



Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

NOTICE OF TENTATIVE DECISION

DATE OF NOTICE: September 14, 2016

FILE: CU-03-16

TYPE OF APPLICATION: Conditional Use Review for a new communications facility serving the existing PacifiCorp substation facility. The proposal includes a new 150-foot tall lattice tower and a new equipment building adjacent to the new tower.

REVIEW BODY: Staff (Type II process)

PROPERTY OWNER: Pacific Power and Light, Attn: Deanna Adams; 825 NE Multnomah Street, Suite 1700, Portland, OR 97232

APPLICANT: Kevin Brady, Cardno; 5415 SW Westgate Drive, Suite 100; Portland, OR 97221

ADDRESS/LOCATION: 1917 Queen Avenue SW and 1930, 1940 & 1950 17th Avenue SW

MAP/TAX LOT: Linn County Assessor's Map No. 11S-04W-13BA Tax Lot 400 & 11S-04W-12CB Tax Lots 7500, 7401, 7400 & 7300

ZONING: R-6.5 (Single Family Residential) District

On September 14, 2016, the City of Albany's Community Development Director granted **TENTATIVE APPROVAL** without conditions of the application referenced above.

The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code (ADC). The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information or questions, please contact Project Planner Melissa Anderson, at 541-704-2319, or Planning Manager Bob Richardson at 541-917-7555.

This notice of the tentative decision is mailed to the applicant and any party who provided written comments on the proposal. A public hearing may be requested in writing ten days from notification if a person with standing believes that the conditions of approval do not adequately address the established approval criteria or alleviate adverse impacts on the neighborhood. If no one requests a public hearing within the ten day response period (by 5:00 p.m. on July 28, 2015), the tentative decision automatically becomes final without further notice [ADC 1.350(3)].

This land use decision shall expire three years from the date of approval unless the applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Albany Development Code Section 12.600, or if the development did not require public infrastructure, a valid building permit exists for new construction or improvements and work has commenced.

Signature on File

Community Development Director

Request for Public Hearing Deadline: September 24, 2016
Approval Expiration Date (if not appealed): September 14, 2019

Attachments: Location Map, Site Plan and Elevation of Tower

APPROVAL CRITERIA FOR THIS DECISION:

CONDITIONAL USE (ADC 2.250)

- (1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
- (2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
- (3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
- (4) Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.
- (5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
- (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

SPECIAL CONDITIONS (ADC 3.080(16))

Public and Commercial Communication Facilities over 50 feet in height are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a facility is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Type II land use decision.) See Article 8 for telecommunication facility design standards.

Such a tower will also be subject to the following conditions:

- (a) The base of the antenna and any structures associated with the antenna shall be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.
- (b) The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250.

TELECOMMUNICATION FACILITIES (ADC 8.500)

Every telecommunication facility shall comply with the following standards and applicable standards of the zone.

- (1) No new tower shall be permitted unless the applicant demonstrates that co-location is not feasible on existing towers.
- (2) New towers or facilities 50 feet or more in height must provide for future co-location of other telecommunications providers.
- (3) Monopole construction is preferred over the lattice style.
- (4) The applicant shall consider the following locations as the preferred order of location of for a proposed communication facility: a) existing broadcasting or communication facilities; b) public structures such as water reservoirs, utility structures, fire stations, bridges, and other public buildings within all zoning districts not used primarily for residential uses; c) property zoned Light Industrial, Heavy Industrial, Industrial Park and Heavy Commercial.
- (5) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except when the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- (6) Towers should be located in an area where they are unobtrusive and do not substantially detract from aesthetics or neighborhood character, due to either location, nature of surrounding uses, or to lack of visibility caused by natural growth or other factors.
- (7) Towers shall not be located between the principal structure and a public street.

- (8) Tower setbacks shall be at least the height of the tower from public streets.
- (9) Tower guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district. Vegetative screening shall be provided around any accessory building as prescribed by Section 9.250.
- (10) All towers and associated facilities shall be removed within six months of the cessation of operations at the site unless the Community Development Director approves a time extension. If a tower is not removed within six months, the City may remove the telecommunications facilities and assess the costs of removal against the owner and property.

CONDITIONS OF APPROVAL

General

- Development shall occur consistent with the plans and narrative submitted by the applicant, or as modified by conditions of approval, and shall comply with all applicable state, federal and local laws.

Compatibility

- 2.1 Where proposed, the applicant shall use four inch thick yard finish rock, un-compacted that has 40% voids around the new tower area, to allow for natural drainage and permeability.
- 2.2 Prior to issuance of a building permit, the site plan shall be revised and submitted to the Community Development Department for review and approval. The landscaping and fencing details of plan shall substantially conform to the proposed site plan; except the fence shall be no higher than eight feet per code standards.
- 2.3 The required landscaping must be provided with a piped underground water supply irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation
- 2.4 The property owner must maintain the required landscaped areas in an attractive manner free of weeds and noxious vegetation. The minimum amount of required living landscape materials must be maintained.
- 2.4 Prior to issuance of building permit final, all landscaping and irrigation must be installed in accordance with the approved plan.

Transportation

- 3.1 Prior to issuance of a building permit to construct the proposed tower and equipment building, the applicant shall pave the site's driveway to Queen Avenue. The pavement shall extend from the back of the concrete driveway approach to a point at least 20 feet onto private property.

Telecommunication Facilities Design Standards

- 2.1 The applicant shall provide for future co-location of other telecommunications providers on the proposed tower.
- 10.1 All towers and associated facilities must be removed within six months of the cessation of operations at this facility unless the Community Development Director approves a time extension. In the event that any of the facilities at this location are not removed within six months, the City may remove the facilities and assess the costs of removal against the owner and property.

INFORMATION FOR THE APPLICANT

Please read the following requirements. This list is not meant to be all-inclusive. We have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Municipal Code or Development Code regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to assure compliance with all applicable regulations.

PLANNING

1. Land use approval does not constitute Building or Public Works permit approvals.
2. The use must substantially conform to the site plan that was submitted for review subject to the Conditions of Approval. Planning staff must approve any changes to the plans.
3. If the applicant requests to obtain a building permit during the 21 day appeal period, a release and indemnify waiver will be required.

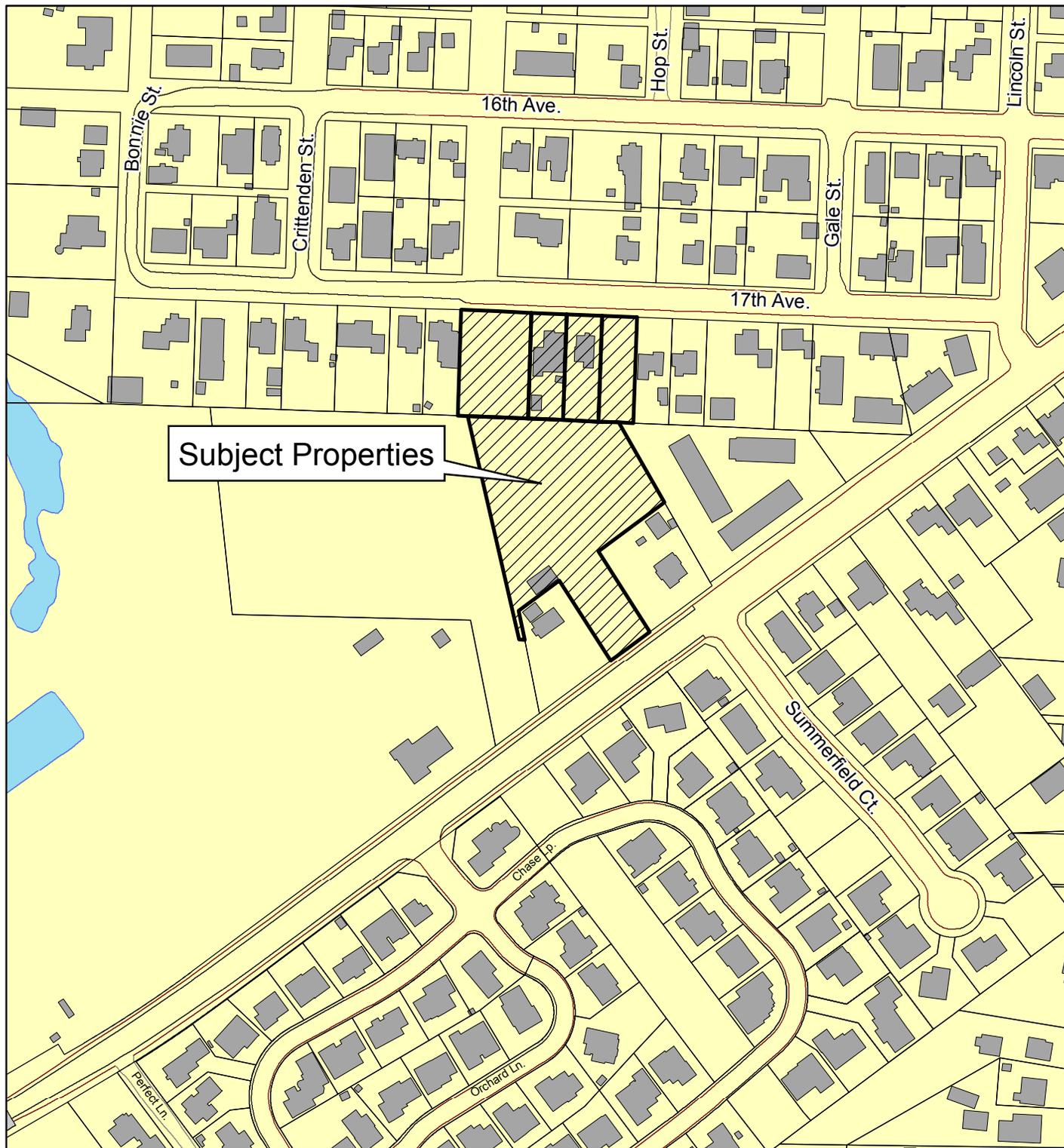
ENGINEERING

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.

BUILDING

PERMITS

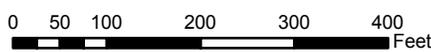
1. Obtain Building Permits for both buildings and tower prior to construction of the respective buildings.
2. Towers shall be designed and constructed per Telecommunications Industry Association (TIA)-222-G-05 including Addendum 1, 222-G1, dated 2007 and Addendum 2, 222-G-2 Dated 2009. They shall be designed for wind, ice and seismic. The exceptions for the seismic design listed in Section 2.7.3 of TIA-222 do not apply in Oregon. **Oregon Structural Specialty Code (OSSC)**
3. Towers shall be located such that guy wires and other accessories shall not cross or encroach upon any street or other public space, or over above-ground electric utility lines or encroach upon any privately owned property without the written consent of the owner of the encroached-upon property, space or above-ground electric lines. **OSSC 3108**



Location: 1917 Queen Avenue SW and 1930, 1940 & 1950 17th Avenue SW



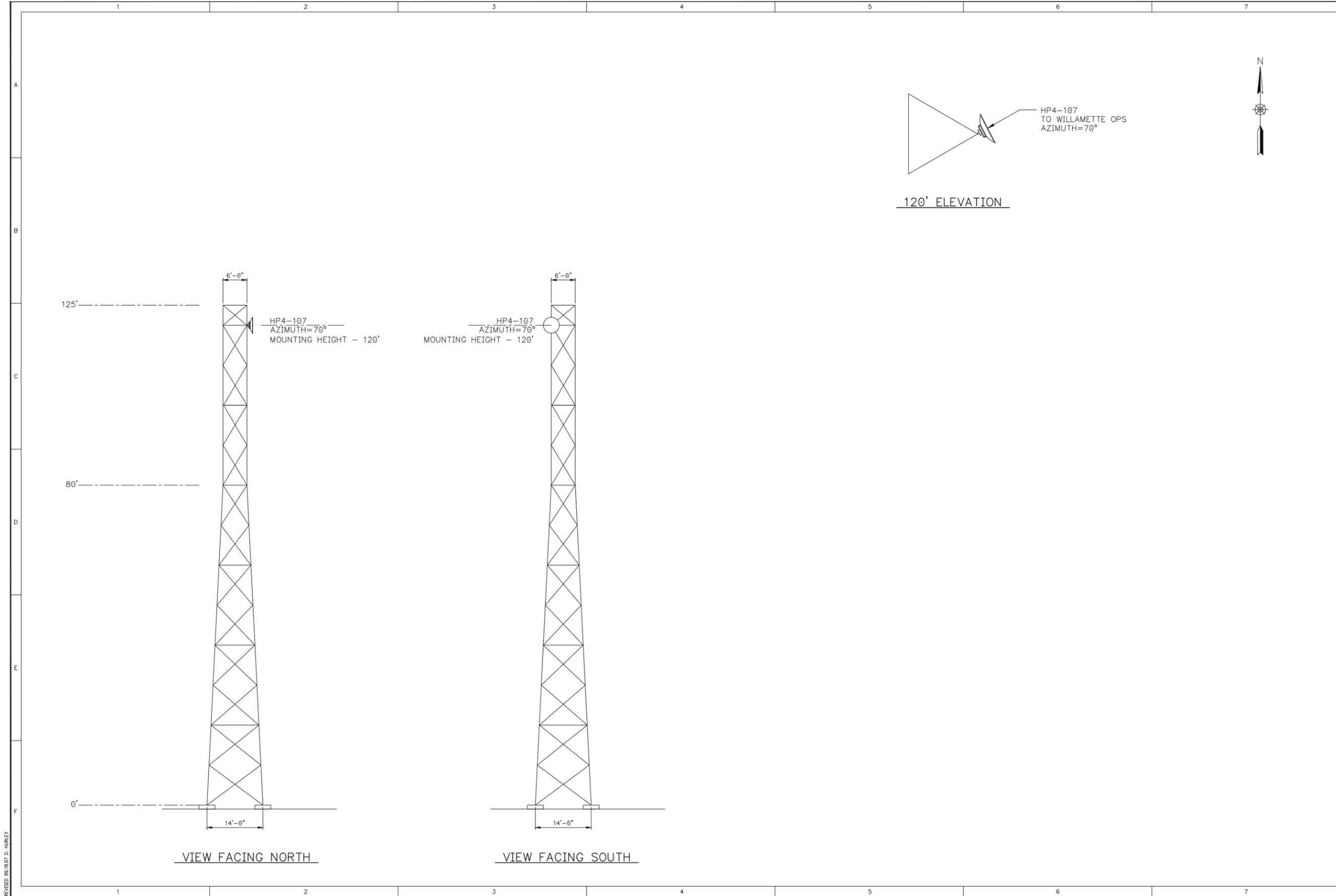
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August 1, 2016

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



REVISED 06/18/07 D. HURLEY

NO. DATE		REVISIONS		ENGINEER	DES./ DR.	CHECKED	APPROVED
		COMMUNICATIONS		DISCIPLINE ENG.	J. LEINWEBER		
PROJ/REV	10065720	PLN	J. LEINWEBER	PROJECT ENG.	J. LEINWEBER		
DATE:	12/30/2015	ENG.	M. ROBINSON	APPROVAL ENG.	J. LEINWEBER		
DR.	N. LUPU/DBB	CHK.	J. LEINWEBER	SCALE:	NONE		
HAZELWOOD SUBSTATION COMM BUILDING		ALBANY, OREGON					
ANTENNA SUPPORT STRUCTURE		TOWER ELEVATIONS, SECTIONS & DETAILS					
REVISION	0	177803.001					
SHEET		1 OF 1					