

**BEFORE THE LAND USE HEARINGS OFFICER  
OF CLACKAMAS COUNTY, OREGON**

Regarding an application by Vertical Bridge for approval of )	<b>ORDER RE-OPENING</b>
a conditional use permit for a 195-foot tall monopole )	<b><u>THE RECORD</u></b>
communications tower and accessory structure at 22630 )	<b>Case No. Z0077-24-C</b>
S. Upper Highland Road in Clackamas County, Oregon )	<b>(T-Mobile Lewellen)</b>

**A. SUBJECT**

1. Vertical Bridge (the “applicant”) requests approval of a conditional use permit to build a wireless communications facility including a 195-foot tall steel monopole tower plus antennas and ground mounted equipment cabinets. T-Mobile will lease space on the tower to locate its antenna and for ground equipment. The applicant designed the tower and lease area to accommodate antennae and equipment from two additional wireless providers.

a. The applicant proposes to build the facility on a leased 10,000-square foot (100- x 100-foot) area in the southeast corner of a 22.69-acre property located south of 22630 S. Upper Highland Road; the legal description of the parcel proposed for development is tax lot 2000, Section 02, Township 4 South, Range 3 East, of the Willamette Meridian, Clackamas County (the “site”). The site and all abutting properties are zoned Ag/F (Agriculture/Forest).

2. Clackamas County Hearings Officer Joe Turner (the "hearings officer") conducted a public hearing to receive testimony and evidence about the application. County staff recommended that the hearings officer deny the application. See the Staff Report and Recommendation to the Hearings Officer dated March 13, 2025 (the "Staff Report"). The applicant’s representative testified orally in support of the application. Four persons testified orally and other persons testified in writing regarding the application.

3. At the conclusion of the public hearing, the hearings officer ordered the record held open for four weeks, until April 17, 2025, for new evidence from all parties; for an additional two weeks, until May 1, 2025, for all parties to respond to the whatever was submitted during the first open record period; and for final week, until May 8, 2025, for the applicant to submit a final argument. The applicant did not submit any new testimony or evidence prior to the end of the first open record period on April 17, 2025. Opponents submitted exhibits 17-24 prior to April 17, 2025.

4. By email dated April 22, 2025 (Exhibit 26), the applicant requested the hearings officer reopen the initial open record period for submittal of new testimony and evidence and extend it until June 2, 2025; to hold the record open for an additional two weeks, until June 16, 2025, for all parties to respond to the whatever was submitted during the first open record period; and for final week, until June 23, 2025, for the applicant to submit a final argument. The applicant agreed to extend the 150-day clock until August 17, 2025, to accommodate the requested open record extension.

## **B. DISCUSSION**

1. Under ZDO 1303.03.F, every party is entitled to an opportunity to be heard and present and rebut evidence. Nothing in the ZDO precludes keeping the record open after the public hearing, provided the public has an opportunity to respond in writing to any new evidence the applicant introduces. The hearings officer understands from the applicant's email that the applicant is requesting to reopen the record due to a health issue that prevented the applicant's representative from submitting new evidence prior to April 17, 2025.

2. The hearings officer finds that reopening the record to allow all parties additional time to submit testimony and evidence regarding this application is warranted to serve the interests of a full and fair understanding of the relevant law, provided the process affords the public a meaningful opportunity to respond to that new evidence.

3. The hearings officer finds that reopening the record to allow all parties an opportunity to submit additional testimony and evidence on this issue is warranted to serve the interests of a full and fair understanding of the relevant law, provided the process affords the public a meaningful opportunity to respond to that new evidence. Therefore, the hearings officer will reopen the record in this case as requested by the applicant.

## **C. ORDER**

1. The hearings officer orders the public record to be reopened in the matter of Case No. Z0077-24-C (T-Mobile Lewellen), subject to the following schedule:

a. Until 3:00 p.m. Monday, June 2, 2025, for all parties to introduce new evidence and testimony about this application.

b. For an additional two weeks, until 3:00 P.M., Monday, June 16, 2025, for all parties to respond to whatever was submitted during the first open record period; and

c. For a final week, until 3:00 P.M., Monday, June 23, 2025, for the applicant to submit a final argument without introducing any new evidence

2. Any new evidence and testimony must be in writing and must be received by the Department of Transportation and Development by 3:00 P.M. of the relevant closing date.

3. As soon as practicable, Clackamas County shall mail a copy of this Order to all persons who are parties in this matter.

4. The hearings officer will endeavor to issue a written final order within ten (10) working days after the close of the record (i.e., by July 7, 2025).

DATED this 24<sup>th</sup> day of April 2025.

A handwritten signature in black ink, appearing to be 'Joe Turner', written over a horizontal line.

Joe Turner, AICP  
Clackamas County Hearings Officer