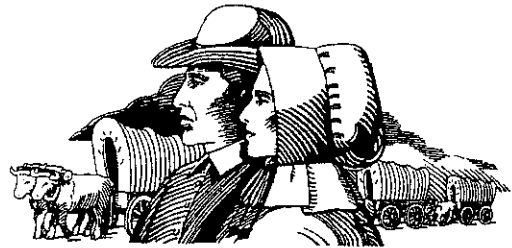


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall
October 22, 2001 at 7:00 P.M.

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:10 p.m. 3. **APPROVAL OF MINUTES:** *(None Available)*
- 7:15 p.m. 4. **HEARINGS:**
- L 01-04 (*Legislative*);** City of Oregon City; Adoption of the Oregon City Waterfront Master Plan as an Ancillary Document to the Oregon City Comprehensive Plan
- 7:45 p.m. **CU 01-07 (*Quasi-Judicial*);** Amateur Radio Emergency Services; Conditional Use for the placement of a radio repeater (antennae) on top of the Boynton Water Tower in Oregon City; Clackamas County Map 3-2E-6CB, Tax Lots 1501 & 4500
- 8:15 p.m. **CU 01-08 (*Quasi-Judicial*);** GreenStreet Architecture; Conditional Use for the construction of a two-way radio communications tower and control equipment building used by fire/EMS, law enforcement and other government users in Clackamas County; Clackamas County Map # 3-2E-5, Tax Lot 6500
- 8:45 p.m. **VR 01-02 (*Quasi-Judicial*);** GreenStreet Architecture; A Variance request for the setbacks of a proposed two-way radio communications tower; Clackamas County Map # 3-2E-5, Tax Lot 6500
- 9:15 p.m. **OLD BUSINESS**
- 9:20 p.m. 5. **NEW BUSINESS**
- A. Staff Communications to the Commission**
- B. Comments by Commissioners**
- 9:30 p.m. 6. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

CITY OF OREGON CITY

Planning Division

320 WARNER MILNE ROAD
TEL 503-657-0891

OREGON CITY, OREGON 97045
FAX 503- 657-7892



Staff Report **October 15, 2001**

FILE NO: L 01-04
Adoption of the Waterfront Master Plan as an Ancillary Document to the Oregon City Comprehensive Plan

FILE TYPE: Legislative

HEARING DATE: October 22, 2001

LOCATION: City Hall
320 Warner Milne Road
Oregon City, OR 97045
7:00 pm

APPLICANT: City of Oregon City
PO Box 3040
Oregon City, OR 97045

REQUEST: Review and Recommendation of Approval of the Oregon City Waterfront Master Plan

LOCATION: The Study Area includes approximately 328 acres. It begins at 5th Street and travels north along the Willamette River to the confluence of the Clackamas River and continues east along the Clackamas until it meets I-205. It then travels south and southwest along I-205 to McLoughlin Boulevard where it runs along McLoughlin Boulevard to 5th Street.

REVIEWERS: Maggie Collins, Planning Manager
Christina Robertson, Assistant Planner

APPLICABLE CRITERIA:

- I. Section 17.50.060 of the Oregon City Municipal Code (Application requirements);
- II. Section 17.50.170 of the Oregon City Municipal Code (Legislative hearing process);
- III. Statewide Planning Goals: Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources); Goal 6 (Air, Water and Land Resources Quality); Goal 8 (Recreational Needs); Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway).
- IV. Oregon City Comprehensive Plan Elements. Citizen Participation; Housing; Commerce and Industry; Natural Resources and Natural Hazards; Parks and Recreation; Willamette River Greenway; and Transportation.
- V. Metro Regional Framework Plan and Applicable Documents.
- VI. Goals and Policies in the Oregon City Downtown Community Plan.
- VII. Goals and Policies in the Oregon City Parks and Recreation Master Plan.
- VIII. Applicable Criteria in the Oregon City Transportation System Plan.

BACKGROUND

An outgrowth of the Downtown Community Plan, January 2000, the Waterfront Master Plan was developed through working with Oregon City residents and public groups to develop an overall vision, goals, and proposed development for the Waterfront Study Area.

The Waterfront Master Plan fills in the general direction for the Clackamette Cove and Clackamette Park subarea of the Downtown Community Plan Study Area. The Waterfront Master Plan is intended to guide the management of the natural assets in the waterfront district, to support recreational and economic benefits for the community of Oregon City, to assist with the acquisition of necessary funding, and to provide a framework for implementation of identified projects.

The City set forth these goals for this Master Plan study area:

- Enhance habitat and riparian area
- Integrate open spaces
- Create development themes
- Increase employment opportunities

- Increase the tax base
- Identify public projects.

The Waterfront Master Plan final draft does not identify specific changes to the Comprehensive Plan Map or to existing Zoning Districts within the study area. Rather, the Master Plan proposes concepts for the various uses and functions within the study area, with recommendations for additional planning work in future phases.

The entire document consist of three major components:

<u>Existing Conditions</u>	Describes conditions in the five sub-areas in relation to vegetative health, previous development and present zoning/overlay districts.
<u>Master Plan</u>	Offers specific recommendations for improvements to the sub-areas along with a discussion of larger environmental and development issues.
<u>Implementation Strategy</u>	Provides an outline of the key elements to a successful strategy for plan implementation.

APPLICABLE CRITERIA

This proposed adoption of the Waterfront Master Plan is reviewed below for compliance with pertinent State-wide Planning Goals and Comprehensive Plan Goals and Policies, Municipal Code Sections, previously adopted City Plans and the Metro Regional Framework Plan.

Chapter 17.50 Administration and Procedure

17.50.060 Application requirements

Staff's finding: A permit application was filed on a form provided by the City, along with documentation sufficient to demonstrate compliance with all applicable criteria. Therefore, this proposed Waterfront Master Plan complies with OCMC Chapter 17.50.060.

17.50.170 Legislative hearing process

Staff's finding: Two public hearings are scheduled for the Planning Commission. The first on October 8, 2001 will provide a presentation of the Plan and opportunity for Commissioners to ask questions and clarify concepts. In addition, the Commission will take public testimony. At the second public hearing, scheduled for October 22, 2001,

the Planning Commission will receive the Planning Division staff report, take public testimony and additional information, and if possible, prepare and vote on a recommendation to the City Commission. Please note the attached Exhibit 7 to this report.

The Department of Land Conservation and Development (DLCD) was notified as required by ORS 197.610-197.625. The planning manager's report was made available at least seven days prior to the hearing. All remaining requirements of the legislative hearing process will be followed. Therefore, this proposed Waterfront Master Plan complies or can comply with OCMC Chapter 17.50.170.

Comprehensive Plan Citizen Participation Goal.

The public hearing for the proposed Waterfront Master Plan was advertised and notice was provided as prescribed by law to be heard by the Planning Commission on October 8, 2001 and October 22, 2001 and by the City Commission on November 7, 2001 and November 21, 2001. The public hearings will provide an opportunity for comment and testimony from interested parties.

The study process included incremental steps to ensure that Oregon City residents and business had ample opportunity to voice opinions and suggest improvements to the plan. The process commenced with stakeholder interviews to obtain a wide variety of opinions. As persons with a known or anticipated interest in the study area stakeholders include City Commissioners, Planning Commission members, Park Advisory Board members, property owners, business owners, recreationists, environmentalist, and public facility managers. Additionally a Technical Advisory Committee was established to coordinate agency comments, expertise and direction in the Master Plan process.

Two public open houses and meetings with the Planning Commission and City Commission were conducted to give interested citizens opportunities to express their views. Comments provided by the participants were then used to refine plan ideas discussed at the open houses.

Staff's finding: The proposed Waterfront Master Plan complies with the Citizen Involvement Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Housing Goals and Policies:

The plan calls for developing a mixed-use urban community of 150-200 dwelling units at the north entrance of the City oriented towards the Cove.

The Oregon City Comprehensive Plan Housing Goals and Policies specifically calls for the City to encourage the private sector to maintain an adequate supply of single and multiple family housing units with an emphasis on a diversity of housing options with special consideration for owner occupied multifamily dwelling units in multifamily zones.

Staff's finding: The proposed Waterfront Master Plan complies with the Housing Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Commerce and Industry Goals and Policies:

The plan calls for a redevelopment and intensification of development in the Oregon City Shopping Center and adjacent property on which a batch plant is currently located. Commerce and Industry Location Analysis section of the Comprehensive Plan directs the City to work on the retention of businesses in the Shopping Center, recognize its function as a regional facility and develop markets that complement rather than conflicts with existing commercial activity.

The General Commerce and Industry Goals and Policies also direct the City to encourage land for retail uses in areas along or near major arterials and transit streets. Retail development along McLoughlin Boulevard allows for access to existing transit and vehicular services. Additionally, the proposed mixed-use urban neighborhood envisioned will allow for pedestrian access to the Shopping Center, a travel mode that has previously been neglected.

Staff's finding: The proposed Waterfront Master Plan complies with the Commerce and Industry Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Natural Resources and Natural Hazards Goals and Policies:

The Waterfront Mater Plan calls for improvement to riparian and open space areas along with a general reposition of the built environment towards the two rivers. This repositioning will aid in integrating river health with future land-use issues.

The Clackamas River is the source of domestic water for Oregon City and surrounding communities and together with the Willamette River form a geographic boundary around Oregon City. The health of this ecosystem has regional effects that influence water quality and fish habitat. The Oregon City Comprehensive Plan Natural Resources Goals and Policies call for site plan review on new developments near major water resources. This goal will be met by the Site Plan and Design Review Land Use Application Process for mixed-use developments and activities within the Willamette River Greenway Overlay District.

The Natural Hazards Chapter of the Comprehensive Plan additionally calls on the City to restrict new development to uses that do not endanger life or property. The City of Oregon City, through use of the Water Resource Overlay Zone, is able to guide the development of projects within a designated water resource to mitigate flood damage and to lessen adverse impacts to the water resource.

Staff's finding: The proposed Waterfront Master Plan complies with the Natural Resource Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Parks and Recreation Goals and Policies:

The Waterfront Master Plan directs the City to rehabilitate Clackamette Park and add new public open space along the Cove and the Clackamas River.

The Waterfront Development section of the Parks and Recreation Chapter of the Oregon City Comprehensive Plan gives recommendations to affected City owned parks in the Waterfront Master Plan Study Area. The Comprehensive Plan calls for additional landscaping to allow for scenic views from McLoughlin Boulevard along the Willamette River specifically near the Sportsraft Landing and the Courthouse Moorage sites. Recommendations to Clackamette Park included reduction in parking and traffic, a general increase in landscaping and the dedication of informational plaques.

Additionally, the Waterfront development subsection indicates that “waterfront recreational and park development along both the Willamette and Clackamas Rivers should be a major emphasis over the next several years. Access and use of these recreational resources should be secured for future generations.”

Staff's finding: The proposed Waterfront Master Plan complies with the Parks and Recreation Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Willamette River Greenway Goals and Policies:

The Waterfront Master Plan directs the City to rehabilitate the reaches of the Willamette and Clackamas Rivers. It calls for riparian buffers, focused recreational access, preservation of habitats and improving combined aesthetic, recreational and habitat values.

The Willamette River Greenway chapter of the Oregon City Comprehensive Plan states; “It is a public interest to develop and maintain a natural scenic, historical and recreational Greenway upon land along the Willamette River”. It specifically calls for a bicycle path and walkway linking the Canemah area to Clackamette Park, landscaping along McLoughlin Boulevard and maintaining ownership of publicly owned land along the River.

Staff's finding: The proposed Waterfront Master Plan complies with the Willamette River Greenway Goals and Policies of the Comprehensive Plan.

Oregon City Comprehensive Plan Transportation Goals and Policies:

One of the main objectives of the Waterfront Master plan is to improve connectivity within the study area and improve linkages to the community beyond. This objective is

met by development of the riverfront promenade, streetscape improvement and the introduction of a mixed-use urban neighborhood adjacent to the Oregon City Shopping Center.

Staff's finding: The proposed Waterfront Master Plan complies with the Transportation Goals and Policies of the Comprehensive Plan.

Metro Regional Framework Plan and Applicable Documents.

The Waterfront Master Plan calls for increased mixed-use development along McLoughlin Boulevard /Hwy 99 which will take advantage of existing transportation corridors while adding pedestrian access through a new promenade.

The Metro Regional Framework Plan designates Oregon City as a Regional Center and directs the City to focus on compact development, redevelopment and high quality transit service, multi modal street networks and develop major nodes along regional through routes. These through routes are to be designed to connect regional centers and ensure that these centers are attractive places to do business.

The Framework plan additionally calls on the City to address flood hazard mitigation measures when approaching development on land inside the FEMA 100 year floodplain. The City of Oregon City, through use of the Water Resource Overlay Zone, is able to guide the development of project within a designated water resource to mitigate flood damage.

Staff's finding: The proposed Waterfront Master Plan complies with the Metro Regional Framework Plan and Applicable Documents

Oregon City Downtown Community Plan.

The purpose of the Downtown Community Plan is to update the Comprehensive Plan and zoning code and to establish a vision and implementing strategy for positive growth and improvement in the downtown study area.

The Plan calls for a Clackamette Cove Master Plan that will create a mix of public open spaces, natural resources protection and residential and employment uses. It also recommends a riverfront promenade and pedestrian connection from Clackamette Park to the downtown area.

Staff's finding: The proposed Waterfront Master Plan complies with the Goals and Policies of the Downtown Community Plan.

Goals and Policies in the Oregon City Parks and Recreation Master Plan.

The 1999 Oregon City Parks and Recreation Master Plan identifies and evaluates existing park and recreational area, assesses the need for additional park and recreational

facilities, establishes design standards for future park acquisition and development and recommends an approach to funding park development and maintenance.

The Parks and Recreation Master Plan identifies Clackamette Park in generally good condition but gives concern over the development level and location of the recreational vehicle campground. The documents additionally address the Clackamette Cove area as a recently purchased parcel of City owned property. The Parks and Recreation Master

Plan calls for a majority of the site be reserved for recreational use, but also calls for a master planning process for the Waterfront area to find the best ratio of development and open space.

Staff's finding: The proposed Waterfront Master Plan complies with the Parks and Recreation Master Plan

Oregon City Transportation System Plan.

Oregon City Transportation System Plan (TSP) was produced to adopt a transportation system that works as guide to manage and develop the City's transportation facilities over a 20-year period and incorporates the vision of the community into an integrated and efficient land use and transportation system that addresses the multi modal desires of the community.

The TSP identifies McLoughlin Boulevard/Highway 99 a Major Arterial and specifically directs the City to maintain the corridor at an acceptable operating standard. Specific recommendations include widening the Boulevard to provide eight lane (four in each direction) of travel and improve intersections at I-205, 14th Street, 15th Street and Main Street.

Staff's finding: The proposed Waterfront Master Plan complies with the Oregon City Transportation System Plan.

Statewide Planning Goals: Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources); Goal 6 (Air, Water and Land Resources Quality); Goal 8 (Recreational Needs); Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway).

Staff's finding: The proposed Waterfront Master Plan complies with Statewide Planning Goals through compliance with the State acknowledged Oregon City Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Waterfront Master Plan included as Exhibit 1, to the City Commission following the City Commission public hearings schedule for November 7, 2001 and November 21, 2001 for its consideration at the November 21, 2001 hearing.

EXHIBITS

1. Waterfront Master Plan
2. City of Oregon City Comprehensive Plan (on file)
3. Oregon City Transportation Systems Plan (on file)
4. Downtown Community Plan (on file)
5. Parks and Recreation Master Plan (on file)
6. Metro Regional Framework Plan (on file)
7. October 15, 2001 letter to the Planning Commission from Bob Short, Glacier NW



1050 North River Street
Portland, OR 97227

Telephone: (503) 335-2600
Facsimile: (503) 331-3700

2001 OCT 15 AM 11:58

CITY OF OREGON CITY
RECEIVED

15 October 2001

City of Oregon City
Planning Division
320 Warner Milne Road
Oregon City, OR 97945

ATTN: Planning Commission

RE: Oregon City Waterfront Master Plan
L 01-04

Dear Planning Commission Members:

Waterfront Plan

What the consultant team presented during the October 8, 2001 Planning Commission hearing was truly a bold concept plan showing remarkable improvements to the waterfront. The reconnection to the river is an essential element currently lacking today. The goals of the concept plan identified were as follows:

Goals

- Enhance habitat and riparian areas
- Integrate open spaces
- Create development themes
- Increase employment opportunities
- Increase the tax base
- Identify public projects

As an observation, the current and zoned use of the Glacier Northwest site does not preclude any of these goals. Moreover, Glacier Northwest provides a necessary, beneficial service to the infrastructure of Oregon City, as well as consistently providing approximately 30 "homeowner" jobs (compensation packages at the \$40,000 to \$50,000 level, including benefits). The concept plan has not specifically identified what employment opportunities would replace Glacier Northwest jobs. Will the replacement jobs be lower-paying retail and service-sector jobs once the construction work is done?

The Waterfront Plan was presented as a *draft concept*. Is there a timeframe or phasing schedule for the concept? I understand that the staff is recommending approval. What are they recommending for approval: A concept requiring further study or a final plan? What development, environmental, and economic costs are associated with the plan? To my knowledge, no cost estimates have been conducted thus far.

Exhibit 7

Communication

- “Solicit stakeholder input and encourage ownership”
- “Enhance communication and development partnerships”

The current and long-term business on the site, Glacier Northwest, has, to date, not received any communication from the City, the design team, or the Technical Advisory Committee. As a compatible user in a designated zone, I am perplexed why Glacier Northwest has not been kept in the loop or invited to participate in the planning process.

Glacier Northwest is not going away, at least not in the near future, and would welcome the opportunity to partner with other agencies on implementing the components of the waterfront improvements. Our operations are currently working at full capacity providing valuable resources for the construction industry. Given the location of other batch plants, also operating at full capacity, the removal of Glacier Northwest from its current location would place an unnecessary burden on the construction industry and local infrastructure on meeting current demand for construction material and additional truck travel over local roads.

Existing Land Resources

The Clackamas County Industrial Land Supply Update (OTAK 4/2000) demonstrates the County's need for industrial land and recommends the retainage and nurturing of the existing industrial base.

Recent findings in the *RLIS – Portland, Vancouver Metropolitan Area, December 1999* concluded that “Clackamas County does not have enough vacant and redevelopable industrial land to meet current 20-year job growth forecasts.”

- *Does it make sense to diminish your existing industrial land base and displace a compatible use so that 20 feet of fill can be moved from one site to another?*
- *The vacant land in the TC zone has an established value for development. Why would you take away that land base to be used as fill material? How does that pencil out economically?*

Technical Details

Much of the land zoned along the eastside of the cove area is above the flood plain. The entire zoned site that Glacier Northwest occupies is in the flood plain. One of the listed goals of the Plan states “Define a series of attainable projects within the plan”.

- *Doesn't the land zoned Tourist Commercial in the cove area – which is above the flood plain - present less drastic fill and development opportunities than the Glacier site, which is entirely within the flood plain and is zoned Industrial?*
- *The batch plant has been successfully operating in the flood plain for decades without needing to fill or diminish the flood storage capacity.*
- *Many communities have batch plants operating in the midst of all types of uses. Batch plants are in themselves a designated use in flood plains.*
- *How is the 20-foot fill going to be balanced? What is the source of the fill material?*
- *Can the cove embankment, made up of a former asphalt plant and landfill material, even be used as structural fill?*
- *What are the economic benefits to the community given the enormous development costs of the Plan? Is this the highest and best use of the study area? Is a housing development (multi-family) realistic given the site's improvement costs?*

Conclusion

"The Waterfront Master Plan Final Draft now in front of the Planning Commission does not identify specific changes to the Comprehensive Plan Map or to existing Zoning Districts within the study area."

My question to you, the Planning Commission, is what will the Commission be approving? Glacier Northwest has been an economic good neighbor to the City for many years. We have invested heavily in site and operation improvements over the past years. Since the 1996 flood, Glacier Northwest has made aesthetic and specific site improvements to guard against the effects of future flooding. We ask that the City recognize and understand the full effects of implementing the proposed plan. We also ask the City to recognize the importance of industrial land for job growth given the current shortage of industrial land in Clackamas County.

Respectfully submitted;

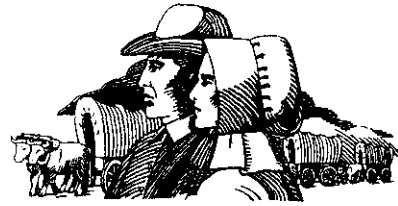
Bob Short, Public Affairs Manager
Glacier Northwest

CITY OF OREGON CITY

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STAFF REPORT

Date: October 12, 2001

FILE NO.: CU 01-07

HEARING DATE: October 22, 2001
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, Oregon 97045

APPLICANT Steven Fedler
c/o Amateur Radio Emergency Services
1305 Division Street
Oregon City, Oregon 97045

OWNER: City of Oregon City
320 Warner Milne Road
Oregon City, Oregon 97045

REQUEST: Conditional Use to allow the placement of a radio
repeater/transmitter (antennae) on top of the Boynton
Standpipe (water tower) in Oregon City.

LOCATION: Clackamas County Map 3S-2E-6CB, Tax Lots 1501 & 4500

REVIEWER: Sean Cook, Assistant Planner
Maggie Collins, Planning Manager
Bob Cullison, Engineering Manager

RECOMMENDATION: Staff recommends approval of CU 01-07

CRITERIA:

Oregon City Municipal Code:

Section 17.08 R-10, Single-Family Dwelling District

Section 17.50 Administration and Procedures

Section 17.56 Conditional Uses

BACKGROUND:

The applicant is requesting placement of a radio repeater/transmitter (antennae) on top of the Boynton Standpipe (a 2,000,000-gallon water tower) in Oregon City. The applicant has received the City of Oregon City's preliminary approval for placement of this antennae and its associated equipment on the City's property, pending receipt of a Conditional Use Permit from the City, as required by the Oregon City Municipal Code (OCMC) Chapter 17.56.

A radio "repeater" is a device that receives radio transmissions from mobile and handheld two-way radios, and re-transmits the signals from a high location in order to extend the range of communications for those using the mobile and handheld radios.

The repeater will operate under a station license issued by the FCC and will be used by volunteers of the Oregon City Amateur Radio Emergency Service/ Radio Amateur Civil Emergency Service (ARES/RACES), and other groups, who are registered as Emergency Service Workers with the City of Oregon City and Tualatin Valley Fire and Rescue. Those who have amateur radio operator licenses issued by the FCC may use the facility as well.

Installation of this repeater is part of the Clackamas County Emergency Communications Plan for the provision of necessary communications, and for coordinating emergency responses by public agencies and services during disasters, severe weather events, and loss of the public telephone systems.

BASIC FACTS:

1. The subject property, which is owned by the City of Oregon City, is identified as Clackamas County Tax Assessor's Map # 3-2E-6CB, Tax Lots 1501 & 4500 (Exhibit 1). The City has developed the site with the Boynton Standpipe (water tower). The existing site includes trees and other vegetation that provide a significant amount of visual screening for nearby neighbors.
2. The subject property is designated "LR" *Low Density Residential* in the Oregon City Comprehensive Plan. The subject property is zoned R-10, Single-Family Residential. Telecommunications Facilities are not listed as a permitted use in the "R-10" District, but are allowed as a Conditional Use if the approval criteria and standards are met.
3. Dimensional standards in the R-10 district are:
 - A. Minimum lot areas, ten thousand square feet;

- B. Minimum average lot width, seventy-five feet;
- C. Minimum average lot depth, one hundred feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, twenty-five feet minimum depth,
 - 2. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
 - 3. Corner side yard, twenty feet minimum width,
 - 4. Rear yard, twenty feet minimum width,
 - 5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070.

- 4. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet, and the South End Neighborhood Association.

The City's Building Division, Engineering Division, and Tualatin Valley Fire and Rescue reviewed the proposal and commented that the proposal "does not conflict with our interest." No comments were received by Planning from the South End Neighborhood Association or property owners within 300 feet.

Staff received comments from City Public Works (Exhibit 5). Submitted comments are analyzed and incorporated into the analysis and findings section below as appropriate.

ANALYSIS AND FINDINGS:

I. 17.56 Conditional Uses

- 1. **Criterion (1): The use is listed as a conditional use in the underlying district.**

The site is zoned R-10, Single-Family Dwelling District. Conditional uses for the R-10 zone states that "conditional uses listed in OCMC Section 17.56.030 are permitted in this district when authorized and in accordance with standards contained in Chapter 17.56 of this title." Section 17.56.030 (T) states that "Public utilities, including sub-stations and communication facilities (such as towers, transmitters, buildings, plants and other structures)" require a Conditional Use Permit.

Therefore, staff finds that this criterion is satisfied.

2. **Criterion (2): The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.**

The subject property is currently developed with the Boynton Standpipe, which is a water tower owned by the City of Oregon City. The proposed repeater antennae, which would be placed on top of this 119-foot tall tower, is relatively small. The antennae is a 1.5 inches thick white stainless tubing, which is approximately 21.5 feet tall (Exhibit 2). The only other visible feature of this proposal is a small fiberglass enclosure, which is approximately 5-foot square and roughly 7 feet tall (See Exhibit 3 for photographs of the antennae and enclosure). This enclosure houses equipment necessary for normal operations of the antennae. The applicant has reported that no audible noise is created from equipment inside the enclosure. This enclosure will be placed at the base of the water tower immediately against the tower wall. The base area of the water tower, especially in the proposed area for the enclosure, is screened from the adjacent residential properties by tall trees and a wide variety of native and non-native vegetation. Additionally, this enclosure is located approximately 180 feet away from the property line, based on information provided by the applicant.

Based on the fact that the subject property is currently utilized as a public utility, the addition of another smaller utility (a radio transmitter) is suitable and does not significantly change the character of the site.

Therefore, staff finds that this criterion is satisfied.

17.56.040 Criteria and standards for conditional uses.

“D. Public Utility or Communication Facility. Such facilities as a utility substation, water storage tank, radio or television transmitter, tower, tank, power transformer, pumping station and similar structures shall be located, designed and installed with suitable regard for aesthetic values. The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure. Hydroelectric generation facilities shall not exceed ninety megawatts of generation capacity.”

In regards to aesthetics for the subject property, the visual impacts of this proposal are negligible based on the small size of the antennae and the enclosure. As described in Criterion 2, the antennae is a white stainless tubing that is only 1.5 inches thick that reaches 21.5 feet above the existing tower. The enclosure is approximately 5 feet square by 7 feet tall and has vegetative screening in place that contributes to the lack of visual impact to the nearby properties.

As far as the setback distance of the antennae and the enclosure based on information provided by the applicant, both the antennae and the enclosure are located approximately 180 feet away from the property line.

Therefore, staff finds that this criterion is satisfied.

3. **Criterion (3): The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.**

The installation and initial testing of this equipment can be completed quickly in roughly a two-week time period. The applicant has stated that the only traffic generated by the site is likely to be for routine maintenance and adjustments. Although public facilities such as water, sewer, and storm sewer are available in the area, the proposed project will not require any of those services. Electrical service is the only needed service for this proposal. Installation of electric services for this proposal shall be in accordance with the standards set forth by the City of Oregon City's Building Division.

Therefore, staff finds that this criterion is satisfied.

4. **Criterion (4): The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.**

The intent of this criterion is to protect the character of the surrounding area from being altered by a condition, which would limit, impair or inhibit the current residential uses of the surrounding properties. Based on the fact that the scope of this project only includes the installation of an antenna and a small enclosure, no residential uses will be negatively impacted. Conversely, the applicant reported that this radio transmitter is registered and can be utilized by City and County Emergency Services, including Fire and Police, which brings a significant benefit to the community as a whole. Additionally, any licensed operator may utilize the benefits of this antenna for recreational uses.

Based on information provided by the applicant, the repeater will operate on a frequency in the 440Mhz UHF amateur radio band. Operations on this frequency will not result in interference to home electronic entertainment devices, telephones, cellular phones, or other electronic devices. Also, radio signals at this frequency are non-ionizing and do not pose a danger to human health.

Therefore, staff finds that this criterion is satisfied.

5. **Criterion (5): The proposal satisfies the goals and policies of the city comprehensive plan, which apply to the proposed use.**

The Oregon City Comprehensive Plan contains the following applicable goals and policies:

"Encourage citizen participation in all functions of government and land-use planning." (Citizen Involvement Goals and Policies, Policy 4).

The public hearing was advertised and noticed as prescribed by law to be heard by the Planning Commission on October 22, 2001. The public hearing will provide an opportunity for comment and testimony from interested parties.

As stated in the Oregon City Comprehensive Plan as the goal for Community Facilities Goals and Policies....*"Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities"*

"The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services...n.Energy and Communication Services..." (Community Facilities Goals and Policies, Policy 4, page I-21).

This proposal is designed to increase the ability of Oregon City residents to communicate for either emergency or recreational purposes.

Therefore, staff finds that this criterion is satisfied in that this proposal satisfies the applicable goals and policies of the Oregon City Comprehensive Plan.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings presented in the report, staff concludes that the proposed Conditional Use CU 01-07 satisfies the requirements as described in the Oregon City Municipal Code for Conditional Use Permits, Chapter 17.56.

Based on the findings of fact, staff recommends the Planning Commission approve Conditional Use Permit, CU 01-07, affecting the property identified as Clackamas County Map 3S-2E-6CB, Tax Lots 1501 & 4500

EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Photographs
4. Applicant's Submittal
5. Agency Comments- Public Works

Vicinity Map

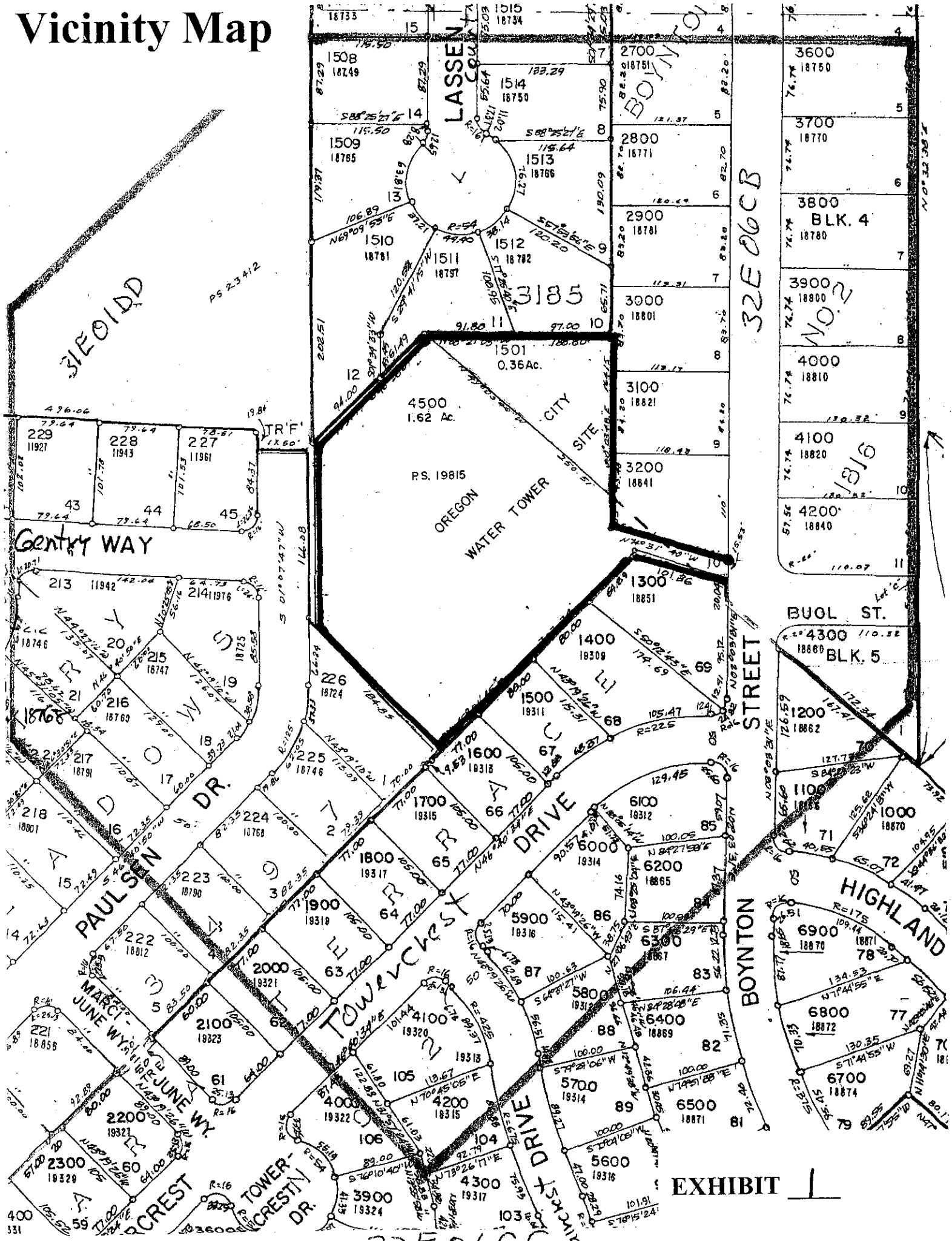
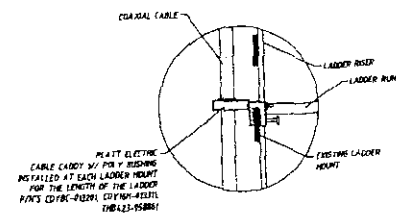
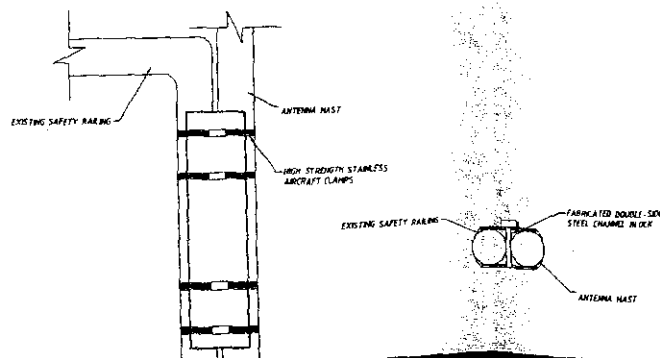
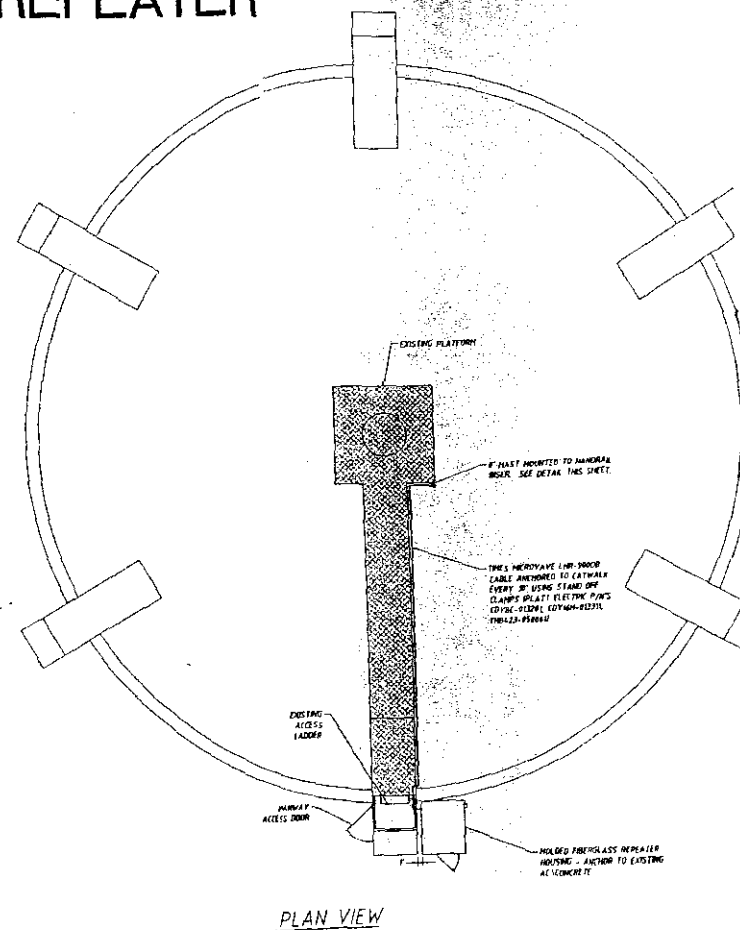
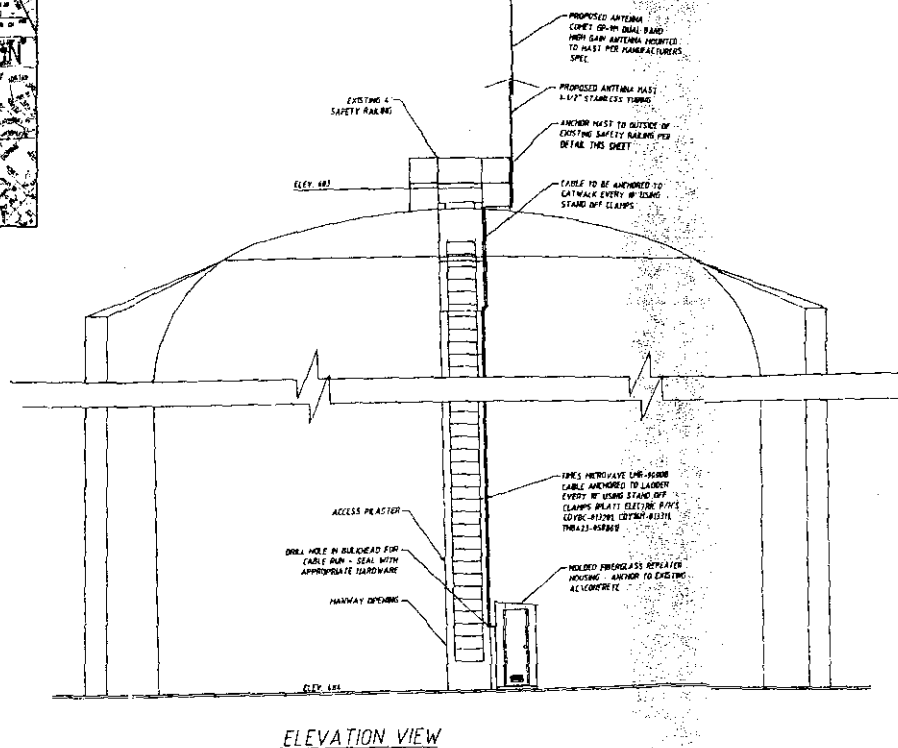
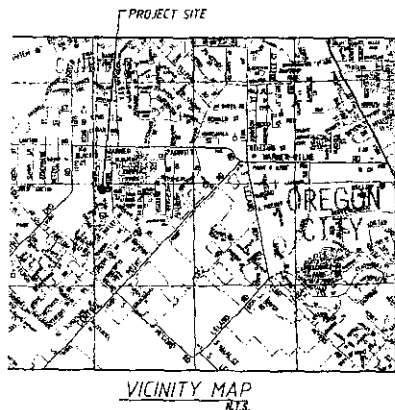


EXHIBIT 1

OREGON CITY A.R.E.S. EMERGENCY COMMUNICATIONS REPEATER



NOTES: CLAMPS AND CABLE NOT TO INTERFERE WITH LADDER REMOVAL

EXHIBIT 2

A.R.E.S. OFFICERS:
STEVE FEDLER - PROJECT MANAGER
KEVIN HUNT - RADIO OFFICER

CITY COOPERATION:
Joe McKinney/ Operations Manager-Public Works
Eli Deberry/ Operations Supervisor/ Water

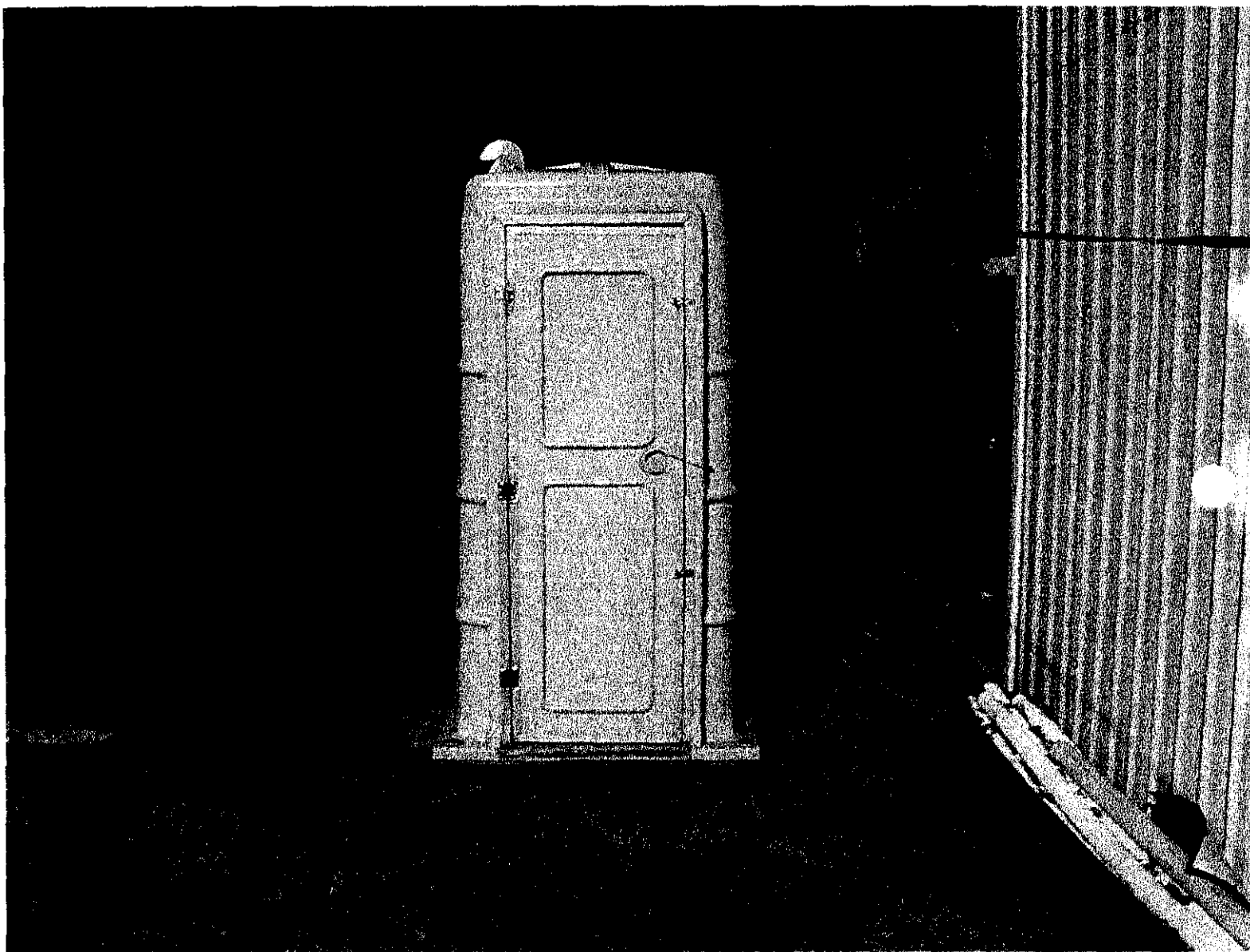
Photograph with Antennae
Present



EXHIBIT 3

File

Photograph of enclosure



CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | Type II | Type III | Type III / IV |
|--|---|---|
| <input type="checkbox"/> Partition | <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please **print or type** the following information to summarize your application request:

APPLICATION # CV01-07 (Please use this file # when contacting the Planning Division)
APPLICANT'S NAME: STEVEN KOHLER / Amateur Radio Emergency Service
PROPERTY OWNER (if different): CITY OF O.C.
PHYSICAL ADDRESS OF PROPERTY: MAP # 35-2E-6CB Tax lot 1500 & 4500
DESCRIPTION: TOWNSHIP: _____ RANGE: _____ SECTION: _____ TAX LOT(S): _____
PRESENT USE OF PROPERTY: Water Dept. Stand Pipes
PROPOSED LAND USE OR ACTIVITY: Amateur Radio Emergency & repeater (RADCO) communications
DISTANCE AND DIRECTION TO INTERSECTION: _____

VICINITY MAP

To be provided by the APPLICANT
at the time application is submitted

EXHIBIT 4

CLOSEST INTERSECTION: _____
PRESENT ZONING: _____
TOTAL AREA OF PROPERTY: _____

Land Divisions

PROJECT NAME: _____
NUMBER OF LOTS PROPOSED: _____
MINIMUM LOT SIZE PROPOSED: _____
MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

BOYNTON STANDPIPE AMATEUR RADIO EMERGENCY REPEATER

Narrative for Public Notice

The project consists of a radio repeater inside a fiberglass building, coaxial transmission line inside the existing standpipe structure, and a white, fiberglass "stick" type antenna, approximately ten feet in height, mounted on the rail at the apex of the standpipe.

A "repeater" is a device that receives radio transmissions from mobile and handheld two-way radios, and retransmits the signals from a high location in order to extend the range of communications for those using the mobile and handheld radios.

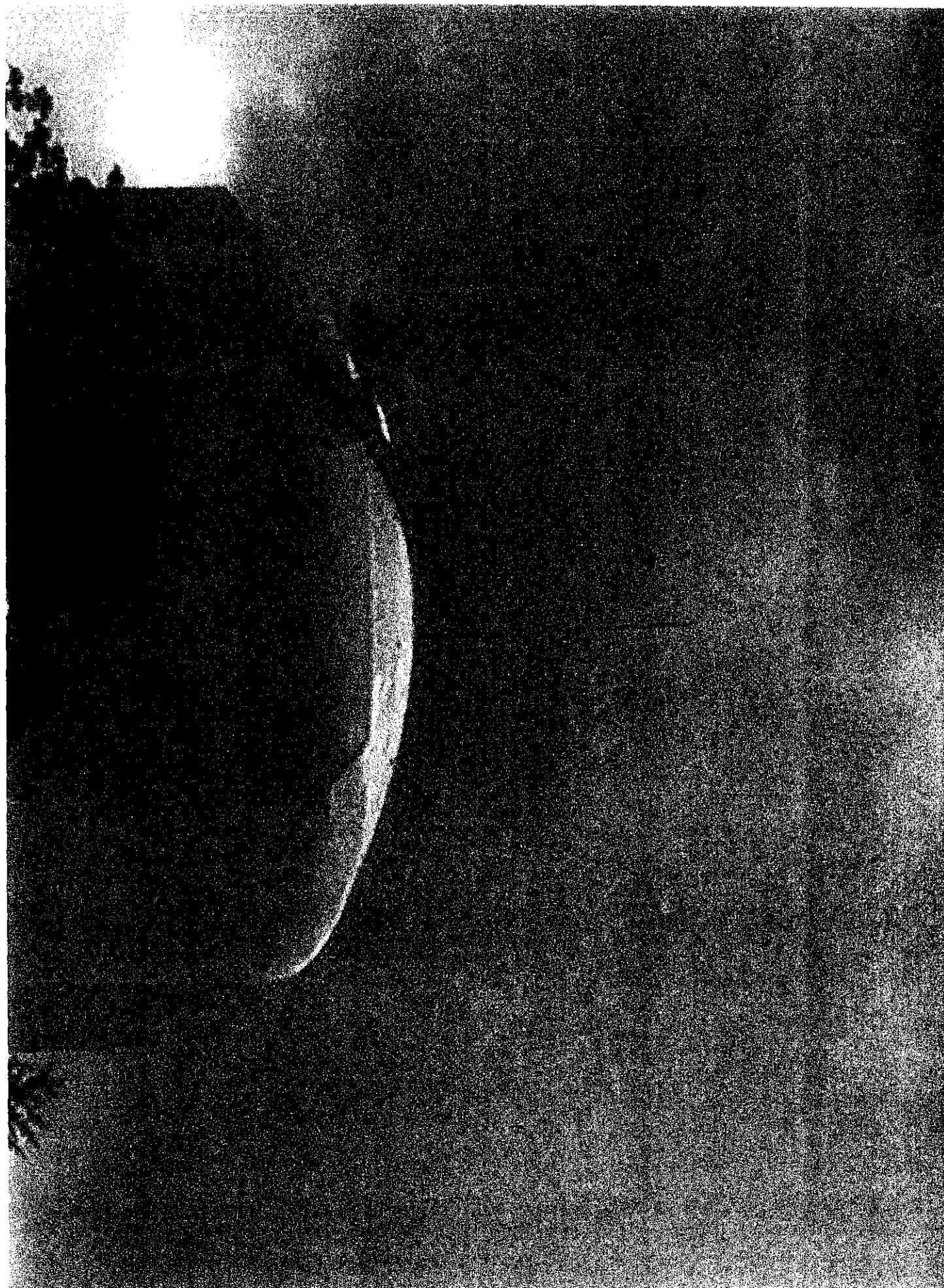
No permits are required for such an installation on private residential property. Amateur radio transmitters are exclusively regulated by the Federal Communications Commission (FCC), and they are allowed in private homes as a lawful accessory use. Several hundred amateur radio stations exist in private homes, in fire stations, and at Willamette Falls Hospital, within the boundaries of Oregon City. Public Notice is required in this case because the repeater installation will be on City property.

The repeater will operate under a station license issued by the FCC, and will be utilized by volunteers of the Oregon City Amateur Radio Emergency Service/Radio Amateur Civil Emergency Service (ARES/RACES), who are registered as Emergency Services Workers with the City of Oregon City and Tualatin Valley Fire and Rescue, and who possess amateur radio operator licenses issued by the FCC.

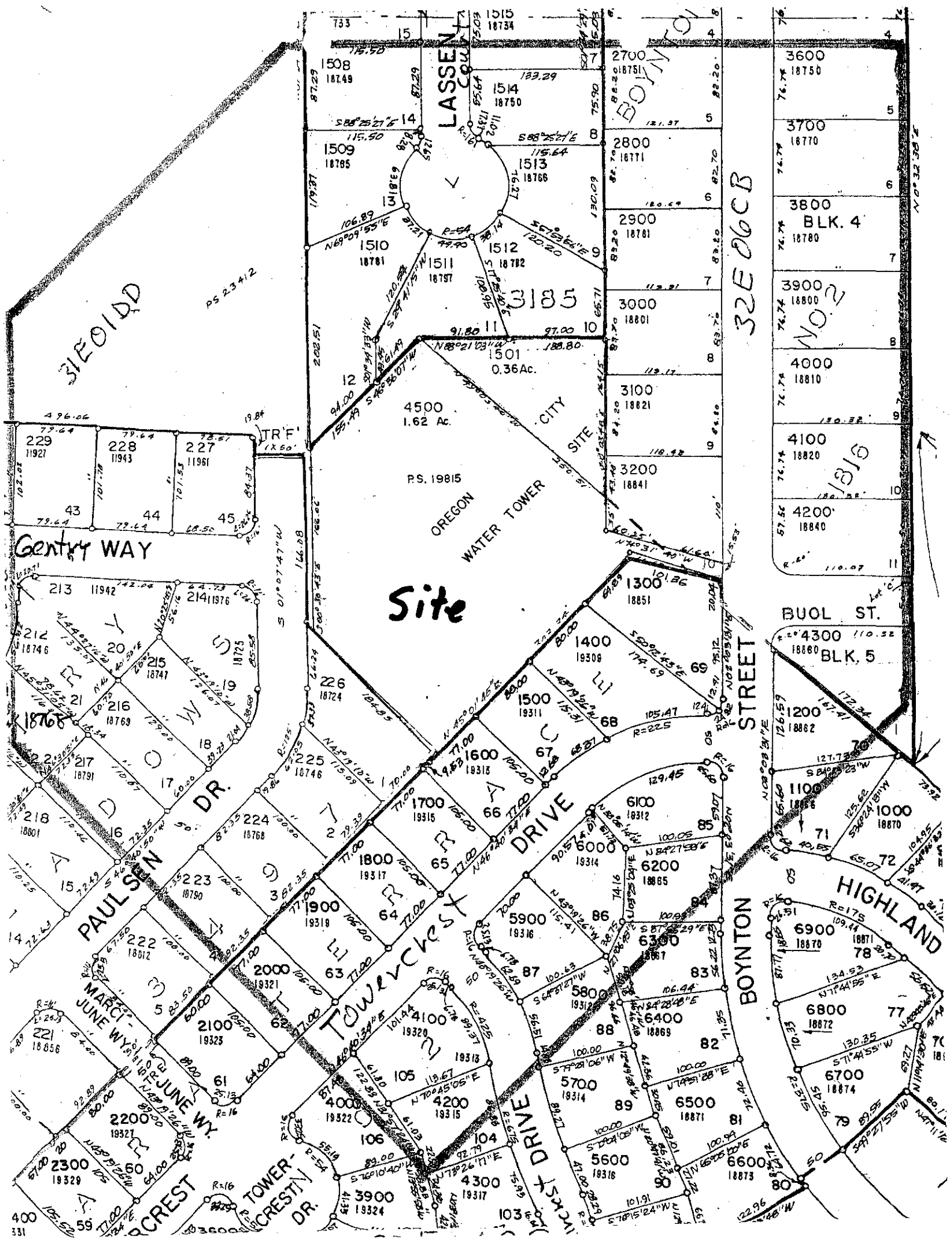
The repeater will operate at a power output of 35 watts, two percent of maximum permissible power allowed by the FCC, on a frequency in the 440 MHz UHF amateur radio band, repeating FM voice transmissions. Operations on this frequency will not result in interference to home electronic entertainment devices, telephones, cellular phones, garage door openers, or other electronic devices. Radio signals at this frequency are non-ionizing and do not pose any danger to human health.

Installation of this repeater is part of the master Emergency Communications Plan for provision of communications necessary to ameliorating property damage and injuries, and for coordinating emergency response by public agencies and services, during disasters, severe weather events, and overloading or loss of the public telephone system.

No public funds are being expended in this installation.







Site

32E01DD

32E06CB

No. 2

1316

3/23/01

OREGON CITY A.R.E.S./R.A.C.E.S. EMERGENCY COMMUNICATIONS REPEATER PROJECT

PROJECT OBJECTIVES

This project will deploy an amateur radio repeater on the Boynton Standpipe in order to enhance emergency communications during local, state and national disasters and other emergencies. Propagation testing confirmed the Boynton Standpipe as the best currently available location for deployment of the repeater. A 440 MHz band repeater and 10db antenna will supply over 150 watts effective radiated power. This frequency was chosen for its ability to penetrate the walls of structures, which will enhance the ability of Urban Search and Rescue Teams to communicate with their command posts and with the City Emergency Operations Center. Additionally, a VHF digital packet radio digipeater will be added to the facility; this will enable consistent and reliable, error-free digital communications between Oregon City emergency management and the state Office of Emergency Management in Salem. The project is being funded by private donations and by personal expenditures of members of the Oregon City Radio Amateur Civil Emergency Service (OC RACES), which is registered with the City and Tualatin Valley Fire and Rescue (TVFR) as an official component of the city civil defense organization. Users of the system are FCC-licensed amateur radio operators who are registered city Emergency Services Workers, who have passed background checks by the Oregon City Police Department (OCPD), and who have been issued photo identification by OCPD Chief Hiuras. The installation consists of: (1) UHF radio repeater with associated power supply, battery emergency power backup, duplexer, controller, lightning surge protection; (2) approx. 150 feet of LMR-900 very low loss coaxial cable run from the repeater to the rail at the top of the standpipe; (3) commercially manufactured fiberglass vertical antenna, approx. 10db gain, approx. 14 feet in height, mounted to rail at top of standpipe; (4) fiberglass structure at base of standpipe to house repeater equipment; (5) electrical tap from existing site AC lines to provide normal power to the system (isolated from main site power and separately protected with dedicated breaker box). All installation per NEC. Project endorsed by Department of Public Works and TVFR.

Planning

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ ENGINEERING MANAGER
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☐ PARKS MANAGER

TRAFFIC ENGINEER

- ☐ JOHN REPLINGER @ DEA

MAIL-OUT DISTRIBUTION

- ☒ CICC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Merek
- ☐ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

COMMENTS DUE BY: September 14, 2001

PLANNING PERMIT TECHNICIAN
Planning Department

HEARING DATE: TBA
HEARING BODY: Staff Review: ___ PC: X CC: ___

REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

CU 01-07
Maggie Collins
Steven Fedler/ Amateur Radio Emergency Services
Installation of an Emergency Radio Transmitter in top of the
Boynton Water Tower
Clackamas County Map 3-2E-6CB, Tax Lot 1500 & 4500

LOCATION:

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

_____ The proposal does not
conflict with our interests.

_____ The proposal conflicts with our interests for
the reasons stated below.

_____ The proposal would not conflict our
interests if the changes noted below
are included.

_____ *The following items are missing and are
needed for completeness and review:*

SEE ATTACHED

Signed
Title

[Signature]
P.W. OPS MGR.

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAT

EXHIBIT 5

MEMORANDUM

City of Oregon City

DATE: 4-11-01

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number PA 01-24

Name: _____

Water: Boynton Standpipe Repeater Project. Install an antenna,
cable, and fiberglass repeater housing

Existing Water Main Size = No impact to existing H2O system

Existing Location= _____

Upsizing required? Yes _____ No _____ Size Required _____ inch

Extension required? Yes _____ No _____

Looping required? Yes _____ No _____ Per Fire Marshall _____

From: _____

To: _____

New line size= _____

Backflow Preventor required? Yes _____ No _____

Clackamas River Water lines in area? Yes _____ No _____

Easements Required? Yes _____ No _____

Recommended easement width _____ ft.

Water Departments additional comments No _____ Yes X Initial eli
04/12/2001

Consult Water Master Plan. We have had a few pre construction meetings with this group on the proposed project. We do not anticipate any conflicts with existing utilities at the Boynton reservoir site.

Sanitary Sewer: *N/A*

Existing Sewer Main Size = _____

Existing location = _____

Existing Lateral being reused? Yes _____ No _____

Additional Laterals needed? Yes _____ No _____

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No _____ Yes _____

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contact Tri-City Service District

Easements Required Yes _____ No _____

Recommended Easement Width _____ feet

Sanitary Sewer additional comments No ☒ Yes _____ Initial *CS*

Storm Sewer: *N/A*

Existing Line Size = _____ inch None existing _____

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes _____ No _____

From: _____

To: _____

Detention and treatment required? Yes____ No____

On site water resources: None known____ Yes____

Storm Department additional comments No ☒ Yes____ Initial CC

Streets:

Classification:

Major Arterial____ Minor Arterial____

Collector____ Local____

Additional Right Of Way required? Yes____ No____

Jurisdiction:

City____ County____ State____

Existing width = _____ feet

Required width = _____ feet

Roadway improvements? See Transportation System Plan

Bicycle Lanes required? Yes____ No____

Transit Street? Yes____ No____ Line No=_____

Street Department additional comments No____ Yes ☒ Initial EL

I. NOT APPLICABLE TO STREETS, NO IMPACT
FROM PROPOSED ACTION.

MEMORANDUM

City of Oregon City

DATE: 8-29-01

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number CU 01-07

Name: Clackamas County Map 3-2E-16CB
Boynnton Water Tower

Water: Install an antenna, cable & fiberglass repeater housing.

Existing Water Main Size = _____

Existing Location= N/A if above work is performed

Upsizing required? Yes _____ No _____ Size Required _____ inch

Extension required? Yes _____ No _____

Looping required? Yes _____ No _____ Per Fire Marshall _____

From: _____

To: _____

New line size= _____

Backflow Preventor required? Yes _____ No _____

Clackamas River Water lines in area? Yes _____ No _____

Easements Required? Yes _____ No _____

Recommended easement width _____ ft.

Water Departments additional comments No _____ Yes X Initial eli

8/31/2001

Consult Water Master Plan. This is a repeat review. See 4/12/2001 review. No impact to existing H2O system. City of Oregon City would benefit from the HAMM operators especially during emergency situations. They are part of the EOC for Oregon City. Mayor and a commissioner is part of this group. Please check with Bryan Cosgrove regarding his concerns on this project.

Sanitary Sewer:

Existing Sewer Main Size = N/A

Existing location = _____

Existing Lateral being reused? Yes ☐ No ☐

Additional Laterals needed? Yes ☐ No ☐

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No ☐ Yes ☐

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contact Tri-City Service District

Easements Required Yes ☐ No ☐

Recommended Easement Width _____ feet

Sanitary Sewer additional comments No ☒ Yes ☐ Initial CC

Storm Sewer: N/A

Existing Line Size = _____ inch None existing _____

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes ☐ No ☐

From: _____

To: _____

Detention and treatment required? Yes____ No____

On site water resources: None known____ Yes____

Storm Department additional comments No ☒ Yes____ Initial CS

Streets: N/A.

Classification:

Major Arterial____ Minor Arterial____

Collector____ Local____

Additional Right Of Way required? Yes____ No____

Jurisdiction:

City____ County____ State____

Existing width = _____ feet

Required width = _____ feet

Roadway improvements? See Transportation System Plan

Bicycle Lanes required? Yes____ No____

Transit Street? Yes____ No____ Line No=_____

Street Department additional comments No____ Yes ☒ Initial PS

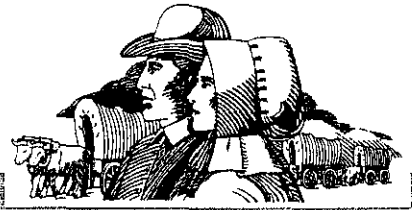
1. PROPOSED ACTION WILL NOT AFFECT ROADWAY.

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT CONDITIONAL USE

Date: October 15, 2001

FILE NO.: CU 01-08

FILE TYPE: Quasi-Judicial

HEARING DATE: October 22, 2001
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

**APPLICANT'S
REPRESENTATIVE:** Randy Tomic
GreenStreet Architecture
PO BOX 82125
Portland, OR 97282

OWNER: City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

REQUEST: Conditional Use to allow the construction of a 120-foot communications antenna tower, equipment building, and associated access driveway on property zoned General Commercial.

LOCATION: 415 Mountain View Street
Clackamas County Map # 3-2E-5 TL 6500.

REVIEWERS: Christina Robertson, Assistant Planner
Bob Cullison, Engineering Manager

RECOMMENDATION: Staff recommends approval of CU 01-08 with conditions of approval

CRITERIA:

Municipal Code:

Section 17.32 "C" General Commercial
Section 17.50 Administration and Procedures
Section 17.56 Conditional Uses

Oregon City Comprehensive Plan

Citizen Involvement Goals and Policies
Community Facilities Goals and Policies

BASIC FACTS:

1. The site is located at 415 Mountain View Road and is legally described as Map 3-2E-5, Tax Lot, 6500 Clackamas County (Exhibit 1).
2. The subject property is a 10,000 square foot vacant lot zoned General Commercial. The subject property is not within the Water Resource Overlay District. Two 5,000 square foot lots of record comprise Tax Lot 6500. The proposed communication tower is within the eastern lot of record.
3. The Dimensional Standards for General Commercial zoned sites are as follows;
 - A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the RA-2 multi-family dwelling district; otherwise, no minimum lot area is required;
 - B. Maximum building height not to exceed thirty-five feet;
 - C. Minimum required setbacks:
 1. Front yard, ten feet minimum depth,
 2. Interior side yard, no minimum,
 3. Corner side yard, ten feet minimum width,
 4. Rear yard, ten feet minimum depth. (Prior code §11-3-13(C))
4. The applicant has submitted a request to waive the fall down standard (VR 01-12). The Planning Commission must review and take action on the Conditional Use Permit request prior to considering the Variance request.

Surrounding land uses are as follows:

West:	The property west of the subject site is zoned RA-2 Multifamily Dwelling and currently houses a mechanical building for the reservoir owned by the City of Oregon City
-------	--

- North: The property north of the subject site is zoned RA-2 Multifamily Dwelling, which currently holds a reservoir owned by the City of Oregon City. Farther north of the site lies more General Commercial along Molalla Avenue and a multifamily complex.
- East: The properties to the East of the subject parcel also on the east side of Molalla Avenue zoned General Commercial, and across Molalla Avenue are zoned Limited Office. Immediately to the east lies a General Commercial zoned property, which currently contains a single family home.
- South: The property South of the subject site consists of General Commercial zoned properties along Molalla Boulevard and RA-2 Multifamily Dwelling zone properties, one of which is currently occupied by another City-owned reservoir.

5. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet and the Mount Pleasant Neighborhood Association.

City's Engineering Division (Exhibit 5a) noted existing conditions, Building (Exhibit 5b) & Parks (Exhibit 5c) noted structural requirements and mowing issues. Public Works (Exhibit 5d), who will maintain the tower, wants to use the tower for city radio transmissions, and wants to keep the project as close to the eastern boundary of the property as possible.

Comments which affect the proposed project are incorporated into the analysis and findings section below. Conditions from reviewers are incorporated as part of this staff report in the conditions of approval.

Staff has received a letter from Paul Bruenon, who owns and lives directly adjacent to the proposed location of the communication tower. Mr. Bruenon raises concerns regarding impact to his property and site configuration. (Exhibit 4).

ANALYSIS AND FINDINGS:

I. 17.56 Conditional Uses

Criterion 1: *The use is listed as a conditional use in the underlying district.*

Tax lot 6500 is zoned General Commercial. OCMC Section 17.24.030 Conditional uses for the Commercial District states that "conditional uses listed in Section 17.56.030 are permitted in this district when authorized and in accordance with standards contained in

Chapter 17.56 of this title.” Section 17.56.030 (T) states that “Public utilities, including sub-stations and communication facilities (such as towers, transmitters, buildings, plants and other structures)” require a Conditional Use Permit.

Therefore, staff finds that the proposal meets this criterion.

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

The size of tax lot 6500, Map #3-2E-5 is 10,00 square feet. The applicant proposes access to the area from Mountain View Street via a 75-foot paved driveway. The site is relatively flat. The applicant noted that the proposed site was chosen to allow the most comprehensive radio coverage possible. Site elevation and current public ownership drove locations to ensure an operable network. The applicant additionally states that there are no sites in the area large enough to allow 120 foot setbacks.

Staff finds that the site characteristics are suitable for the proposed communications tower and associated equipment, except for tower size.

As proposed, the communications tower is approximately ten feet from the northern property line and five feet from the eastern line. The proposed communication tower is 120 feet in height. Chapter 17.46.040 requires the proposed communications tower be located 120 feet from any property line. The proposed communication tower is located only five feet from the residence on tax lot 650. The applicant has not provided precise documentation of the fall zone surrounding the proposed communications tower.

While both Tax Lots are zoned General Commercial, their current land use differs and can be considered non-compatible without buffering. Staff recommends a site plan that requires the communications tower and accompanying equipment building to have a twenty-foot side yard setback from the residential site. (Exhibit 3) The twenty-foot distance represents the rear yard setback for a R-10 residential zoned property.

Relocation of the proposed communications tower to this portion of the site will not decrease the City’s redevelopment opportunities. Future development is still possible on the western lot of record.

Therefore, staff finds that this proposal can be made to satisfy this criterion with Condition #1.

Criterion 3: *The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*

The site has good access to transportation systems, since Tax Lot 6500 directly abuts Mountain View Street. The City of Oregon City classifies it as a Local Street. Vehicular

access to the proposed facility is via a 75-foot driveway. The proposed facility will not generate a significant number of additional trips on the surrounding road network.

Therefore, staff finds that this criterion is satisfied.

Criterion 4: *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.*

The character of the surrounding area is a combination of Commercial and Residential properties along Molalla Avenue, RA-2 zoned property currently being used for the City's reservoir system, and a collection of multi-family dwellings. The proposed communication tower and associated equipment building meet the underlying General Commercial zoning district dimensional standards with the exception of height. The height limit in the General Commercial is normally 35-feet. However, the City has allowed other communication towers and cellular communications towers to be exempt from the specific height restrictions in a given zoning district. Nonetheless, it is incumbent upon the applicant to provide evidence that the height of the proposed structure is compatible with surrounding development. The applicant has responded to this criterion by stating that "the proposed communication tower and equipment will not limit, impair or preclude the use of the adjacent lot for the primary uses of the underlying district. The site is essentially self-contained. The lots surrounding the site are zoned general commercial and multi-family dwelling. Transmission will not cause interference with other commonly used home and business electronics such as wireless telephones; televisions antennas satellite dishes, stereo receivers, etc."

Staff finds that placing the proposed 120-foot communications tower within approximately five feet of a single-family residence directly detracts from the character of the residence and is impacted in a manner that would not be normally expected within the General Commercial zoning district. In addition, the proposed communications tower might impair the use of the rear yard because of owner concern from icefall and potential structural failure. Staff finds based on the current location of the proposed communications tower that the applicant has not met this criterion.

However, staff finds that this proposal can be made to satisfy this criterion with Condition #1.

Criterion 5: *The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.*

The Oregon City Comprehensive Plan contains the following applicable goals and policies:

Citizen Involvement Goals and Policies

"Encourage citizen participation in all functions of government and land-use planning."
(Policy 4)

The public hearing was advertised and noticed as prescribed by law to be heard by the Planning Commission on October 22, 2001. The public hearing will provide an opportunity for comment and testimony from interested parties.

Community Facilities Goals and Policies

“Goal: Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.”

Policies

1. The City of Oregon City will provide the following urban facilities and services if funding is available from public and private sources
 - a. Streets and other roads and paths
 - b. Minor sanitary and storm water facilities
 - c. Police protection
 - d. Fire protection
 - e. Parks and recreation
 - f. Distribution of Water
 - g. Planning, zoning and subdivision regulation

Fire Protection

1. A high level of fire suppression and emergency medical rescue capacity will be maintained.

Police Protection

3. Oregon City will continue to provide rapid response to emergency and non-emergency calls
9. Operations will be continually evaluated to maximize effectiveness at minimal cost.

The tower is one of ten that comprise a communication system for many public agencies in Oregon City specifically and in Clackamas County in general. The agencies that serve the health, safety and welfare of the citizens depend on adequate communications. In order to reach the response-time goals, good communication services are a necessity. The existing system, owned by Clackamas County and utilized by Oregon City and a number of other jurisdictions, is inadequate to support the growing communities both in terms of area covered and traffic capacity.

Therefore, staff finds that this criterion is satisfied in that this proposal satisfies applicable goals and policies of the Oregon City Comprehensive Plan.

CONCLUSION AND RECOMMENDATION:

The proposed communications tower is not in conformance with Section 17.56.040.D or Section 17.56.010.A4. Based on the analysis and findings as described above, staff concludes that the proposed construction of a 120-foot tower can be made to satisfy the requirements as described in the Oregon City Municipal Code for Conditional Use Permits (Chapter 17.56). Therefore, staff recommends that the Planning Commission approve file CU 00-07, subject to the Conditions of Approval contained in this report.

CONDITIONS OF APPROVAL

1. The applicant shall relocate the proposed communications tower, equipment cabinets, and associated access road to conform to a 20-foot side yard setback. (Exhibit 3)
2. This approval is subject to approval of File SP#01-15.
3. This approval is subject to approval of File VR#01-12.
4. The applicant is responsible for this project's compliance to Engineering Policy 00-01 (attached). The policies pertain to any land use decision requiring the applicant to provide any public improvements.
5. The tower is classified by ORS 455.477 as an essential facility and therefore requires a Seismic Site Hazard Report per Oregon State Structural Special Code prior to the issuance of a Building Permit.
6. The prefabricated structure shall be required to have a stamp from the State of Oregon Building Codes Agency for prefabricated structures prior to the issuance of a Building Permit.
7. Prior to issuance of a Building Permit the applicant shall provide cross section diagrams for all structures (buildings, public roadways, and parking lots) that are within the fall zone of the proposed facility. The applicant shall provide the following additional information:
 - a. Documentation to establish the proposed pole has sufficient structural integrity for the proposed uses at the proposed location in conformance with the minimum safety requirements as required by the State Structural Specialty Code, latest adopted edition.
 - b. The general capacity of the pole in terms of the number and type of antennae it is designed to accommodate.
 - c. Protection to adjoining property owners from the potential impact of pole failure and ice falling from the pole. A licensed structural engineer's analysis shall be submitted to demonstrate that such a failure and icfall may be accommodated on the site.

EXHIBITS:

1. Vicinity Map
2. Applicant's Submittal
3. Alternative alignment of communication tower
(Condition #1)
4. Letter from Mr. Bruenon, received August 28, 2001
5. Agency Comments
 - 5a. City Engineering
 - 5b. Building (on file)
 - 5c. Parks (on file)
 - 5d. Public Works (on file)
6. Engineering Policy 00-01

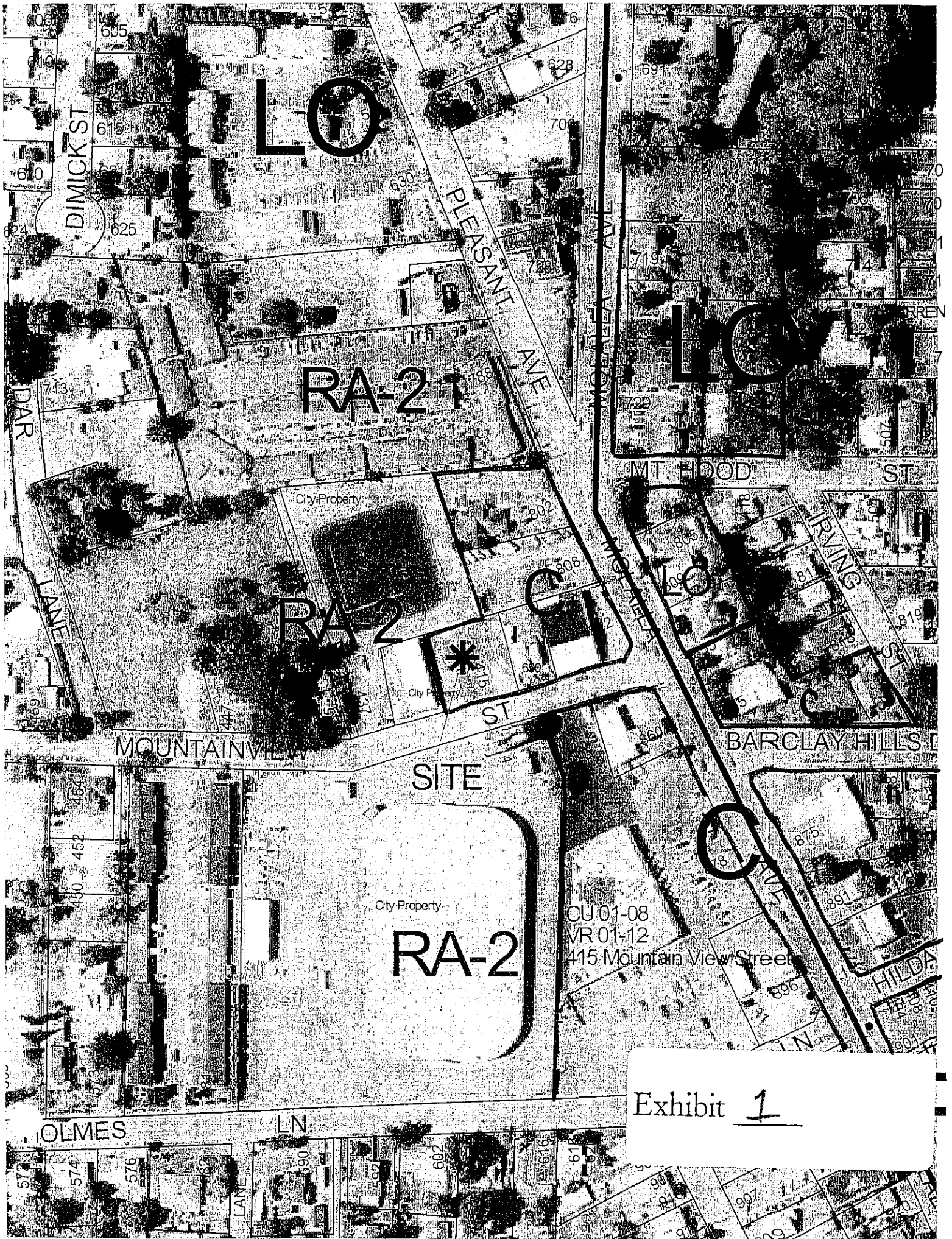


Exhibit 1

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | Type II | Type III | Type III / IV |
|--|---|---|
| <input type="checkbox"/> Partition | <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # _____ (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: CLACKAMAS COUNTY c/o Greenstreet Architects

PROPERTY OWNER (if different): Oregon City, Attn: Joe McKinney

PHYSICAL ADDRESS OF PROPERTY: Mountainview Street, Oregon City

DESCRIPTION: TOWNSHIP: 3S RANGE: 2E SECTION: 5 TAX LOT(S): 6500

PRESENT USE OF PROPERTY: Metal Inventory Storage

PROPOSED LAND USE OR ACTIVITY: Communications antenna tower and control equipment building

DISTANCE AND DIRECTION TO INTERSECTION:

195 ft east to & Hwy 213

CLOSEST INTERSECTION: Hwy 213 & MtView

PRESENT ZONING: General Commercial

TOTAL AREA OF PROPERTY: 10,000 s.f.

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

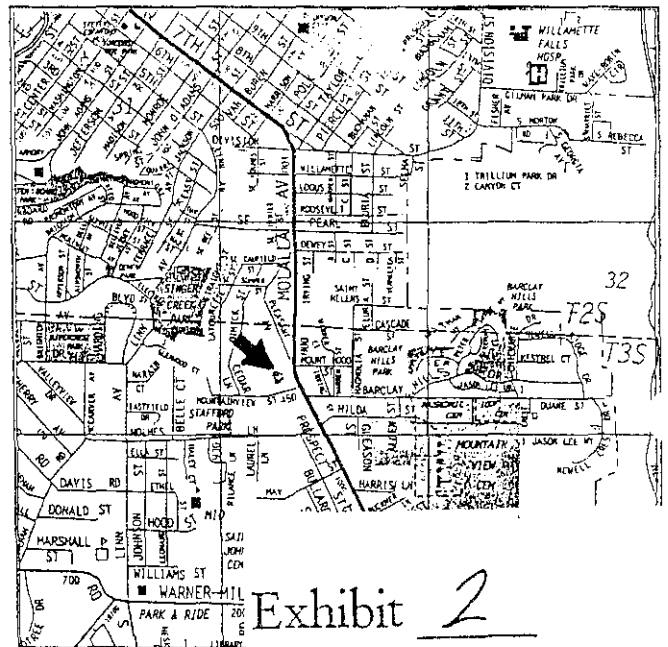


Exhibit 2

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS:

1. All applications must be either typed or printed (black ink). Please make the words readable.
2. The application must be submitted with the correct fee(s).
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make complete a Pre-Application meeting to discuss your proposal with members of the Planning Division and any other interested agencies. Applicant is then to provide all necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed description, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information may be discussed with the planner who conducted the Pre-Application Conference prior to submission of the application.
9. Incomplete applications will be returned.

APPLICANT'S SIGNATURE: _____

MAILING ADDRESS: Randy Tomic / Greenstreet Architecture, P.O. Box 82125

CITY: Portland STATE: OR ZIP: 97282 PHONE: (503) 227-4797

PROPERTY OWNER SIGNATURE(S): [Signature]

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ PHONE: (____) _____

If this application is not signed by the property owner,
then a letter authorizing signature by an agent must be attached

DATE SUBMITTED: _____

RECEIVED BY: _____

FEE PAID: _____

RECEIPT #: _____

MOUNTAIN VIEW RADIO COMMUNICATIONS FACILITY

GENERAL PROJECT INFORMATION

Clackamas County operates and maintains a radio system for the use of fire, law enforcement and emergency medical response agencies throughout the County. The existing radio system is outdated and has proven inadequate to meet the present-day demands of the agencies that use it and the communities they serve, including Oregon City. The system does not allow direct communication between police, fire and other agencies. Nor does it allow direct communication with agencies in adjacent counties. Furthermore, reception is inconsistent and there are not enough channels available to carry the radio traffic, which results in police and fire personnel getting "busy" signals. This situation is inefficient and potentially dangerous.

The proposed development is a piece of Phase I of a multi-phase program to provide a new county-wide, two-way radio communications system. In order to provide the most seamless communication with the neighboring Counties economically, it was determined that partnering with Washington County's existing system would be the best option. The system will serve fire/EMS, law enforcement and other governmental users such as public works, parks and facilities. The new radio system is supported by all of the communities within Clackamas County, and funding for Phase I of the project is in place.

Each site has been carefully selected to allow the most comprehensive radio coverage possible. The integrity of the total system depends on the proper placement of each tower and its relationship to the others in the network, thus minimizing the total number of sites. Elevation is critical. Availability and the economy of developing each site was also an important consideration in the selection process. Most of the sites already contain communications equipment and are held by public entities; thus, the proposed use generally does not alter the existing use of the site(s).

APPLICATION NARRATIVE

The proposed radio communications tower and control equipment building are listed as a conditional use under 17.56.030.T Public Utilities, as it is a Clackamas County communication facility.

The key feature of the site is its location. Because this tower is part of a larger system, the location of each tower relative to the others is important. A line-of-sight connection is necessary to make the system work. This site has been chosen for its elevation and its position in the County, as well as its availability to the County. A facility is also planned at the Clackamas Communications center at Kaen road, where the existing 100 ft. tower will be replaced with a new 100 ft. antenna tower.

A variance to the setback requirement listed in 17.56.040.D is being requested. Unfortunately, the site is too small to accommodate the required setbacks for this particular use. A review of other sites in the area has shown that there are no sites available within the necessary area that are large enough to allow 120 ft. setbacks.

The proposed facilities are very timely in that they are replacing an existing and inadequate public safety communications system. The funding for the project is in place. The system is not dependent on public facilities or services.

The proposed communications tower and equipment will not limit, impair or preclude the use of the adjacent lots for the primary uses of the underlying district. The site is essentially self-contained. The lots surrounding the site are zoned General Commercial and Multi-Family Dwelling. Transmission will not cause interference with other commonly used home and business electronics such as wireless telephones, television antennas/satellite dishes, stereo receivers, etc.

The following are excerpts from The City of Oregon City Comprehensive Plan.

Goal: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Policies

1. The city of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:
 - a. Streets and other roads and paths
 - b. Minor sanitary and storm water facilities
 - c. Police Protection
 - d. Fire protection
 - e. Parks and recreation
 - f. Distribution of water
 - g. Planning, zoning and subdivision regulation

Fire Protection

1. A high level of fire suppression and emergency medical-rescue capacity will be maintained.

Police Protection

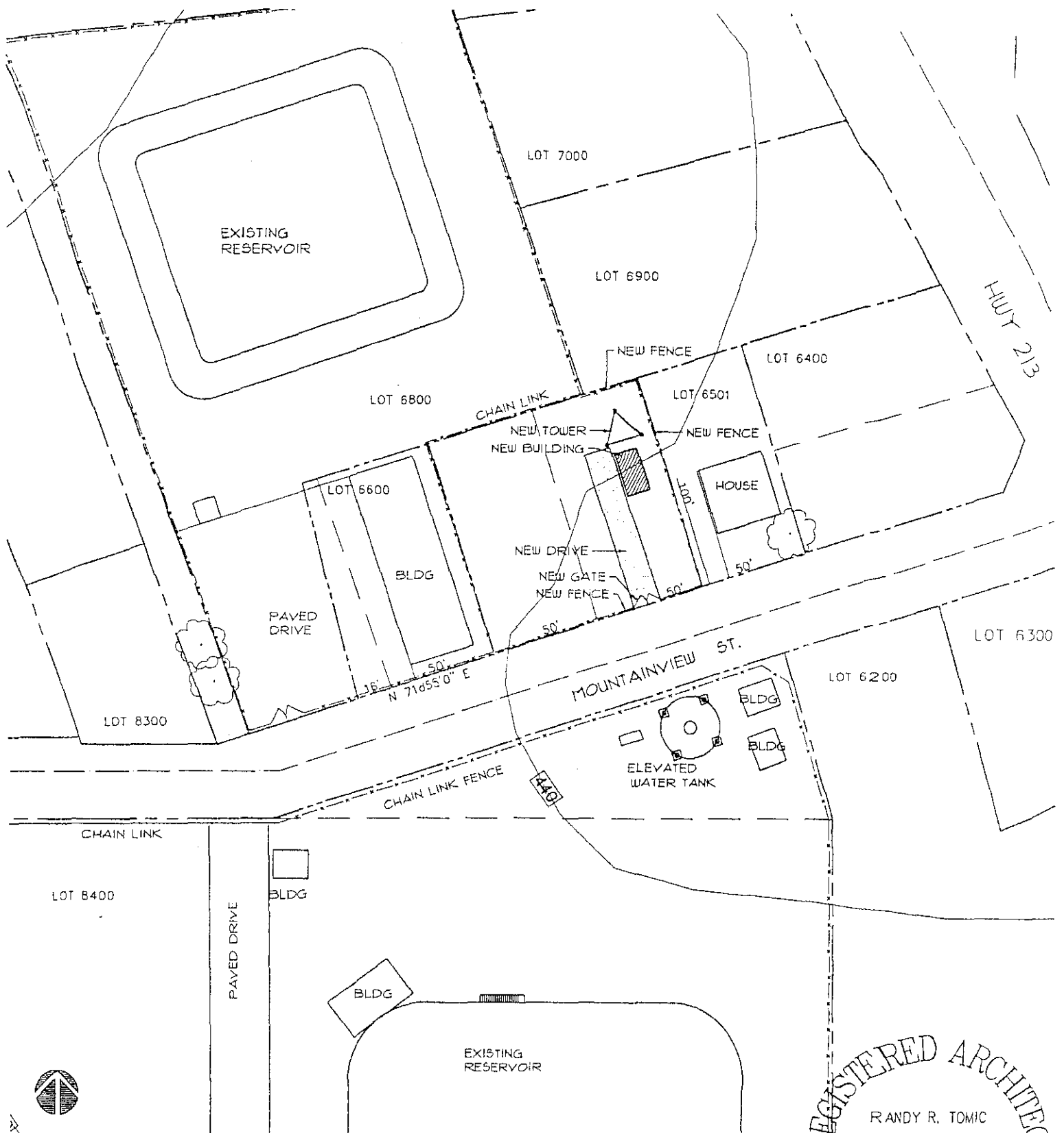
3. Oregon City will continue to provide rapid response to emergency and non-emergency calls.
9. Operations will be continually evaluated to maximize effectiveness at minimal cost.

The proposed tower installation satisfies the goals and policies of the Comprehensive Plan in the following ways:

The tower is one of ten that comprise a communications system for many public agencies in Oregon City specifically and in Clackamas County in general. The agencies that serve the health, safety and welfare of the residents depend on adequate communications.

The funding for the first phase of this system is in place.

In order to provide good protection services and to reach the response-time goals, good communication services are a necessity. The existing system, owned by Clackamas County and utilized by Oregon City and a number of other jurisdictions, is inadequate to support the growing communities both in terms of area covered and traffic capacity.

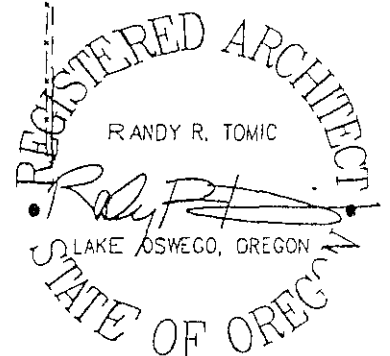


LOCATION:

T3S R2E SEC 5 LOT 6500
 OWNER: BOARD OF WATER COMMISSION
 ZONE: R-2

PROPOSED:

150' SS TOWER
 10' x 20' PRE-FABRICATED EQUIPMENT BUILDING



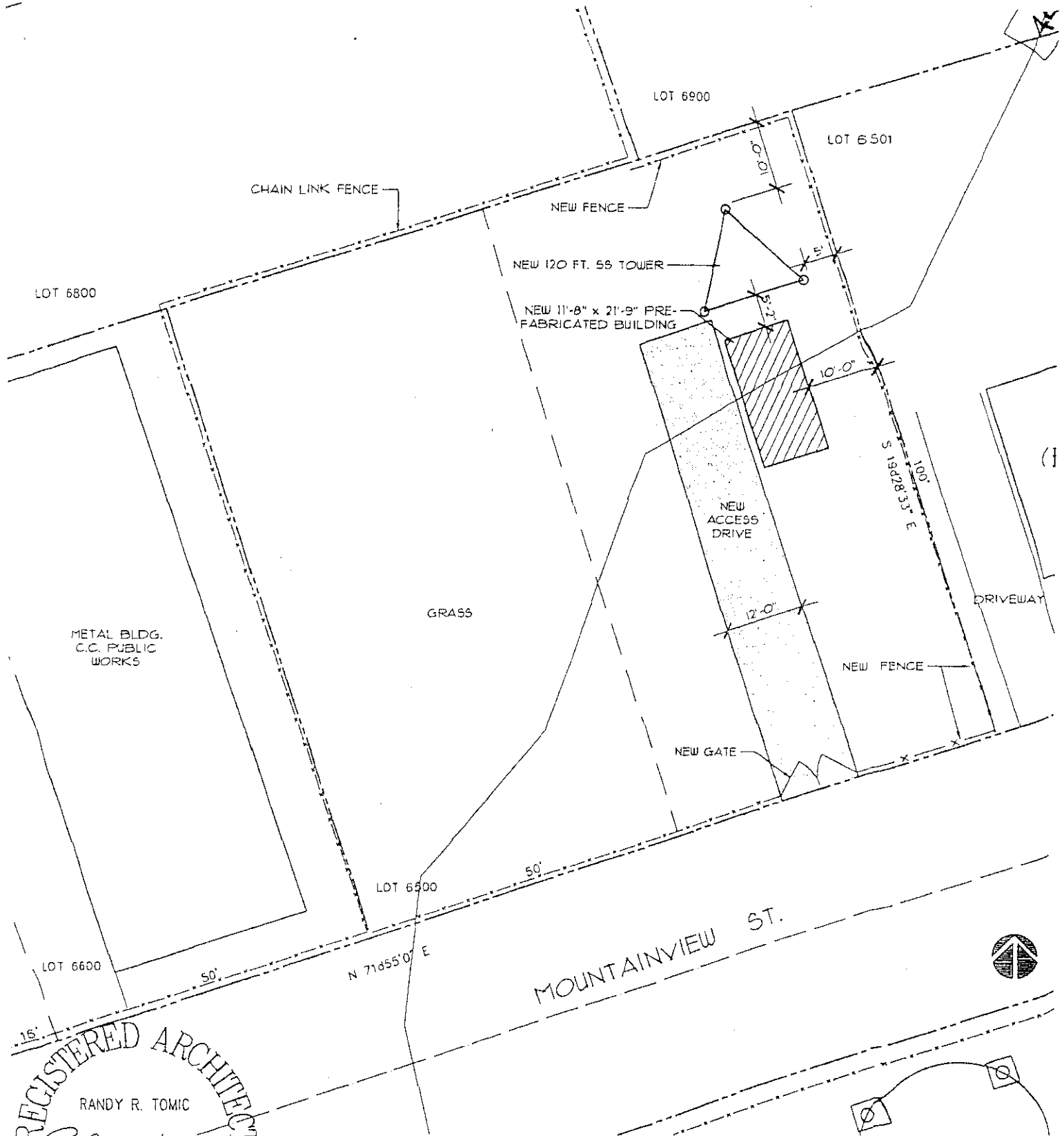
GREENSTREET
 architecture

P.O. BOX 82125, PORTLAND, OR 97282
 T: 503.227.4797 F: 503.231.0817

CLACKAMAS COUNTY COMMUNICATIONS
 MOUNTAIN VIEW
 415 MOUNTAINVIEW STREET, OREGON CITY

VICINITY PLAN

ISSUE RECORD	06-08-01
PROJECT	2001
SCALE	1" = 60'-0"

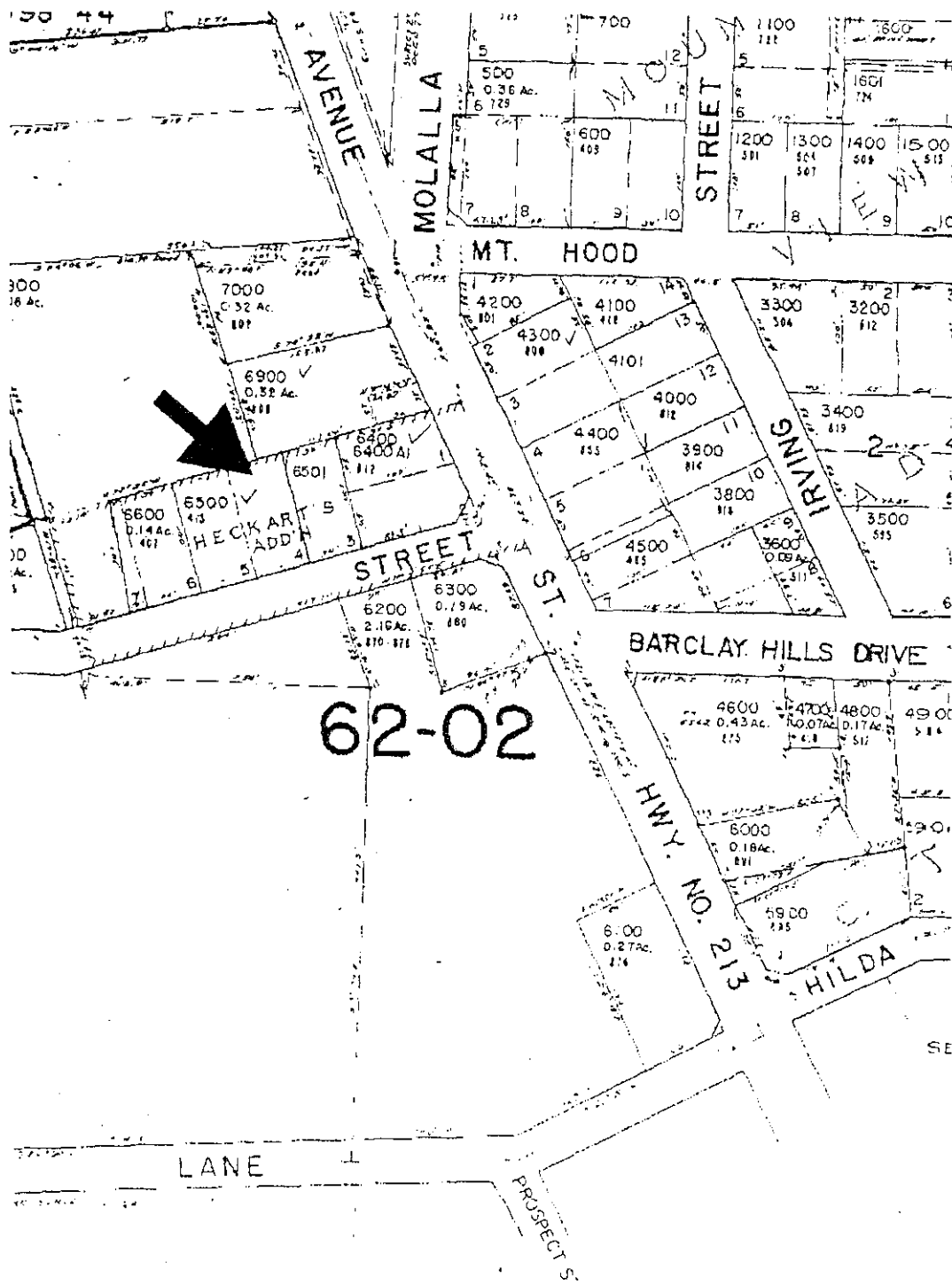


REGISTERED ARCHITECT
 RANDY R. TOMIC
Randy R. Tomic
 LAKE OSWEGO, OREGON
 STATE OF OREGON

GREENSTREET
 architecture
 P.O. BOX 62125, PORTLAND, OR 97262
 T: 503.227.4797 F: 503.231.6617

CLACKAMAS COUNTY COMMUNICATOINS
 MOUNTAIN VIEW
 415 MOUNTAINVIEW STREET, OREGON CITY

SITE PLAN	
ISSUE RECORD	06-08-01
PROJECT	2001
SCALE	1" = 20'-0"



62-02



NW 1/4 NW 1/4 SEC. 5 T.3S. R.2E. W.M. CLACKAMAS COUNTY



GREEN STREET
architecture

P.O. BOX 82125, PORTLAND, OR 97282
T: 503.227.4797 F: 503.231.6817

CLACKAMAS COUNTY COMMUNICATOINS

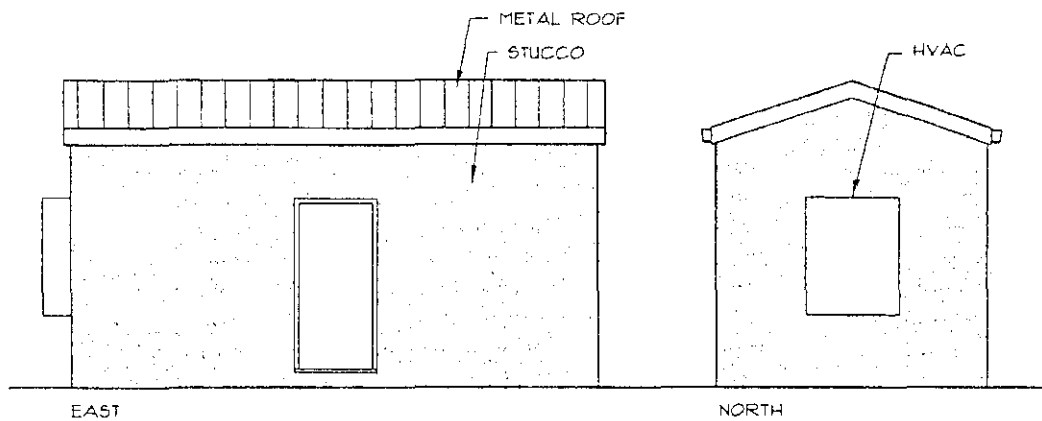
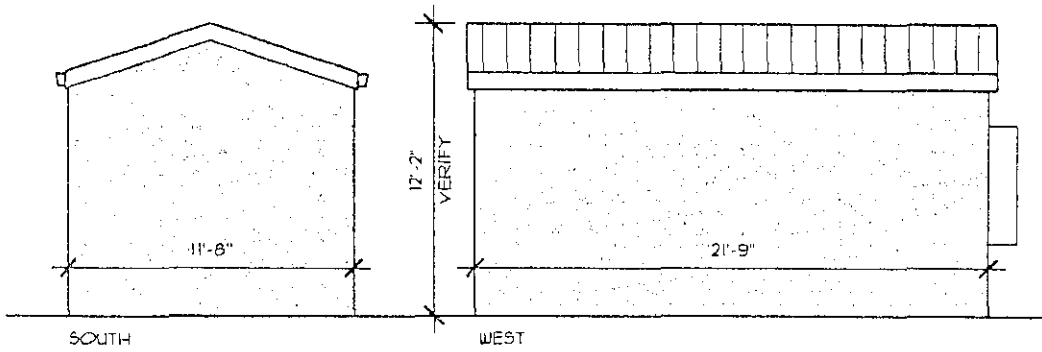
MOUNTAIN VIEW
415 MOUNTAINVIEW STREET, OREGON CITY

ASSESSOR'S MAP

ASSESSOR 06-08-01

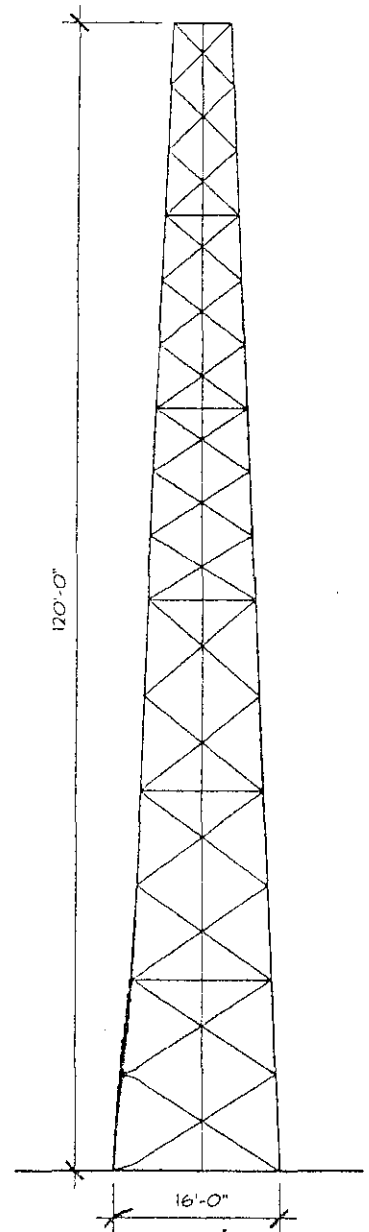
PROJECT 2007

SCALE



EQUIPMENT BUILDING ELEVATIONS

1/8" = 1'-0"



TOWER ELEVATION

1" = 30'-0"



Exhibit #3

CU 01-08

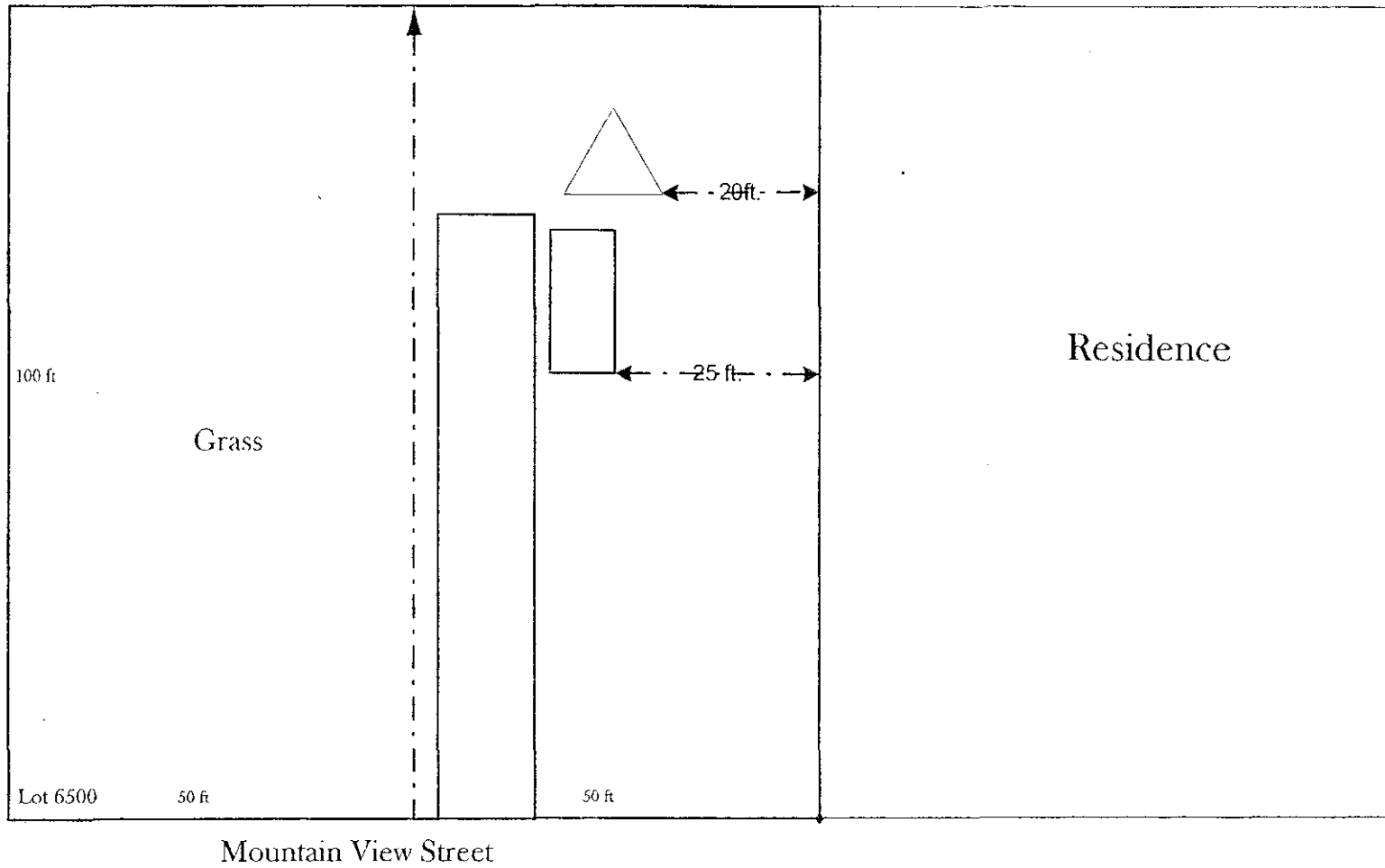


Exhibit 3

Scale: 1/240 : 1



01 AUG 28 PM 12:13

PROPOSAL FROM: (next-door neighbor)

RECEIVED
CITY OF OREGON CITY

R. BRUENNA ~~THE~~ OWNER OF
HOUSE @ 415 MOUNTAINVIEW ST, O.C.
(P.O. BOX 1153 OREGON CITY)

PROPOSAL

THE ESTABLISHMENT OF A ~~NEW~~ TOWER
ADJACENT TO MY PROPERTY WOULD
SEVERALLY IMPACT MY PROPERTIES.

I WOULD LIKE TO ESTABLISH AN EASEMENT
THAT WOULD ALLOW 14' BETWEEN MY HOUSE
AND THE PROPOSED FENCE. THERE WOULD
BE 9' BETWEEN, IF THE FENCE WAS ON THE
PROPERTY LINE (THE HOUSE WAS DRAWN IN WRONG)
I WOULD LIKE THE PROPOSED BUILDING TO BE
TURNED 90° AND MOVED TOWARD THE REAR
OF THE PROPERTY. PLEASE SEE ENCLOSED
MARKED-UP DRAWN.

Paul R. Bruenna

8-28-01

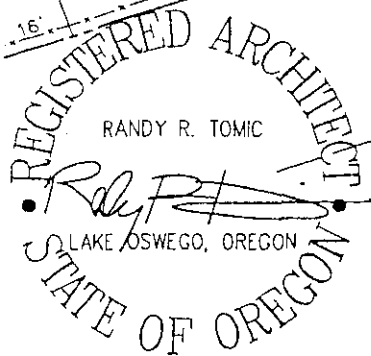
NOTE:

1. THE ACCESS DOOR ON THE PROPOSED BUILDING
IS ON THE WRONG SIDE IF PLACED AS SHOWN.
2. THE ENCLOSED DRAWN HAS A SMALLER
BUILDING SHOWN THAN THE ELEVATION DRAWING
SHOWS.

RECEIVED
CITY OF OREGON CITY

01 AUG 28 PM 12:14

Exhibit 4



CLACKAMAS COUNTY COMMUNICATOINS
MOUNTAIN VIEW
415 MOUNTAINVIEW STREET, OREGON CITY

SITE PLAN	
ISSUE RECORD	06-08-01
PROJECT	2001
SCALE	1" = 20'-0"

ANALYSIS AND FINDINGS

Clackamas County proposes to build a new 120-foot high communications antenna tower at 415 Mountain View Street, part of the City's water storage property. The applicant proposes to also construct a 12-foot by 22-foot pre-fabricated metal building on the site to support the antenna. The property is currently zoned C-General Commercial and is surrounded by other C-General Commercial and Multi-Family Dwelling zoning.

The applicant is also requesting a variance to the "fall down" code requirement in OCMC section 17.56.040D.

The proposed site is large enough to adequately accommodate the proposed infrastructure if the variance is approved.

The shape is conducive to the placement and functioning of the proposed use.

The existing use of this site for this type of use blends with other uses in the area.

There is an existing 12-inch City water line in Mountain View Street.

There is an existing 8-inch City sanitary sewer line in Mountain View Street.

There is an existing 12inch City stormwater line in Mountain View Street.

Mountain View Street is classified as a Local Street in the Oregon City Transportation Master Plan. Future improvements may be required during Site Plan review.

The existing improvements will not restrict the proposed use.

Conditions:

1. The Applicant is responsible for this project's compliance to Engineering Policy 00-01 (attached). The policies pertain to any land use decision requiring the applicant to provide any public improvements.

CITY OF OREGON CITY
ENGINEERING POLICY 00-01
Guidelines for Development

EFFECTIVE: April 10, 2000

PREPARED BY
COMMUNITY DEVELOPMENT DEPARTMENT

320 Warner-Milne Road

Post Office Box 3040

Oregon City, Oregon 97045-0304

Telephone: (503) 657-0891

Engineering Division

Applicability. This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements and submittal of documentation. The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting all applicable City Code and Public Works Standards.

Availability of Codes and Standards. Copies of these City Codes and Standards are available at City Hall for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

General

- Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master (System) Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings, Appendix Chapter 3.3 of the Uniform Building Code (by reference), and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

Water (Water Distribution System Design Standards)

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their locations. Fire hydrants shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to steamer port. This adapter is for a 5-inch hose. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch diameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the

property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.

- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system, the applicant shall:
 - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or
 - Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.

Sanitary Sewer (Sanitary Sewer Design Standards)

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County before recording the plat or obtaining a certificate of occupancy.

Stormwater (Stormwater and Grading Design Standards)

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, and energy dissipaters if necessary.
- The applicant shall design and construct required public stormwater system improvements to City standards. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (if adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increased runoff created through the development of the site, as well as convey any existing off-site surface water entering the site from other properties.
- The applicant shall submit hydrology/detention calculations to the City Engineering Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

Dedications and Easements

- The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions.
- After installation of the first lift of asphalt, applicant shall provide asphalt berms or another adequate solution, as approved by the City Engineering Division, at storm catch basins or curb inlets on all streets. This ensures positive drainage until the applicant installs the second lift of asphalt.
- All street names shall be reviewed and approved by the City (GIS Division 657-0891, ext. 168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and temporary street name signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential lot within one year of City acceptance of public improvements for the project (e.g.; subdivision, partition, or Planned Unit Development) unless a building permit has been issued for the lot.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes within the development's property boundaries, and all handicap access ramps required in their development at the time of street construction.
- Street lights shall typically be owned by the City of Oregon City under PGE plan "B" and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor. Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a 25-foot mounting height unless otherwise specified. The applicant shall dedicate any

necessary electrical easements on the final plat. All streetlights and poles shall be constructed of material approved by PGE for maintenance by PGE.

Grading And Erosion Control

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to +/- 0.1 feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations. Submit one copy (pertinent sheet) of any residential lot grading for each lot (e.g., 37 lots equals 37 copies).
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over five (5) acres, as modified by DEQ. Applicant shall provide a copy of this permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
 - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard.
 - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
 - Effective erosion control shall be maintained after subdivision site work is complete and throughout building permit issuance.
 - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
 - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
 - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

Geotechnical

- Any structural fill to accommodate public improvements shall be overseen and directed by a geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.

- Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building permit.

Engineering Requirements

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Engineering Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- Applicant shall pay City invoice for the manufacture and installation of permanent signs for street names and any traffic control signs/signals/stripping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within the subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans for final approval; the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 24" x 36". Blueline copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, six (6) copies of the plans with one full set wet signed over the engineer's Professional Engineer Oregon stamp.
- Minimum Improvement Requirements. Applicant shall provide a surety on land division developments for uncompleted work before a plat is recorded as required by a Land Division Compliance Agreement (available in hard copy or electronic version from City Engineer office). This occurs if the applicant wishes to record the final plat before

completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.

- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Land Division Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.
- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM or 3.5-inch diskette, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM or 3.5-inch diskette to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
 - The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
 - Show the City Planning File Number on the final plat, preferably just below the title block.
 - A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
 - Use recorded City control surveys for street centerline control, if applicable.
 - Tie to City GPS Geodetic Control Network, County Survey reference PS 242 86, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the land division.
 - Show state plane coordinates on the Point of Beginning.

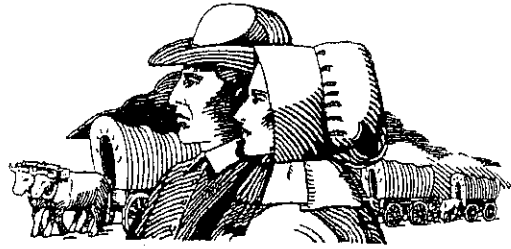
- The civil construction drawings, once approved by the City Engineering Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs.
- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
 - Maintaining surface runoff patterns established for each lot,
 - Maintaining any proposed private storm lines or detention, and
 - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
 - The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Engineering Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.
- Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

CITY OF OREGON CITY

Type III Limited Land Use Decision

320 WARNER MILNE ROAD
TEL 503-657-0891

OREGON CITY, OREGON 97045
FAX 503-657-7892



STAFF REPORT

VARINACE

Date: October 15, 2001

FILE NO.: V01-12

FILE TYPE: Quasi-Judicial

HEARING DATE: October 22, 2001
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

**APPLICANT'S
REPRESENTATIVE:** Randy Tomic
GreenStreet Architecture
PO BOX 82125
Portland, OR 97282

OWNER: City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

REQUEST: Variance of 17.56.040 Criteria and Standards for Conditional Uses
"D. Public Utility or Communication Facility "The base of these facilities shall not be located closer to the property line than a distance equal to the height of the structure" to allow the construction of a 120-foot communications antenna tower, equipment building, and associated access driveway.

LOCATION: 415 Mountain View Street
Clackamas County Map # 3-2E-5 TL 6500.

REVIEWER: Christina Robertson, Assistant Planner
Maggie Collins, Planning Manager

RECOMMENDATION: Staff recommends approval of VR 01-12 with conditions of approval

SITE MAP: Exhibit 1

BACKGROUND:

The applicant is requesting a variance to the fall down setback for a communications tower. As proposed the communications tower is approximately ten feet from the northern property line and five feet from the eastern line. The proposed communication tower is 120 feet in height. The standard requires that the proposed communications tower be located 120 feet from any property line (Section 17.56.040 of the Oregon City Municipal Code).

The proposed communication tower is only five feet from the residence on Tax Lot 6501, Clackamas County Map # 3-2E-5. The applicant has not provided precise documentation of the fall zone surrounding the proposed communications tower (See site Plan sheet 2, Exhibit 2).

The applicant's narrative (Exhibit 2) indicates that the tower is one of ten that comprise a communication system for many public agencies in Oregon City specifically and in Clackamas County in general.

The applicant indicates that in order to provide good protection services and to reach the response-time goals, good communication services are a necessity. The existing system, owned by Clackamas County and utilized by Oregon City and a number of other jurisdictions, is inadequate to support the growing communities both in terms of area covered and traffic capacity.

All other dimensional standards for the proposed communication tower, equipment and access drive either met or exceed standards for General Commercial (Exhibit 1).

BASIC FACTS:

1. **Zoning/Permitted Use:** The subject property is a 10,000 square foot vacant lot zoned General Commercial. The subject property is not within the Water Resource Overlay District. Two 5,000 square foot lots of record comprise Tax Lot 6500. The proposed communication tower is contained within the eastern lot of record (Exhibit 1)
2. **Project Description:** The applicant is proposing construction of a 120-foot communications antenna tower, equipment building, and associated access driveway.
3. **Dimensional Standards:** The Dimensional Standards for General Commercial zoned sites are as follows;
 - A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the RA-2 multi-family dwelling district; otherwise, no minimum lot area is required;
 - B. Maximum building height not to exceed thirty-five feet;
 - C. Minimum required setbacks:
 1. Front yard, ten feet minimum depth,
 2. Interior side yard, no minimum,
 3. Corner side yard, ten feet minimum width,
 4. Rear yard, ten feet minimum depth. (Prior code §11-3-13(C))

4. **Surrounding Uses/Zoning:** Surrounding land uses are as follows:

- West: The property West of the subject site is zoned RA-2 Multifamily Dwelling and currently houses a mechanical building for the reservoir owned by the City of Oregon City
- North: The property North of the subject site is zoned RA-2 Multifamily Dwelling, which currently holds a reservoir owned by the City of Oregon City. Farther north of the site lies more General Commercial along Molalla Avenue and a multifamily complex.
- East: The properties to the East of the subject parcel also on the east side of Molalla Avenue zoned General Commercial, and across Molalla Avenue are zoned Limited Office. Immediately to the east lies a General Commercial zoned property, which currently contains a single family home.
- South: The property South of the subject site consists of General Commercial zoned properties along Molalla Boulevard and RA-2 Multifamily Dwelling zone properties, one of which is currently occupied by another City-owned reservoir.

5. **Comments:** Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet and the Mount Pleasant Neighborhood Association.

Staff has received a letter from Paul Bruenon, who owns and lives directly adjacent to the proposed location of the communication tower. Mr. Bruenon raises concerns regarding impact to his property and site location. (Exhibit 4).

The Planning Division is concurrently reviewing the applicant's Conditional Use proposal (CU 01-18). Staff will review the Site Plan and Design Review application. The Planning Commission must approve the Conditional Use review prior to reviewing and acting upon this Variance request.

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements

Title 17, Zoning: Chapter 17.32, "General Commercial"
Chapter 17.50, Administration and Procedures
Chapter 17.60, Variances

ANALYSIS:

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this

title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;

The applicant indicates (Exhibit 2) the need for the Variance in order to maintain a comprehensive county wide emergency communications network. The applicant maintains that the chosen site was the only site that was owned by a public agency and was at a high enough elevation to be effective.

The need to maintain the City's emergency response infrastructure necessitates the need for a Variance to the fall down height setback imposed by OCMC 17.56.040.

As a result of these findings staff is recommending a condition of approval that requires the communications tower and accompanying equipment building to have a twenty-foot side yard setback from the residential site. (Exhibit 3) The twenty-foot distance represents the rear yard setback for a R-10 residential zoned property. While both properties are zoned General Commercial, the current land uses differs. In an effort to mitigate this situation, staff recommends a twenty-foot setback to allow adequate spacing between the uses.

Therefore, staff finds that this proposal can be made to satisfy this criterion with Condition #1.

- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**

While a majority of the adjacent public owned properties and private commercial properties along Molalla Avenue have compatible land uses for a communications tower, Staff finds that placing the proposed 120-foot communications tower within approximately five feet of a single-family residence to the east directly detracts from the character of the residence and is impacted in a manner that would not be normally expected within the General Commercial zoning district. In addition, the proposed communications tower might impair the use of the rear yard because of concern from icefall and potential structural failure. Staff finds based on the current location of the proposed communications tower that the applicant has not met this criterion.

Therefore, staff finds that this proposal can be made to satisfy this criterion with Condition #1.

- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;**

It is very unlikely that the applicant would find any sites within the coverage area that could fulfill the 120-foot fall down setback, be they public or private sites. Additionally, the site was not purchased specifically for this use; the City in cooperation with Clackamas County have worked consciously to find a site that has as little impact as possible on the citizens of Oregon City.

Therefore, the applicant satisfies this criterion.

- D. **No practical alternatives have been identified which would accomplish the same purposes and not require a variance;**

Based on information provided by the applicant, no practical design alternatives were found by the applicant that would preclude the variance request.

Therefore, the applicant satisfies this criterion.

- E. **That the variance requested is the minimum variance which would alleviate the hardship;**

The applicants proposed setback of five feet is 4% of what is needed to meet the literal application of OCMC 17.56.040 *Criteria and Standards for Conditional Uses* placed on the base zone. The General Commercial base zone does not require any side yard setbacks. Additionally, similar variances have been granted for other communications towers, specifically cellular monopoles, within the City limits.

Staff believes that proposal can be made to satisfy this criterion with Condition #1.

- F. **That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

Community Facilities Goals and Policies

“Goal: Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.”

Policies

1. The City of Oregon City will provide the following urban facilities and services if funding is available from public and private sources
 - a. Streets and other roads and paths
 - b. Minor sanitary and storm water facilities
 - c. Police protection
 - d. Fire protection
 - e. Parks and recreation
 - f. Distribution of Water
 - g. Planning, zoning and subdivision regulation

Fire Protection

1. A high level of fire suppression and emergency medical rescue capacity will be maintained.

Police Protection

3. Oregon City will continue to provide rapid response to emergency and non-emergency calls
9. Operations will be continually evaluated to maximize effectiveness at minimal cost.

The need to provide good protection services, to reach desired response-time goals, and maintain good communication services is a primary goal of the Comprehensive Plan.

Therefore, the applicant satisfies this criterion

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, staff concludes that the proposed construction of a 120-foot tower can be made to satisfy the requirements of OCMC 17.56.040 Criteria and Standards for Conditional Uses. Therefore, staff recommends that the Planning Commission approve file VR01-12 on property identified by the Clackamas County Tax Assessor Map as 3-2E-5 Tax Lot 6500, subject to the conditions of approval contained in this report.

CONDITIONS OF APPROVAL

1. The applicant shall relocate the proposed communications tower, equipment cabinets, and associated access road to conform to a 20-foot side yard setback. (Exhibit 3)
2. This approval is subject to approval of File CU#01-08.
3. This approval is subject to approval of File SP#01-15.

EXHIBITS:

1. Vicinity Map
2. Applicant's Submittal
3. Alternative alignment of communication tower (Condition #1)

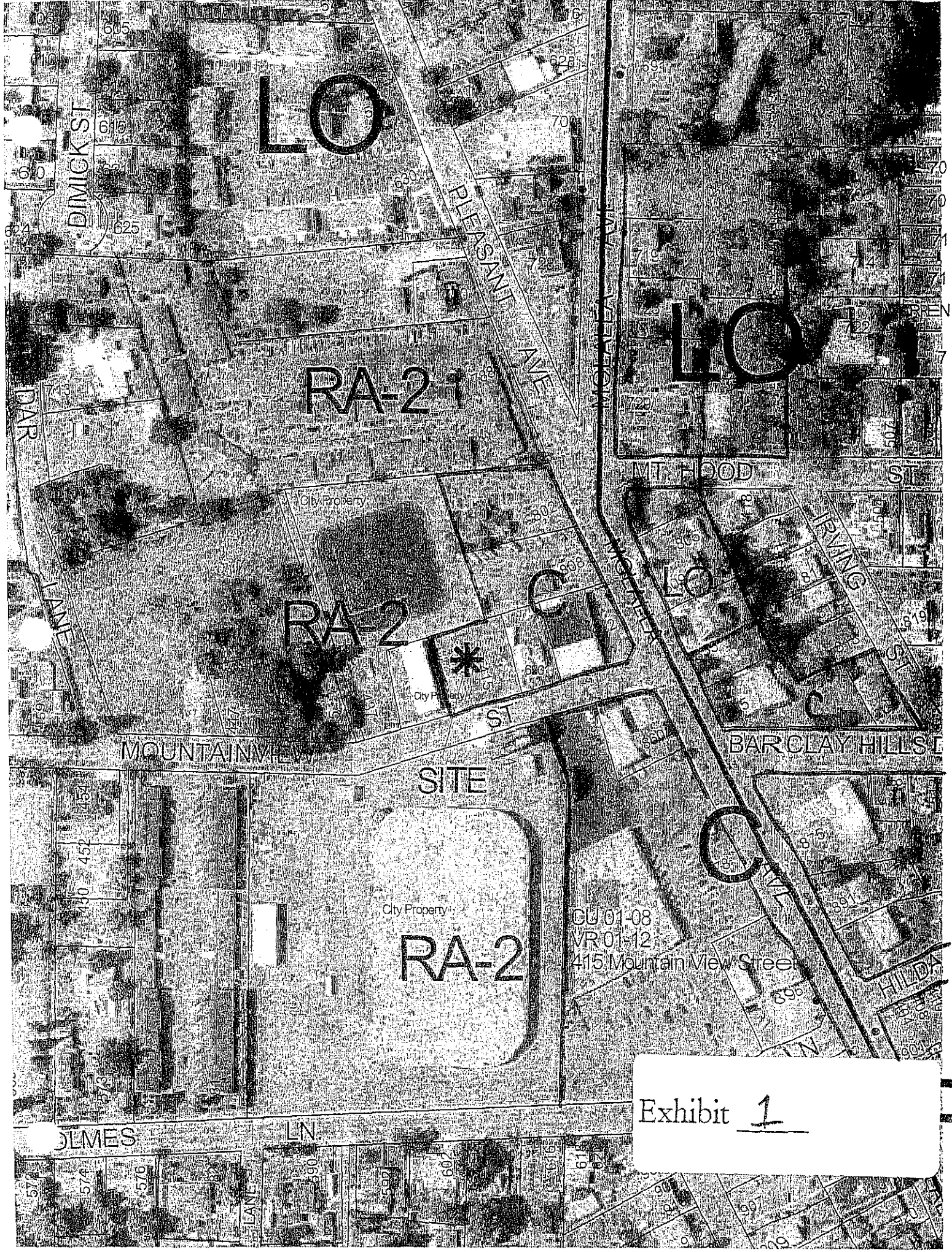


Exhibit 1

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | Type II | Type III | Type III / IV |
|--|---|---|
| <input type="checkbox"/> Partition | <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # _____ (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: CLACKAMAS COUNTY c/o Greenstreet Architecture

PROPERTY OWNER (if different): Oregon City, Attn: Joe McKinney

PHYSICAL ADDRESS OF PROPERTY: Mountainview Street, Oregon City

DESCRIPTION: TOWNSHIP: 3S RANGE: 2E SECTION: 5 TAX LOT(S): 6500

PRESENT USE OF PROPERTY: Metal Inventory Storage

PROPOSED LAND USE OR ACTIVITY: Communications antenna tower

and control equipment building

DISTANCE AND DIRECTION TO INTERSECTION:

195 ft east to & Hwy 213

CLOSEST INTERSECTION: Hwy 213 & Mt View

PRESENT ZONING: General Commercial

TOTAL AREA OF PROPERTY: 10,000 s.f.

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS
NOTICE, IT MUST BE PROMPTLY FORWARDED TO
PURCHASER

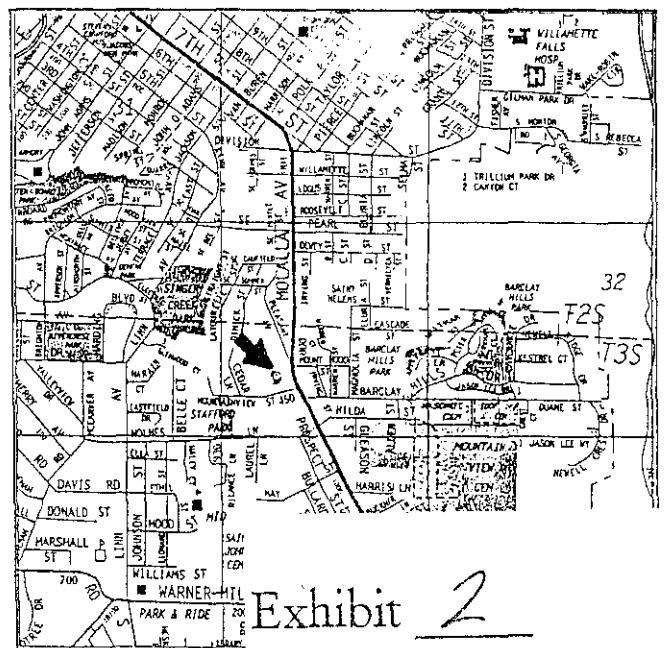


Exhibit 2

MOUNTAIN VIEW RADIO COMMUNICATIONS FACILITY

GENERAL PROJECT INFORMATION

Clackamas County operates and maintains a radio system for the use of fire, law enforcement and emergency medical response agencies throughout the County. The existing radio system is outdated and has proven inadequate to meet the present-day demands of the agencies that use it and the communities they serve, including Oregon City. The system does not allow direct communication between police, fire and other agencies. Nor does it allow direct communication with agencies in adjacent counties. Furthermore, reception is inconsistent and there are not enough channels available to carry the radio traffic, which results in police and fire personnel getting "busy" signals. This situation is inefficient and potentially dangerous.

The proposed development is a piece of Phase I of a multi-phase program to provide a new county-wide, two-way radio communications system. In order to provide the most seamless communication with the neighboring Counties economically, it was determined that partnering with Washington County's existing system would be the best option. The system will serve fire/EMS, law enforcement and other governmental users such as public works, parks and facilities. The new radio system is supported by all of the communities within Clackamas County, and funding for Phase I of the project is in place.

Each site has been carefully selected to allow the most comprehensive radio coverage possible. The integrity of the total system depends on the proper placement of each tower and its relationship to the others in the network, thus minimizing the total number of sites. Elevation is critical. Availability and the economy of developing each site was also an important consideration in the selection process. Most of the sites already contain communications equipment and are held by public entities; thus, the proposed use generally does not alter the existing use of the site(s).

APPLICATION NARRATIVE

The proposed radio communications tower and control equipment building are listed as a conditional use under 17.56.030.T Public Utilities, as it is a Clackamas County communication facility.

The key feature of the site is its location. Because this tower is part of a larger system, the location of each tower relative to the others is important. A line-of-sight connection is necessary to make the system work. This site has been chosen for its elevation and its position in the County, as well as its availability to the County. A facility is also planned at the Clackamas Communications center at Kaen road, where the existing 100 ft. tower will be replaced with a new 100 ft. antenna tower.

A variance to the setback requirement listed in 17.56.040.D is being requested. Unfortunately, the site is too small to accommodate the required setbacks for this particular use. A review of other sites in the area has shown that there are no sites available within the necessary area that are large enough to allow 120 ft. setbacks.

The proposed facilities are very timely in that they are replacing an existing and inadequate public safety communications system. The funding for the project is in place. The system is not dependent on public facilities or services.

The proposed communications tower and equipment will not limit, impair or preclude the use of the adjacent lots for the primary uses of the underlying district. The site is essentially self-contained. The lots surrounding the site are zoned General Commercial and Multi-Family Dwelling. Transmission will not cause interference with other commonly used home and business electronics such as wireless telephones, television antennas/satellite dishes, stereo receivers, etc.

The following are excerpts from The City of Oregon City Comprehensive Plan.

Goal: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Policies

1. The city of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:
 - a. Streets and other roads and paths
 - b. Minor sanitary and storm water facilities
 - c. Police Protection
 - d. Fire protection
 - e. Parks and recreation
 - f. Distribution of water
 - g. Planning, zoning and subdivision regulation

Fire Protection

1. A high level of fire suppression and emergency medical-rescue capacity will be maintained.

Police Protection

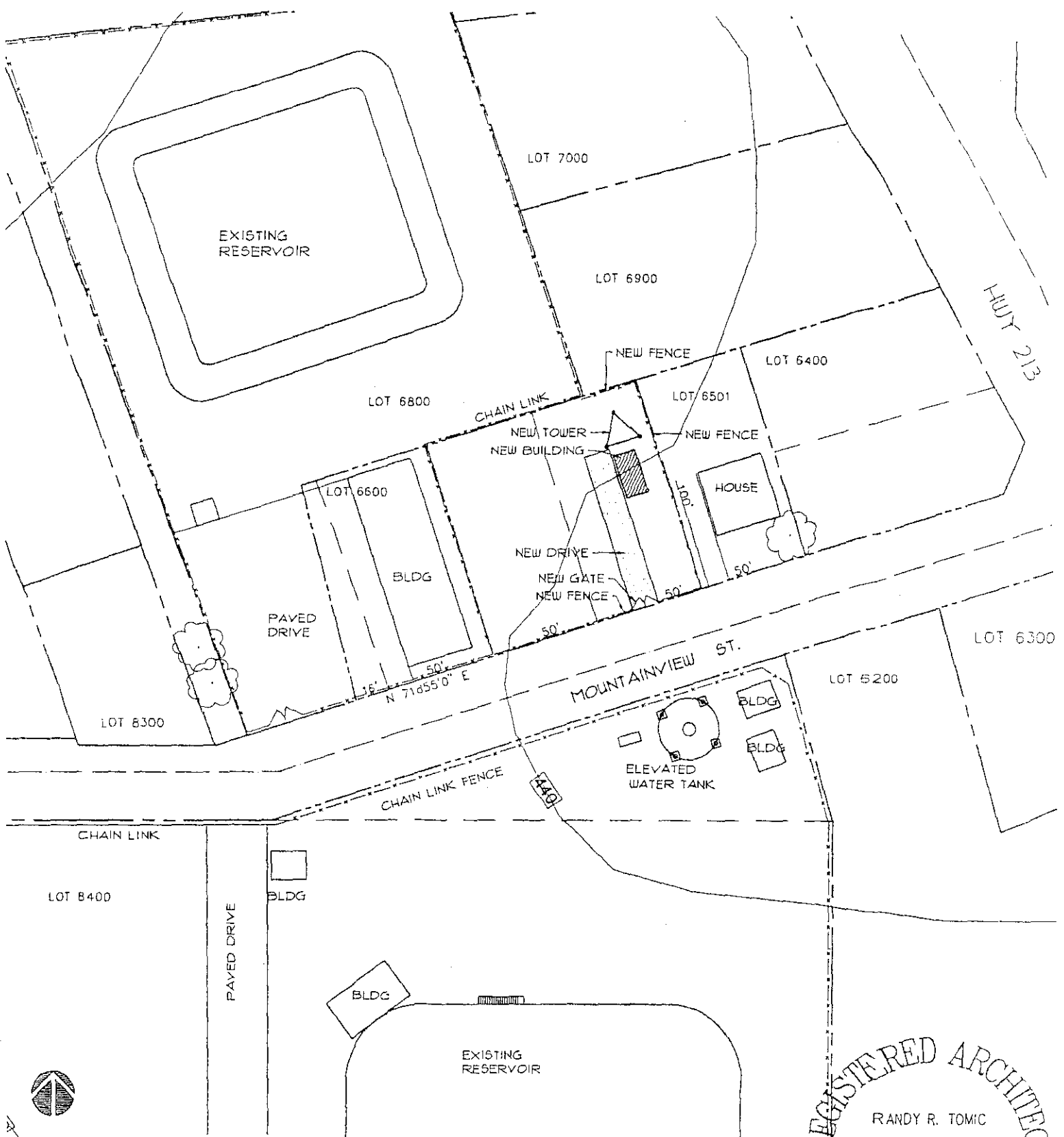
3. Oregon City will continue to provide rapid response to emergency and non-emergency calls.
9. Operations will be continually evaluated to maximize effectiveness at minimal cost.

The proposed tower installation satisfies the goals and policies of the Comprehensive Plan in the following ways:

The tower is one of ten that comprise a communications system for many public agencies in Oregon City specifically and in Clackamas County in general. The agencies that serve the health, safety and welfare of the residents depend on adequate communications.

The funding for the first phase of this system is in place.

In order to provide good protection services and to reach the response-time goals, good communication services are a necessity. The existing system, owned by Clackamas County and utilized by Oregon City and a number of other jurisdictions, is inadequate to support the growing communities both in terms of area covered and traffic capacity.

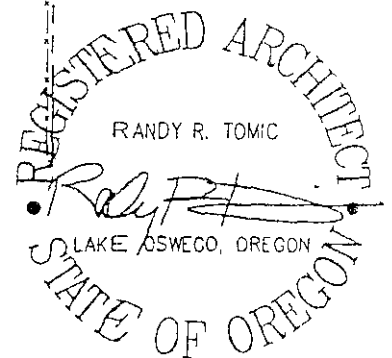


LOCATION:

T3S R2E SEC 5 LOT 6500
OWNER: BOARD OF WATER COMMISSION
ZONE: R-2

PROPOSED:

150' SS TOWER
10' x 20' PRE-FABRICATED EQUIPMENT BUILDING



GREENSTREET
architecture

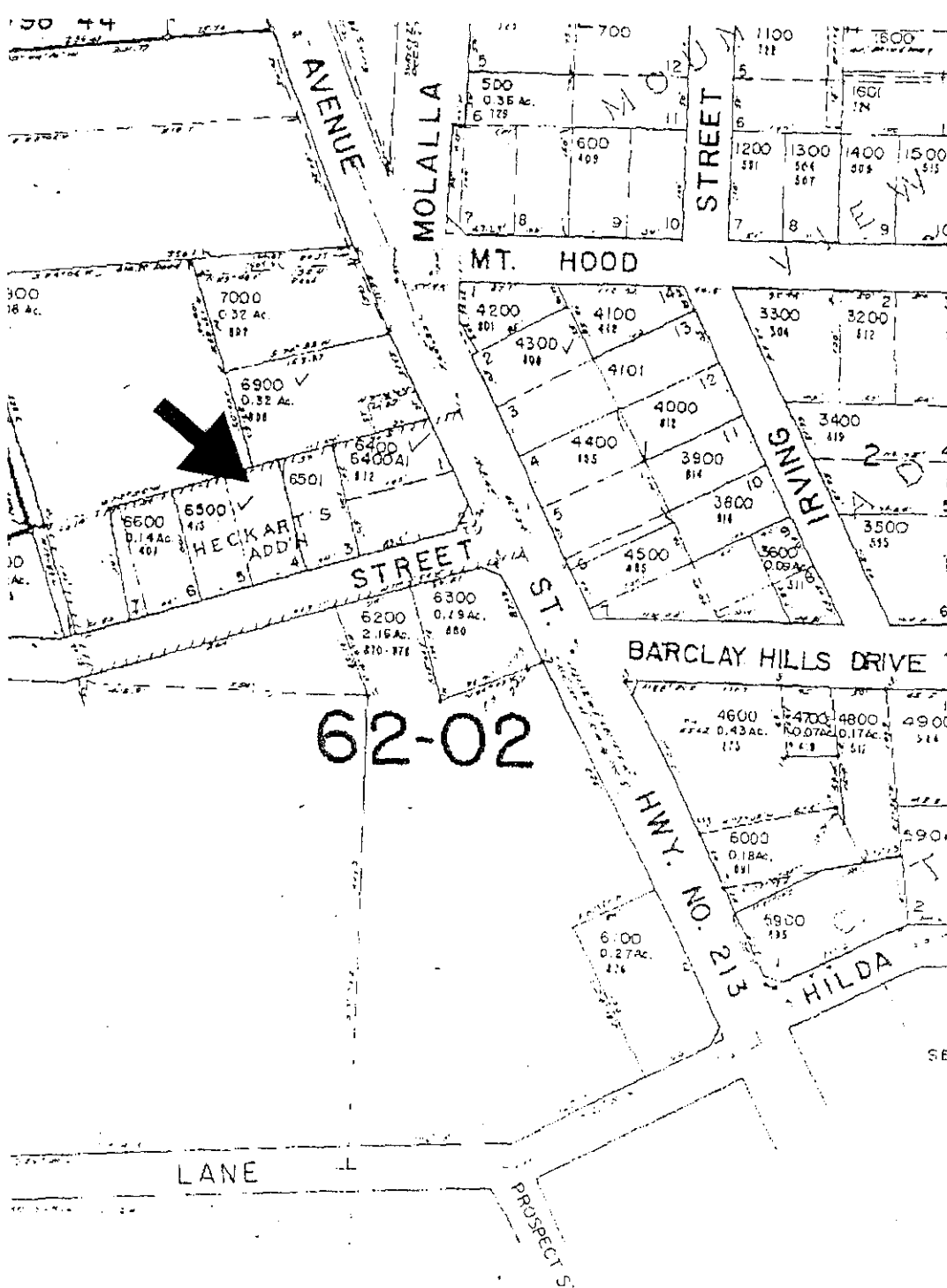
P.O. BOX 82125, PORTLAND, OR 97282
T: 503.227.4797 F: 503.231.8817

CLACKAMAS COUNTY COMMUNICATOINS

MOUNTAIN VIEW
415 MOUNTAINVIEW STREET, OREGON CITY

VICINITY PLAN

ISSUE RECORD	06-08-01
PROJECT	2001
SCALE	1" = 60'-0"



62-02



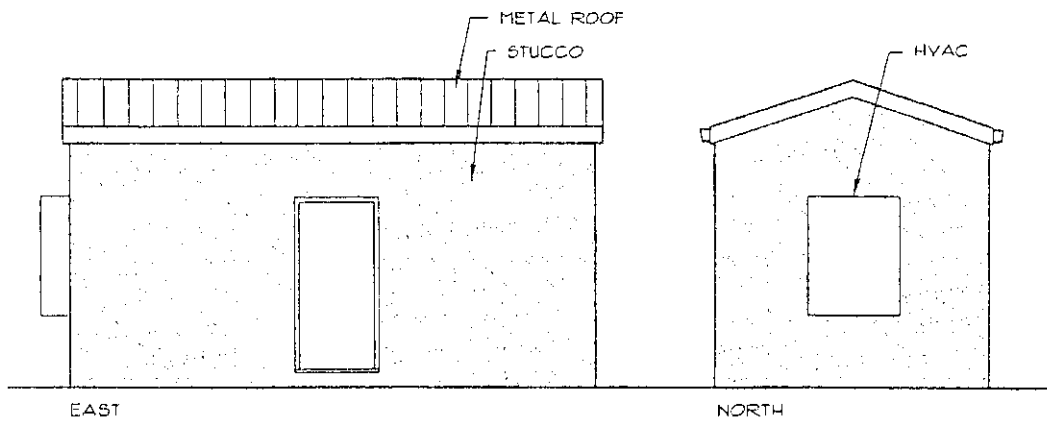
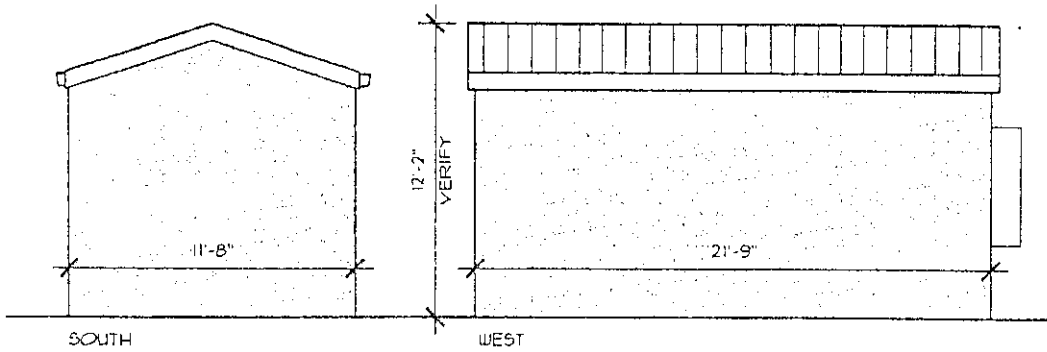
NW 1/4 NW 1/4 SEC. 5 T.3S. R.2E. W.M. CLACKAMAS COUNTY



GREENSTREET
architecture
O. BOX 82125, PORTLAND, OR 97282
503.227.4797 F: 503.231.8817

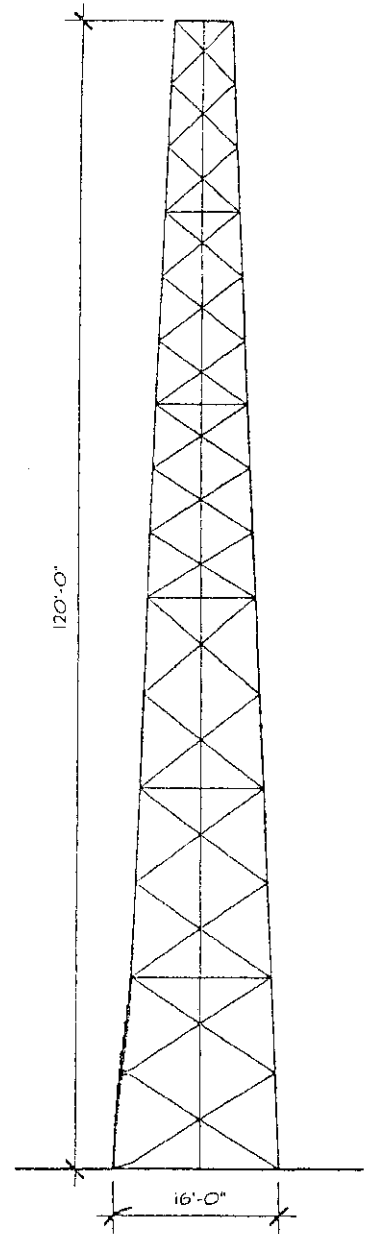
CLACKAMAS COUNTY COMMUNICATOINS
MOUNTAIN VIEW
415 MOUNTAINVIEW STREET, OREGON CITY

ASSESSOR'S MAP	
ISSUE RECORD	06-08-01
PROJECT	2001
SCALE	



EQUIPMENT BUILDING ELEVATIONS

$\frac{1}{8}" = 1'-0"$



TOWER ELEVATION

$1" = 30'-0"$



Exhibit 3 VR 01-12

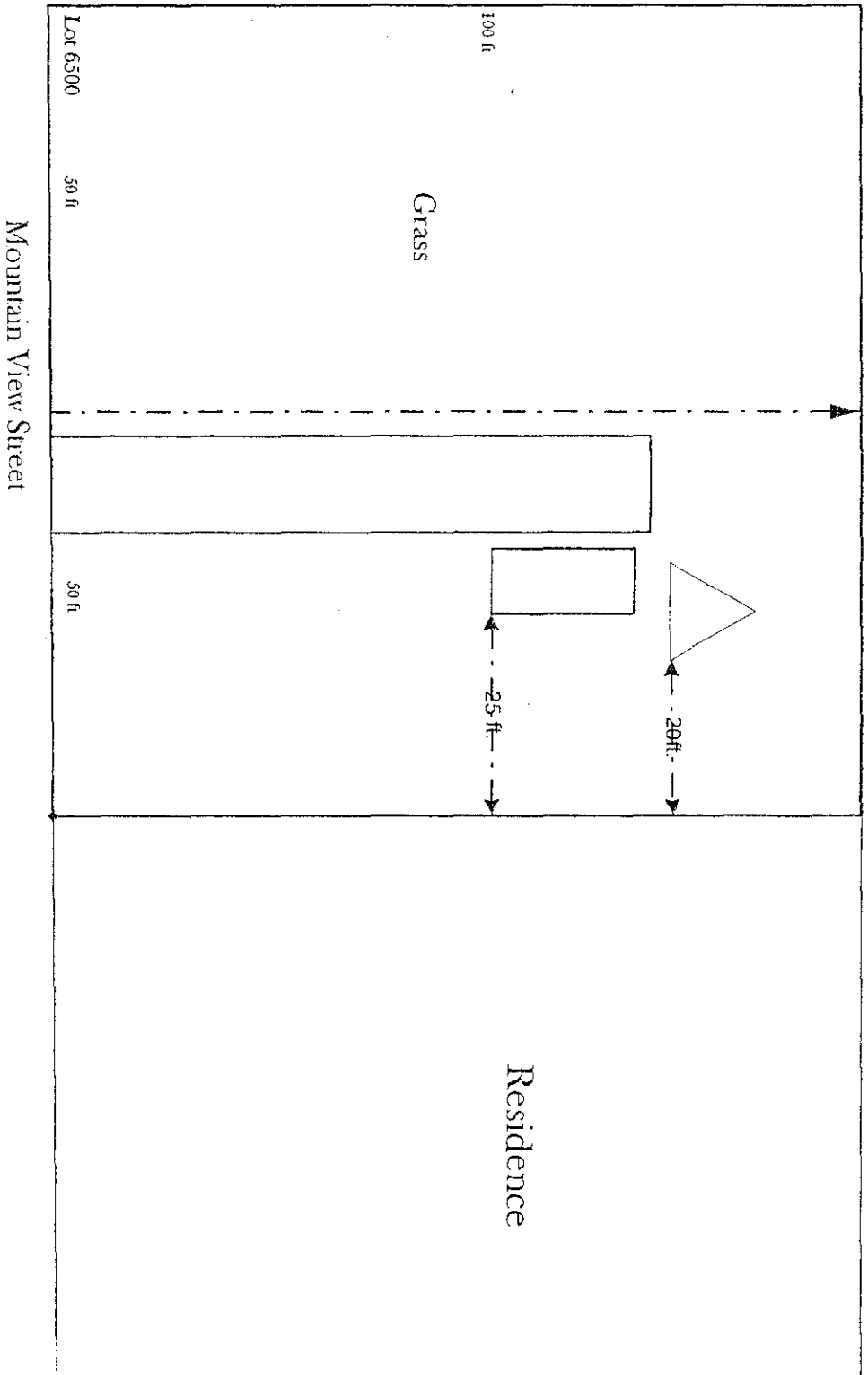


Exhibit 3

Scale: 1/240 : 1

