

EXHIBIT LIST

IN THE MATTER OF ZDO-276: Minor and Time Sensitive Comprehensive Plan and Zoning and Development Ordinance Amendments (FY 2020)

[illegible]

Hamburg, Glen

From: mej5225@aol.com
Sent: Wednesday, May 20, 2020 10:41 AM
To: Hamburg, Glen
Subject: Re: Notice requirements, CPO NOTICE - Clackamas County Long Range Planning #1

Thanks Glen

-----Original Message-----

From: Hamburg, Glen <GHamburg@clackamas.us>
To: mej5225@aol.com <mej5225@aol.com>
Sent: Wed, May 20, 2020 10:21 am
Subject: RE: Notice requirements, CPO NOTICE - Clackamas County Long Range Planning #1

Good morning Mitch,

I'll be sure that your comments are included in the record for ZDO-276 and provided to the Planning Commission and Board of County Commissioners ahead of their scheduled hearings.

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



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From: mej5225@aol.com [mailto:mej5225@aol.com]
Sent: Wednesday, May 20, 2020 9:26 AM
To: Hamburg, Glen <GHamburg@clackamas.us>
Subject: Notice requirements, CPO NOTICE - Clackamas County Long Range Planning #1

Warning: External email. Be cautious opening attachments and links.

Glen,

I am in support of extending the 500 foot notice requirements to 1/2 mile per below.
I am currently in Luba appeal on lack of notice for the WUFC soccer complex in our RRFF5 property.
I think the notification procedures need to be strengthened to protect Clackamas Rural residents.
Please enter into the hearing record

Clackamas County is going to review 24 actions that are summarized on page 2 of the linked PDF document. Among them, #1, which increases the required distance that the County must 'notice' when a development or land use proposal is submitted. It is currently set at 500 feet. In rural areas where a property might be 500 feet in itself, neighbors don't always have an opportunity to be alerted to a proposal in their area. This action would be extended to 1/2 mile in certain zoning designations.

Mitch Jones
Resident
West Linn
Oregon

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Hamburg, Glen

From: mbudd@mediaworksonline.com
Sent: Tuesday, June 2, 2020 10:13 AM
To: Hamburg, Glen
Cc: Blessing, Ben
Subject: Re: ZDO-276: FY 2020 Minor Amendments

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Glen,
Nineteen dispensaries have their fingers crossed. Thank you.
Michael

Michael Budd
President

Mediaworks
PO Box 2597 | Bloomington, IN 47402
812.333.8099 | Cell: 812.345.2416
www.mediaworksonline.com

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On Jun 2, 2020, at 8:26 AM, Hamburg, Glen <GHamburg@clackamas.us> wrote:

Good morning Michael,

Among other things, Ordinance ZDO-276 proposes to repeal the County's own limitations on marijuana retailing operating hours, which currently are 10:00am to 9:00pm. If this proposed repeal were to be approved by the Board of County Commissioners following their public hearing on the ordinance in August, a retailer's operating hours would be restricted only to those set by the state.

A copy of the ordinance's proposed text amendments are available online [here](#) under the 'Documents' drop down under the ZDO-276 heading. A public notice that lists the dates and times of two scheduled public hearings and that summarizes the ordinance's various proposed amendments is available [here](#).

Regards,

Glen Hamburg
Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm

<image001.png>

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From: Blessing, Ben
Sent: Tuesday, June 2, 2020 8:06 AM
To: mbudd@mediaworksonline.com
Cc: Hamburg, Glen <GHamburg@clackamas.us>
Subject: RE: ZDO-276: FY 2020 Minor Amendments

Sorry about the delay michael.

Glen Hamburg in our office is working on this project so I have copied him. Here is his contact for future reference:

GHamburg@clackamas.us

Thanks,

Ben Blessing
Planner, Customer Service Desk
Clackamas County Planning and Zoning;

Feel free to contact us at zoninginfor@clackamas.us
Phone: 503-742-4500

Due to COVID19, our offices are physically closed, but we are still working. Please check Planning's home page out for information on how to submit Applications, obtain planning information, etc.:
<http://www.clackamas.us/planning/>

From: mbudd@mediaworksonline.com <mbudd@mediaworksonline.com>
Sent: Monday, June 1, 2020 11:06 AM
To: ZoningInfo <ZoningInfo@clackamas.us>
Subject: ZDO-276: FY 2020 Minor Amendments

Greetings,
There was discussion about including a change to the opening hours for dispensaries in Clackamas County. How is this proceeding?
respectfully,
Michael Budd
Mt Hood Cannabis Company

Michael Budd
President

Mediaworks
PO Box 2597 | Bloomington, IN 47402
812.333.8099 | Cell: 812.345.2416

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To: Planning Commission

Re: ZDO-276; Action #3

Date: June 1, 2020

On May 28, 2020, Historic Downtown Oak Grove (HDOG) held a General Membership meeting to, among other things, discuss the proposed amendment to the Clackamas County Zoning and Development Ordinance 276 specific to Action #3 which would **allow the manufacturing of edible or drinkable products retailed on-site in districts C2 (Historic Downtown Oak Grove) and C3 (McLoughlin corridor)**. This would be a change that HDOG, in partnership with the Oak Grove Community Planning Organization, has been advocating for since 2017 in response to community interest to have a bakery and brewpub in the downtown area. Currently, these types of businesses are prohibited in districts C2 and C3. The Board of Historic Downtown Oak Grove is in **favor** of the proposed amendment **ZDO-276; Action #3**.

Thank you for your consideration.

Suzanne Wolf, President
Historic Downtown Oak Grove (HDOG)
contact.hdog@gmail.com

Hamburg, Glen

From: Hamburg, Glen
Sent: Wednesday, June 3, 2020 11:22 AM
To: 'Suzanne Wolf'
Cc: Joseph Edge
Subject: RE: ZDO-276 Amendment

Thank you, Suzanne. I'll be sure to include this letter with the record and provide it to the Planning Commission and BCC prior to their hearings.

Hoping everyone in Oak grove is well,

Glen Hamburg
Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm

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-----Original Message-----

From: Suzanne Wolf [mailto:sznnwolf@gmail.com]
Sent: Wednesday, June 3, 2020 10:27 AM
To: Hamburg, Glen <GHamburg@clackamas.us>
Cc: Joseph Edge <joseph.edge@gmail.com>
Subject: ZDO-276 Amendment

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Hello Glen,

Below you will find a letter of recommendation for the ZDO-276 amendment.

Thank you,

Suzanne Wolf, President
Historic Downtown Oak Grove (HDOG)

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BEGIN-ANTISPAM-VOTING-LINKS

Teach CanIt if this mail (ID 042KFrbs3) is spam:

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Phishing Email: <https://mhub.clackamas.us/canit/b.php?c=p&i=042KFrbs3&m=6e11698be2eb&rlm=base&t=20200603>

END-ANTISPAM-VOTING-LINKS

Hamburg, Glen

From: Hamburg, Glen
Sent: Wednesday, June 10, 2020 7:07 AM
To: 'Greg Norman'
Subject: RE: ZDO-276 Small Bakerys and brew pubs

Good morning Greg,

I'll be sure to include your comments with the record and to provide them to the Planning Commission and Board of County Commissioners ahead of their hearings.

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
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From: Greg Norman [mailto:normgr00@yahoo.com]
Sent: Sunday, June 7, 2020 6:45 PM
To: Hamburg, Glen <GHamburg@clackamas.us>
Subject: ZDO-276 Small Bakerys and brew pubs

Warning: External email. Be cautious opening attachments and links.

Regarding ZDO-276. Please do legalize small bakeries and brew pubs. Both would be great.

Greg Norman
13116 SE Briggs St.
Oak Grove, OR 97222

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Hamburg, Glen

From: Hamburg, Glen
Sent: Tuesday, June 9, 2020 9:09 AM
To: 'Alivia Cetas'
Subject: RE: ZDO-276

Good morning,

Thank you for your comments. I'll be sure to include them with the record and to provide them to the Planning Commission and Board of County Commissioners ahead of their scheduled hearings.

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
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From: Alivia Cetas [mailto:acetas@gmail.com]
Sent: Monday, June 8, 2020 12:21 PM
To: ghamburg@clackamas.us
Subject: ZDO-276

As residents of the Oak Grove community, we would welcome and support small bakeries. We would also welcome a restaurant/cafe. We are less interested in a brewpub however that could be nice if family-friendly. More businesses that serve as anchors in the Oak Grove community will encourage more of the residents to spend their money as well as time in the community. This also promotes more walkable options which is important as many are spending more time at home during the COVID19 quarantine. Many people are choosing to drive less for a variety of reasons, and it is beneficial to be able to support eateries that provide take-out options. Goods from such businesses could be consumed in the consumer's home or possibly at open air tables that allow for social distancing. If the businesses are successful, residents from nearby communities may also choose to come and appreciate these businesses which brings more funds to Oak Grove. Let's work together to spend our money and our time in this beautiful community through supporting community business anchors in our midst.

Best,

Drs. Alivia & Justin Cetas

River Forest Drive
Oak Grove, Oregon

--

Alivia Cetas

Hamburg, Glen

From: Hamburg, Glen
Sent: Tuesday, June 9, 2020 8:48 AM
To: 'Meridee Pabst'
Cc: 'Ken Lyons'; 'Karen Manske'
Subject: RE: ZDO-276 (Including Wireless Section Amendments)

Oh, and the packet for the Planning Commission will be finalized by Monday, June 15.

Best,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



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From: Hamburg, Glen
Sent: Tuesday, June 9, 2020 8:47 AM
To: 'Meridee Pabst' <meridee.pabst@wirelesspolicy.com>
Cc: Ken Lyons <ken.lyons@wirelesspolicy.com>; Karen Manske <manske.k@hughes.net>
Subject: RE: ZDO-276 (Including Wireless Section Amendments)

Good morning Meridee,

Thank you for your comments. I'll be sure to include them with the record.

Some of the suggested additional amendments to ZDO Section 835 might be outside the scope of this ordinance project and what we've noticed the public about, but could always be considered with future code amendments. To the extent this package is concerned with wireless telecommunications facilities, we'll be focused only on what is necessary to comply with the recent FCC mandate on *small wireless facilities*, adopting certain ZDO standards for those facilities on private property, and exempting from the ZDO standards small wireless facilities in public rights-of-way or County easements. Correct me if I'm wrong, but these suggested changes might exceed that narrow, publically-noticed scope:

- Changing the criteria for adjustments for any wireless communication facility (not just small wireless facilities), as currently provided in Subsection 835.06;
- Changing the County's definition of "collocation", as it applies to all wireless communication facilities;

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ZDO-276: FY 2020 Minor and Time Sensitive Amendments

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- Adding provisions for “Eligible Facilities Requests”; and
- Changing the criteria for ‘Level Two Placement on a Utility Pole’ to provide certain exceptions on a “building” (not just a utility pole).

I don’t think it would be necessary to add the clause “located outside of public rights-of-way and easements under Clackamas County jurisdiction” to proposed Subsection 835.06(E), because small wireless facilities outside of public rights-of-way and County easements would already be explicitly exempted from the standards in 835.06(E), as well as from other provisions, by proposed Subsection 835.03. We don’t want to exempt them from the exemption.

Finally, I have some hesitancy with adding the phrase “to the extent technically feasible” to the Planning Commission’s recommended standard that small wireless facilities match the colors of the portions of a building they’re mounted on or attached to. In order to meet the FCC shot-clocks and their mandate that the County’s rules for what would or would not be allowed be published in advance, the proposed amendments would subject small wireless facilities to a ministerial ‘Type I’ review process, which evaluates proposals only according to *clear and objective standards*. Evaluating whether or not it was “technically feasible” to match a color in one particular instance, and without a definition of what “technically feasible” means/includes/doesn’t include, would require a subjective determination by staff, warranting public notice and opportunity for appeal. The limited Type I review process does not provide for public notice or appeal, so the public would not have the opportunity to weigh in on whether they agree something is/isn’t “technically feasible”; providing public notice and appeal would exceed the shot-clocks.

To be sure, the proposed standard does not require that small wireless facilities necessarily be “painted” or “shrouded”; it just requires that they be the same color as whatever portions of a building a carrier desires to attach them to. The standard allows for other applications (e.g., decals) to cover the facilities so they match in color, and also for their component parts themselves to be made of materials that match in color, without any painting, shrouding, or decals.

To answer your question about proposed Subsection 835.03(A), yes, small wireless facilities would be exempt from design review. Small wireless facilities would be a type of ‘wireless telecommunications facility’. The proposed amendments are intended to clarify even if the small wireless facility is providing essential communication services in the zoning districts listed in Subsections 1102.01(A) through (C), it is still not subject to design review. We might be able to use wording in that subsection that makes things clearer.

If I’ve misunderstood any of your suggestions, certainly let me know.

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



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From: Meridee Pabst [<mailto:meridee.pabst@wirelesspolicy.com>]
Sent: Monday, June 8, 2020 11:03 AM
To: Hamburg, Glen <GHamburg@clackamas.us>
Cc: Ken Lyons <ken.lyons@wirelesspolicy.com>; Karen Manske <manske.k@hughes.net>
Subject: Re: ZDO-276 (Including Wireless Section Amendments)

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Good morning, Glen,

On behalf of AT&T, we have attached a redline with some suggested clarifications and changes to the County's proposed zoning code amendments, for greater clarity and consistency with federal law. Please let me know if you would like to discuss any of the suggestions.

What is your timing for preparing and issuing the Planning Commission packet?

Thank you very much,

Meridee Pabst
425-628-2660 Direct

From: "Hamburg, Glen" <GHamburg@clackamas.us>
Date: Tuesday, May 19, 2020 at 9:04 AM
To: Meridee Pabst <meridee.pabst@wirelesspolicy.com>
Subject: ZDO-276 (Including Wireless Section Amendments)

Good morning Meridee,

Two public hearings have been scheduled for proposed ordinance ZDO-276, which include amendments to Zoning and Development Ordinance Section 835 to address **small wireless facilities**. A summary of all the ordinance package's proposed amendments, and copies of the proposed amendments themselves, are available online [here](#); Item 1 under 'Documents' is [the summary](#) and Item 12 are the amendments to [ZDO Section 835](#) concerning small wireless facilities.

As the linked-to summary explains, the public hearings will take place via the Zoom platform, with details on how to attend/participate posted online one week prior. The hearings dates and times are:

- Planning Commission: No earlier than 6:30 p.m., Monday, June 22, 2020
- Board of County Commissioners: No earlier than 9:30 a.m., Wednesday, August 5, 2020

You can also send written testimony ahead of time directly to me at this email address or mailed and address to me at the address in my signature below.

Kind regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beavercreek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



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835 WIRELESS TELECOMMUNICATION FACILITIES**DEFINITIONS**

The following definitions apply to Section 835:

A Antenna: A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves, including, but not limited to, directional antennas, such as panel and microwave dish antennas, and omnidirectional antennas, such as whip antennas.

B Collocation: (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure; provided that, for purposes of evaluating an Eligible Facilities Request under 47 CFR 1.6100, “collocation” is as defined in that section.

~~B The use of a single support structure by more than one wireless~~

~~C telecommunications provider.~~

D Essential Public Communication Services: Police, fire, and other emergency communications networks.

E Equipment Shelter: A structure that houses power lines, cable, connectors, and other equipment ancillary to the transmission and reception of telecommunications.

F Existing Wireless Telecommunication Facility: A wireless telecommunication facility that received land use approval prior to March 14, 2002.

G . Small Wireless Facility: A wireless telecommunication facility that enables provision of wireless services and meets the conditions in Subsections 835.02(A)(1) through (4).

FG Support Structure: A wireless telecommunication tower, building, or other structure that supports an antenna used for wireless telecommunications.

GH. Wireless Telecommunication Facility: An unmanned facility for the transmission of radio frequency (RF) signals, consisting of an equipment shelter, cabinet, or other enclosed structure containing electronic equipment, a support structure, antennas or other transmission and reception devices. Freestanding point-to-point microwave dishes, high-power television and FM transmission facilities, AM facilities, amateur (Ham) radio antennas and towers, and citizen band transmitters and antennas are not wireless telecommunication facilities.

HI. Wireless Telecommunication Tower: A freestanding support structure, including monopole and lattice tower, designed and constructed primarily to support antennas and transmitting and receiving equipment. Wireless telecommunication

Commented [MOU1]: Suggest updating for consistency with the FCC definition, found in 47 CFR 1.6002(g).

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towers include:

- 1 Lattice tower: A tower characterized by an open framework of lateral cross members that stabilize the tower; and

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CL/ACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- 2 Monopole: A single upright pole, engineered to be self-supporting, that does not require guy wires or lateral cross supports.

H. Wireless Telecommunication Tower Height: The distance from the finished grade at the antenna tower base to the highest point of the tower, including the base pad, mounting structures, and panel antennas, but not including lightning rods and whip antennas.

02 SMALL WIRELESS FACILITIES

A . Small wireless facilities, consistent with 47 CFR 1.6002(l)(1), are facilities that meet each of the following conditions:

1 . The facilities:

a. Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR 1.1320(d); or

b. Are mounted on a structure no more than 10 percent taller than other adjacent structures; or

c. Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

2 . Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume;

3 . All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and

4 . The facilities comply with Federal Communications Commission (FCC) requirements for registration, as well as FCC radio frequency emissions standards specified in 47 CFR 1.1307(b) and other applicable standards in 36 CFR 800.16(x) related to location on Tribal Lands.

B . Notwithstanding any otherwise applicable definition in Section 202 or Subsection 835.01, terms used in Subsection 835.02 have the meanings provided in 47 CFR

1.6002, which includes the following definitions:

1 . Antenna: Consistent with 47 CFR 1.1320(d), an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to FCC authorization, for the provision of personal wireless service and any commingled information services. For

Commented [MOU2]: This isn't needed because the code will restate the relevant definition below.

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purposes of this definition, the term antenna does not include an unintentional

835-4

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CL/ACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

radiator, mobile station, or device authorized under Part 15, Radio Frequency Devices of CFR Title 47, Telecommunication.

- 2 . Antenna equipment: Consistent with 47 CFR 1.1320(d), equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- 2 . Deployment: Placement, construction, or modification of a personal wireless service facility.
- 3 . Structure: A pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

835.0203 EXEMPTIONS

- A . Except for essential public communication services not provided by small wireless facilities in zoning districts listed in Subsections 1102.01(A) through (C), small wireless facilities and other wireless telecommunication facilities are exempt from Section 1102, Design Review.

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Commented [MOU3]: This is confusing. AT&T understands that SWF will be exempt from design review, correct?

- B . Small wireless facilities in public rights-of-way or in easements under Clackamas County jurisdiction are regulated by the Clackamas County Roadway Standards and are not subject to Subsection 835.04, Subsections 835.06, through Subsection 835.08, or Table 835-02.

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C Eligible Facilities Requests meeting the requirements of 47 CFR 1.6100.

Commented [MOU4]: Suggest the County update the code with reference to the FCC's rule for an EFR/Section 6409 modification and adopt an application form for the same.

835.0304 SUBMITTAL REQUIREMENTS

An application for a Type I permit for a wireless telecommunication facility shall include the submittal requirements identified in Subsection 1307.07(C). In addition to the submittal requirements identified in Subsections 1203.02 (for conditional uses only) and 1307.07(C), an application for a Type II or conditional use permit for a wireless telecommunication facility, or for an adjustment pursuant to Subsection 835.0607, shall include:

- A. A site plan, drawn to scale, that includes:
1. Existing and proposed improvements;
 2. Adjacent roads;
 3. Parking, circulation, and access;

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4. Areas of vegetation to be added, retained, replaced, or removed;

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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.
- B. A vicinity map showing lots, land uses, zoning, and roadways within 500 feet of the proposed antenna site;
- C. Elevations showing antennas, wireless telecommunication towers, equipment shelters, area enclosure, and other improvements related to the proposed facility;
- D. For all new antennas, color simulations of the site after construction;
- E. A map of existing wireless telecommunication facilities within one mile of the subject property; and
- F. An alternatives analysis demonstrating compliance with Subsection 835.~~0506~~(D)(1)(a).

835.~~0405~~ USES PERMITTED

- A. 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.
- B. As used in Table 835-1:
1. “P” means the classification of wireless telecommunication facility is a primary use.
 2. “C” means the classification of wireless telecommunication facility is a conditional use, approval of which is subject to Section 1203, *Conditional Uses*.
 3. “X” means the classification of wireless telecommunication facility is prohibited.
 4. Numbers in superscript correspond to the note that follows Table 835-1.
- C. Wireless telecommunication facilities that are not small wireless facilities are subject to the applicable provisions of Subsections 835.~~0506~~(A-D) and 835.~~0708~~, and an adjustment may be approved pursuant to Subsection 835.~~0607~~. Small wireless facilities are not subject to Subsections 835.06(A-D) or 835.08, but are subject to the provisions of Subsection 835.06(E); small wireless facilities are not eligible for an adjustment pursuant to Subsection 835.07.

Table 835-1: Permitted Wireless Telecommunication Facilities

Use	FU-10, HR, MRR, and Zoning Districts Regulated by Section 315	AG/F, EFU, FF-10, NC, RA-1, RA-2, RR, RREF-5, TBR, and VCS	Commercial and Industrial Zoning Districts except NC, VCS, and SCMU	SCMU	Review Process pursuant to Section 1307
Essential Public Communication Services	P	P ¹	P	P	Type I ²
Level One Collocation	X	P	P	P	Type I ³
Level One Placement on a Utility Pole	P	P	P	P	Type I ³
Level Two Collocation	P	P	P	X	Type II ³
Level Two Placement on a Utility Pole	P	P	P	X	Type II ³
Level Two Wireless Telecommunication Facilities not included in any other category	C	C ¹	P	X	Type II if use is P ³ , Type III if use is C
Small Wireless Facilities	P	P	P	P	Type I⁴

¹ In the AG/F and TBR Districts, the use is subject to Subsection 406.05(A)(1).

² In the AG/F, EFU, and TBR Districts, essential public communication services require review as a Type II application pursuant to Section 1307.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

³ If an adjustment is proposed pursuant to Subsection 835.0607, the wireless telecommunication facility requires review as a Type III application pursuant to Section 1307, *Procedures*.

⁴ Small wireless facilities in public rights-of-way or in easements under Clackamas County jurisdiction do not require review through a Type I process.

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EXHIBIT 6

835.0506 STANDARDS

- A. Level One Collocation: A level one collocation of antennas on a previously approved wireless telecommunication facility shall be subject to the following standards:
- 1 Collocation proposals involving an existing wireless telecommunication facility must have an approved and implemented landscaping plan that complies with Subsection 835.0506(D)(5).
 - 2 There shall be no increase in the height of the existing wireless telecommunication support structure.
 - 3 The proposed collocated antennas shall be no more than 20 feet higher than the existing support structure.
 - 4 All collocation improvements shall be located within a previously approved fenced lease area.
 - 5 The collocation shall not involve the removal of any previously approved landscaping or buffering.
- B. Level One Placement on a Utility Pole: Level one placements of wireless telecommunication facilities on utility poles (electric, cable, telephone, etc.) shall be subject to the following standards:
- 1 The wireless telecommunication facility shall be placed on an existing utility pole or, if it is necessary to replace the existing pole with a pole that is suitable for wireless telecommunication, the new pole shall be no taller than the pole that is being replaced.
 - 2 The existing utility pole shall be within a public right-of-way, and, if the pole is to be replaced pursuant to Subsection 835.0506(B)(1), the replacement pole shall remain within the public-right-of-way.
 - 3 Any equipment shelters for the wireless telecommunication facility shall be located on the utility pole and within the public right-of-way.
- C. Level Two Placement on a Utility Pole: Level two placements of wireless telecommunication facilities on replacement utility poles (electric, cable, telephone, etc.) shall be subject to the following standards:
- 1 The height of the replacement utility pole shall not exceed the height of the pole being replaced by more than 20 feet.
 - 2 The existing utility pole shall be within a public right-of-way, and the replacement pole shall remain within the public-right-of-way.

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D. Level Two Wireless Telecommunication Facilities: A level two wireless telecommunication facility (including a level two collocation or placement on a utility pole) shall be subject to the following standards:

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

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- 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.
 - 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.
- 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.
 - 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.
 - 4 Unless the wireless telecommunication facility is located entirely on a utility pole or building, 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.
 - 5 Landscaping shall be placed outside of the enclosed area required pursuant to Subsection 835.0506(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 off-site 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.
 - 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.
 - 7 Dimensional Standards: Dimensional standards applicable to wireless telecommunication towers that are not solely for small wireless facilities are listed in Table 835-2, *Dimensional Standards for Wireless Telecommunication Towers* Not Solely for Small Wireless Facilities.

E. . Small Wireless Facilities: Small wireless facilities located outside of public rights-of-way and easements under Clackamas County jurisdiction, including all related equipment and appurtenances, shall:

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- 1 . To the extent technically feasible, if attached to or mounted on a building, have the same color or colors as the portions of the building they are attached to or mounted on; and
- 2 . Not be affixed to trees, shrubs, or other vegetation.

Commented [MOU5]: Some SWF antennas may not be painted or shrouded, depending on the frequency used. Suggest clarifying that this requirement will apply to the extent technically feasible.

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Table 835-2: Dimensional Standards for Wireless Telecommunication Towers Not Solely for Small Wireless Facilities

Zoning District	Maximum Height	Minimum Tower Separation	Minimum Front, Side, and Rear Setbacks
All zoning districts inside the Portland Metropolitan Urban Growth Boundary (UGB), HR, MRR, RR, and RTC	100 feet	1000 feet	The minimum setbacks generally applicable in the subject zoning district, or a distance equal to the height of the tower, whichever is greater
FF-10, RA-1, RA-2, RC, RI, and RRFF-5, provided that the tower is outside the UGB	150 feet	2000 feet	
AG/F, EFU, and TBR, provided that the tower is outside the UGB	250 feet	2,640 feet	

835.0607 ADJUSTMENTS

Adjustments to the standards of Section 835 for wireless telecommunication facilities that are not small wireless facilities may be granted under either of the following circumstances:

- A. ~~A gap in the~~ The applicant demonstrates that its compliance with this Section's standards would materially inhibit its ability to provide wireless service, and the adjustment is narrowly tailored to allow the carrier to meet its service objective, such that the wireless telecommunication facility conforms to this Section's standards to the greatest extent possible. exists and that gap can only be alleviated through the adjustment of one or more of the standards of this section. If an adjustment is to be approved, the applicant must demonstrate the following:
- ~~1. A gap in coverage or capacity exists in the wireless telecommunication provider's service network that results in network users being regularly unable to connect, or maintain connection, with the provider's network;~~
 - ~~2. The proposed wireless telecommunication facility will fill the existing service gap. Filled means the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and~~

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Commented [MOU6]: Suggest updating the adjustments section for consistency with the most recent FCC interpretation of when a local regulation has the effect of prohibiting wireless service. See 2018 FCC Order, *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018).

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3. ~~The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section~~

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~~on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment.~~

- B. The proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding lots. Site characteristics include, but need not be limited to, those identified in Subsection 1203.03(B). The adjustment must result in a lower level of impact on surrounding lots than would result if the standard were not adjusted. In considering the requested adjustment, the following may be considered:
1. Visual impacts;
 2. Impacts on view;
 3. Impacts on property values; and
 4. Other impacts that can be mitigated by an adjustment so that greater compliance with Subsection 1203.03(D) occurs.

835.0708 ABANDONMENT

- A. Wireless telecommunication facilities that are not small wireless facilities will be considered abandoned when there has not been a provider licensed or recognized by the ~~Federal Communications Commission~~FCC 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.
- B. 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.
- C. If the facility is not reused within 60 calendar days of the determination of abandonment, county authorization for the use shall expire. Once authorization for the use has expired, the facility operator shall remove the facility from the property within 90 calendar days. If the facility operator does not remove the facility within 90 calendar days, the county may remove the facility at the expense of the facility operator, or, in the alternative, at the property owner's expense.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-268, 10/2/18]

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Hamburg, Glen

From: Hamburg, Glen
Sent: Tuesday, June 16, 2020 7:38 AM
To: 'Martin & Wendy meyers'
Subject: RE: Proposed changes to Zoning Ordinance
Attachments: HB 2844 - Farm Processing.pdf

Good morning Martin,

This is an existing requirement under state law. For at least as long as I'm aware, in order for the processing of farm crops to be permitted on agricultural land under the 'Type II' review procedures, a quarter of the farm crops to be processed (be they strawberries, milk, or whatever else) must come from the same farm. The rule prohibits a sometimes-industrial-like processor from opening up on farm land and processing only crops brought in from elsewhere.

ZDO-276 would not change this existing requirement. Rather, the ordinance would simply relocate the rule currently in [ZDO Subsection 401.05\(B\)\(1\)](#) to Subsection 401.03(G) so that the text of the ZDO more closely mirrors the layout of the enabling text in Oregon Revised Statutes (ORS) chapter 315.141, as amended by HB 2844 (attached here). Having the County's land use code more closely match the order and specific wording of relevant state laws, which apply regardless of the County's code, makes it easier to track and include amendments adopted by the state in the future.

There are a number of these "housekeeping" amendments that are proposed but not explained individually in the summary notice. To be sure, the only substantive amendments proposed in ZDO-276 (i.e., those that would change existing standards, approval criteria, or policies) are those specifically mentioned in the notice.

Regards,

Glen Hamburg

Senior Planner
Clackamas County Planning & Zoning
150 Beaver Creek Rd
Oregon City, OR 97045
Tel: 503.742.4523
General Schedule: Tuesday-Friday, 7am-5:30pm



The Clackamas County Department of Transportation and Development is dedicated to providing excellent customer service. Please help us to serve you better by giving us your [feedback](#). We appreciate your comments and will use them to evaluate and improve the quality of our public service.

From: Martin & Wendy meyers [mailto:martinwendymeyers@gmail.com]
Sent: Monday, June 15, 2020 10:13 AM
To: Hamburg, Glen <GHamburg@clackamas.us>
Subject: Proposed changes to Zoning Ordinance

Warning: External email. Be cautious opening attachments and links.

Mr. Hamburg;

I am Chair of the Redland-Viola-Fischers Mill CPO and part of its subcommittee set up to review and comment on the County's proposed zoning changes.

I am curious about proposed ZDO 401.03 G concerning facilities for processing farm products and the standard it proposes in subsection 1 that allows processing operations including for biofuels "if at least one quarter of the farm crops come from the farm operation containing the facility."

Can you tell me the source of this test, and whether it differs from current practice or allowance.

Our CPO is late to this issue. As it was not outlined in the notice to the CPOs, we may wish yet to submit materials to the Commission in advance of its meeting on July 22nd. A prompt answer to this question and a follow up question or two will help us decide if any further action is needed.

Thanks, please call if that is easier.

Martin Meyers
Chair
Redland-Viola-Fischers Mill CPO
503 754 1616
503 631 8830

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[Phishing Email](#)