infrastructure:** The facility will not impede access to surrounding properties. All construction and operational activities will be conducted with minimal disruption to existing infrastructure and traffic patterns.

This criteria is met.

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 the application and finds the goals and policies from the following Sections apply and are adequately addressed by the applicant:

Chapter 3 - Natural Resources and Energy: The proposed facility is designed with a minimal environmental footprint. We have conducted thorough environmental assessments to select a location that avoids sensitive natural resources. This includes maintaining existing forested areas, utilizing existing roads, protection of an existing historic Oak tree on the property, and minimizing utility trench routes.

Chapter 4 - Land Use: Our project adheres to the county's land use policies by selecting a site that is appropriately zoned and compatible with surrounding land uses. The facility

design complies with all zoning regulations and integrates seamlessly into the existing landscape, minimizing visual impact and maintaining the character of the area.

Chapter 7 - Public Facilities and Services: Our facility will enhance public safety and emergency response capabilities by providing improved wireless communication services. This aligns with the county's objective to ensure that public facilities and services are efficient, effective, and resilient.

The applicant addressed additional sections of the Comprehensive Plan and staff find that 3.C.1.1 is met with the distance the tower is from the river stream conservation area; 3.I.1 is met with the placement of the tower to minimize disturbance to forest lands; 3.L.2 is met with the location choice of the tower in the western portion of the property that avoids mass movement hazards, wetlands, and steep slopes; 4.OO.11 is met through this land use application and 7.C.3 is met through the erosion control and stormwater management proposed by the applicant. **These criteria are met.**

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.

4) ZDO SECTION 835 WIRELESS TELECOMMUNICATION FACILITIES

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 Timber zoning district. Footnote 1 of the Table applies, and states that in the Timber district, the use is subject to Subsection 406.06(A)(1). **This criteria is met.**

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 showing that the closest tower was 1.7 miles to the search area for the new tower. Therefore, there was not an existing support structure in the area needed to sufficiently support the coverage and data. Those other towers do not provide the uniform necessary coverage that the proposed tower intends to address. **This criteria is met.**

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

Finding: The proposed tower is not inside the Portland Metro UGB. **This criteria 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: As stated by the applicant "*The tower has been designed to accommodate up to four (4) wireless carriers which includes their respective mounts, antennas, ancillary equipment, and cabling, therefore, this requirement has been met.*" As seen on sheet A3.0 the tower is designed to meet this criteria. **This criteria is met.**

5) 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.

Finding: Sections 1002, 1003, and 1004 are not applicable to the proposed site on the subject property.

A. 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. **This criteria is not applicable.**

B. 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:*

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 criteria is not applicable.**

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

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.

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

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.

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

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 signed by Development Engineering indicating 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.

The proposed site development is subject to compliance with Clackamas County Roadway Standards, Chapter 4. A stormwater management plan will be required if 10,000 square feet or more of new or reconstructed impervious surface is developed.

This criterion can be met as conditioned.

D. 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 division reviewed the application materials and provide the following comments:*

1. S Steiner Road is classified as a rural local roadways. Per Clackamas County Roadway Standards, the minimum right-of-way width for a rural local is 48 feet. The existing right-of-way width of S Steiner Road appears to be 60 feet, based on the County Assessor's map. The existing right-of-way is adequate to serve the proposed development.
2. Access to the communication facility is proposed from an approximately 3,600+-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. The proposed access road will utilize an existing road on site, with improvements as necessary to meet minimum standards.
3. 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. For roadways less than 20 feet in width, turnouts are required every 400 feet. Designated vehicle parking spaces will be required to comply with ZDO section 1015 dimensional requirements and require a surface of screened gravel or better.

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

As conditioned, this criterion can be met.

E. 1009 Landscaping.

Finding: There is no minimum required percentage of landscaping for properties in the TBR district; however, landscaping is required pursuant to Subsection 835. Section 835 requires the trees, shrubs, and ground cover that are reflective of the natural surrounding vegetation in the area. The applicant is proposing to use the existing forest trees to serve as landscaping. For the landscaping screen to utilize the existing trees surrounding the leased area, the landscaping area should extend 25 feet outside of the compound to ensure the landscaping screen is maintained and thinned to reduce fire potential. Using the existing trees within the landscaping screen will reflect the natural vegetation in the area. However, they should be thinned, pruned, and maintained so that fire will not spread between crowns of trees to reduce fire fuel as required by ZDO 406. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels within a 25 foot landscaped strip shall be removed. The planting and maintenance required by 1009.10 are met with the utilization of the existing trees and the removal of undergrowth. **As conditioned, this criterion can be met.**

F. 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 Steiner 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. **As conditioned, this criterion can be met.**

G. 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.**