



Hearings Board

AGENDA

Thursday, February 6, 2020

4:00 p.m.

Council Chambers, City Hall

333 Broadalbin Street SW

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
 - a. September 12, 2019
5. SCHEDULED BUSINESS
 - a. Business from the Public
 - b. Quasi-Judicial Public Hearing
 - Debra Griffin; Smartlink; 1740 Geary Street SE (Laura LaRoque)
 - *CU-05-19*: Conditional Use to increase an existing 75-foot-tall wireless communication tower to 93 feet for collocation of new wireless communication equipment. The proposed antennas will be flush mounted to the pole and painted to match.
6. NEXT MEETING DATE: TBD
7. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Manager's Office in advance of the meeting: CMadmin@cityofalbany.net | 541-704-2307 or 541-917-7519.

cityofalbany.net



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CITY OF ALBANY
HEARINGS BOARD

MINUTES

Thursday, September 12, 2019
Council Chambers
Approved: DRAFT

CALL TO ORDER

4:35 p.m.

Chair Rouse called the meeting to order at 4:35 p.m.

ROLL CALL

Board Members Present

Cordell Post, Dala Rouse

Board Members Absent

None; (one vacancy).

Staff Present

Laura LaRoque, Planner III; David Martineau, Planning Manager; Shelley Shultz, Contracting Assistant; Jennifer Sullivan, Administrative Assistant.

APPROVAL OF MINUTES

4:35 p.m.

Commissioner Post moved to approve the January 17, 2019 Hearings Board minutes as presented. Chair Rouse seconded the motion, and it passed 2-0.

SCHEDULED BUSINESS

4:35 p.m.

Quasi-Judicial Public Hearings

4:35 p.m.

Land Use File CU-02-19

CU-02-19: Conditional Use and Site Plan Review for new construction of an approximately 3,200-square-foot playground on a partially developed site.

Chair Rouse opened the public hearing at 4:35.

Declarations from the Board

4:35 p.m.

None.

Staff Report

4:35 p.m.

Planning Manager David Martineau reviewed the hearing procedures.

Planner Laura LaRoque provided a verbal summary of the case. Staff proposed conditions of approval were included for the Board's consideration (see agenda packet).

Questions from the Commission 4:41 p.m.
None.

Testimony from the Applicant 4:41 p.m.
Samantha Jordan and Maya Perez with the Albany Boys & Girls Club, 1305 Hill Street, gave an overview of the project and the reasons for the new playground. Since the project will not cause an increase in traffic, no additional parking will be necessary. The playground will be handicap accessible and will include additional fencing and lighting to prevent transients from camping out on the property. They hope to start right away and complete the project by the end of October.

Other Testimony 4:46 p.m.
None.

Procedural Questions 4:46 p.m.
None.

Chair Rouse closed the hearing at 4:47.

Staff Response 4:47 p.m.
None.

Motion 4:47 p.m.
Commissioner Post moved to approve land use case CU-02-19 as conditioned in the September 5, 2019, Staff Report. Chair Rouse seconded. A vote was taken. The motion passed 2-0.

BUSINESS FROM THE BOARD 4:48 p.m.
None.

NEXT MEETING DATE 4:48 p.m.
To be determined.

ADJOURNMENT 4:48 p.m.
There being no other business, the meeting was adjourned at 4:48.

Respectfully submitted,

Reviewed by,

Shelley Shultz
Contracting Assistant

David Martineau
Planning Manager



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Conditional Use Review

CU-05-19

January 30, 2020

Summary

The proposal is an application for Conditional Use Review to increase an existing 70-foot-tall monopole (with an antenna tip height of 73 feet) to 90 feet (with an antenna tip height of 93 feet) for collocation of new wireless communication equipment. The proposed antennas will be flush mounted to the pole and painted to match (Attachment B, Sheet A3.0).

The subject property is identified as 1740 Geary Street SE and is located at the southwest corner of the Queen Avenue and Geary Street intersection (Attachment A). The existing telecommunication facility is located to the south of the existing commercial building (Wheeler Dealer) as shown on Attachment B, Sheet A1.0 and A2.0. The property is zoned Community Commercial (CC). Communication Facilities 50 feet or more in height are permitted by Conditional Use in the CC zone in accordance with the placement standards of Albany Development Code (ADC) 4.060(23) and design standards of ADC 8.500.

Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 further mandates that a state or local government may not deny, and shall approve, any eligible facilities request for modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The term “eligible facility request” includes the collocation of new transmission equipment.

The Conditional Use review criteria contained in ADC 2.250 is addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application. In summary, the proposed development application satisfies applicable review criteria; therefore, the staff recommendation is APPROVAL with CONDITIONS of the Conditional Use planning application.

Application Information

Review Body:	Hearings Board (Type III Review)
Staff Report Prepared By:	Laura LaRoque, Project Planner
Type of Application:	Conditional Use Review to increase an existing 70-foot-tall monopole (with a tip height of 73 feet) to 90 feet tall (with a tip height of 93 feet tall) for collocation of new wireless communication equipment. The proposed antennas will be flush mounted to the pole and painted to match.

Property Owner:	Timothy & Joyce Bartel 1410 Powell Street SE, Albany, OR 97322-6738
Applicant:	New Cingular Wireless PCS, LLC 19801 SW 72nd Avenue, Suite 200, Tualatin, OR 97062
Tower Owner:	American Tower Company 10 Presidential Way, Woburn, MA 01801
Representative:	Debra Griffin Smartlink; 11232 120th Avenue NE, No. 204, Kirkland, WA 98034
Address/Location:	1740 Geary Street SE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-08CC; Tax Lot 101
Zoning:	CC – Community Commercial
Overlay Districts:	Airport Approach – Conical Area
Total Land Area:	The total land area of the subject property is 1.83 acres. The area identified as the location of the proposed facility is a 50-foot by 30-foot area adjacent to an existing commercial building (Wheeler Dealer) on the property (shown on Attachment B, Sheets A1.0 and A2.0)
Existing Land Use:	Retail Sales and Service (Wheeler Dealer Liquidation) and Drive-thru Restaurant (Spirit Espresso)
Neighborhood:	Sunrise
Surrounding Zoning:	North: Office Professional, north of Queen Avenue South: Community Commercial and Residential Medium Density East: Community Commercial & Residential Medium Density Attached, east of Geary Street West: Community Commercial
Surrounding Uses:	North: Medical Offices (Samaritan Urgent Care), north of Queen Avenue South: Apartments (Wildflower Apartments, Pine Meadow Village) and Restaurants (Simply Ramen/La Aguila Mexican Store) East: Former Mega Foods, east of Geary Street West: Professional Offices (Platinum Mortgage/Edward Jones Financial Advisor/John M Borden CPA), Personal Services (Impressions Salon)
Prior History:	Conditional Use approval of a wireless communication facility consisting of antennas and radio equipment modules mounted on a 75-foot-tall monopole (planning file no. CU-01-99)

Notice Information

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property and posted on the subject property at two locations on January 10, 2020. At the time this staff report was completed, no comments had been received.

Appeals

Within five days of the hearings board's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the hearings board to the City Council by filing a Notice of Appeal and associated filing fee within ten days from the date the City mails the Notice of Decision.

Analysis of Development Code Criteria

The ADC includes the following review criteria for a Conditional Use Review (ADC 2.250), which must be met for these applications to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

Findings of Fact

- 1.1 The subject property is located at 1740 Geary Street SE and zoned Community Commercial (CC) (Attachment A). As shown in the applicant's site plan, the site is developed with an existing communication facility, commercial building (Wheeler Dealer) and drive-thru coffee kiosk (Spirit Espresso) with associated travel aisles, parking spaces, and perimeter landscaping. The existing communication facility is located to the south of the existing commercial building within a 50-foot by 30-foot fenced chain-link enclosure, approximately 140 feet from the Geary Street property line.
- 1.2 Communication Facilities 50 feet or more in height are listed as a conditional use in the ADC 4.050. The existing communication facility was approved under planning file no. CU-01-99. The facility includes a 70-foot-tall monopole and associated ground equipment within a fence enclosure. The proposal is to increase the height of existing 70-foot-tall monopole (with an antenna tip height of 73 feet) to 90 feet (with an antenna tip height of 93 feet) to allow the collocation of new telecommunication equipment.
- 1.3 Conditional uses. According to ADC 2.230, "Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved." The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 1.4 Intended character of the CC zoning district. The CC district allows for primarily commercial land uses. Per ADC 4.020(3), the purpose of the CC district is intended for a wide array of small to medium-scale business, services, and sites mostly located on arterial streets and highways. Design guidelines, building location, and front-yard landscaping are aimed at providing an enhanced community image

along major transportation corridors. Sound and visual buffers are encouraged to mitigate impact on nearby residential areas.

- 1.5 Operating characteristics of the neighborhood. The site is surrounded by residential and commercial uses. Residential uses south of the subject property consist primarily of duplexes and multifamily apartment units. Professional offices and retail sales uses border the property to the west within the Queen Center office park. North of the site, across Queen Avenue, are medical offices (Samaritan Urgent Care). West of the site, across Geary Street, is undeveloped Residential Medium Density Attached zoned property, Periwinkle Creek, and former Mega Foods site that is zoned Community Commercial.
- 1.6 Operating characteristics of the proposed development. Communication facilities must be sited to serve current and anticipated demand where it exists similar to other utilities necessary to serve development (e.g., electricity, telephone, water, sewer, natural gas, etc.). Per ADC 8.500 collocation is preferred over the development of new facilities. The project proposal includes the collocation/installation of six new antennas, twelve remote radio heads, two surge protectors, and fiber/DC cables on an existing 73-foot tall monopole. New ground equipment is proposed with this project within the existing fence enclosure, including the installation of a prefabricated equipment shelter (6 foot 8 inches by 6 foot 8 inches with 11-foot overall height), ground mounted GPS antenna, and 30kW diesel (backup) generator. Access onto the site will be provided from each of the abutting streets – Geary Street, Queen Avenue, and Oak Street. Travel aisles from each of these access driveways will provide circulation throughout the site, connecting parking areas and all buildings (Attachment B, Sheet A1.0).

Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III Review approval in the CC zoning district per ADC 4.050.
- 1.2 The site is surrounded by a mix of residential and commercial uses and the utilities necessary to service them.
- 1.3 The proposal will not have an impact on the operating characteristics of the neighborhood because the primary use of the property will be consistent with surrounding areas.
- 1.4 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.5 This criterion is met without conditions.

Criterion 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 calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.

Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”

- 2.2 Existing and anticipated uses. The site is developed with an existing communication facility, commercial building (Wheeler Dealer), and drive-thru coffee kiosk (Spirit Espresso) with associated travel aisles, parking spaces, and perimeter landscaping.

The proposal is to increase the height of existing 70-foot-tall monopole (with an antenna tip height of 73 feet) to 90 feet (with an antenna tip height of 93 feet) to allow the collocation of new telecommunication equipment. The project proposal includes the collocation/installation of six new antennas, twelve remote radio heads, two surge protectors, and fiber/DC cables on an existing 73-foot tall monopole. New ground equipment is proposed with this project within the existing fence enclosure, including the installation of a prefabricated equipment shelter (6 foot 8 inches by 6 foot 8 inches with 11-foot overall height), ground mounted GPS antenna, and 30kW diesel (backup) generator.

As stated above, the proposed use is a modification to an existing communication facility; therefore, there is no significant change in use or function of the site. The change in level of compatibility changes only slightly with the proposal, as the existing communication facility will continue to operate with the existing size, scale, style, and intensity. The tower extension will slightly alter the scale, as the height of the proposed monopole is 90 feet, which is 20 feet more than the existing monopole. The new tower will substantially blend into the existing view of the monopole and associated equipment.

- 2.3 Setbacks, Building Height and Lot Coverage. ADC 4.190, Table 1, shows the development standards for commercial and industrial districts.

Lot coverage. The maximum lot coverage for the CC district is 90 percent of the lot. Lot coverage includes that portion of a lot that is not vegetated or in a naturally permeable state. No new impervious surface area is proposed with this development; therefore, this criterion is not applicable.

Setbacks. An expansion of the base station is not proposed with this development. The existing facility is approximately 140 feet from the east front (Geary Street) property line; 255 feet from the north front (Queen Avenue) property line; 53 feet from the west interior property line abutting CC zoned properties; and 48 feet from the south interior property line that abuts residentially zoned property.

Per ADC 4.090, Table 4-2, the CC zoning district requires a minimum front setback of 10 feet; a minimum interior setback of 10 feet when abutting residentially zoned property; and no interior setback when abutting property that is not residentially zoned.

Per ADC 8.500(8) tower setback shall be at least the height of the tower from public streets. The proposed 90 feet tall (with an antenna tip height of 93 feet tall) is approximately 185 feet from the east front (Geary Street) property line; 260 feet from the north front (Queen Avenue) property line; and 60 feet from the west front property line that borders the Oak Street right-of-way.

The existing and proposed tower height satisfy with the setback standards of ADC 8.500(8) for Geary Street and Queen Avenue but do not satisfy the minimum distance (setback) requirements to Oak Street. A strict application of ADC 8.500(8) is problematic for three reasons: 1) The existing monopole was not subject to the setback standard of ADC 8.500(8) as the telecommunication facility design standards of ADC 8.500 did not become effective until April 12, 2000, with the adoption of Ordinance No. 5445, a year after the original approval (planning file no. CU-01-99) dated March 19, 1999; 2) The setback standard of ADC 8.500(8) conflicts with the application of ADC 8.500(1)(2) and (4) which prioritizes collocation of communication facilities; and 3) Oak Street has been partially vacated and is not a through street. Access to Oak Street from Queen Avenue is prohibited. Access from Geary

Street to the vacated portion of Oak Street serves a driveway access to the King Pointe Apartments at 1860 Geary Street and Simply Ramen at 1800 Geary Street. Therefore, Oak Street functions more likely an internal travel aisle to adjoining development as opposed to a public street.

Height. The monopole is proposed to be 90 feet tall (with an antenna tip height of 93 feet tall). Communication Facilities 50 feet or more in height are listed as a conditional use in the ADC 4.050.

- 2.4 Landscaping Required – Non-Residential. ADC 9.140(2) requires that all required front and interior setbacks (exclusive of access ways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued.

The site is developed with established landscaping and no changes are proposed that dictate the need for additional landscaping in conjunction with the proposed developed. The need for landscaping for the proposed use was addressed with the previous land use approvals (planning file no. CU-01-99) for the development of the site.

- 2.5 Buffering and screening. ADC Section 9.210 requires buffering and screening in order to reduce the impacts on adjacent uses of a different type; buffering and screening is required in accordance with a matrix contained within that section. According to Table 9-4 Buffer and Screening Matrix, commercial developments require a 10-foot buffer with screening when the abutting uses are residential dwellings or residential zoning districts.

The site is developed with established landscaping, and no changes are proposed that dictate the need for additional buffering and screening in conjunction with the proposed building addition. The need for buffering and screening for the proposed use was addressed with the previous land use approvals (planning file no. CU-01-99) for the development of the site.

- 2.6 Irrigation system. ADC 9.160 requires that all required landscape areas be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. The applicant has not proposed any modifications to the existing irrigation system or any new irrigation systems.

Conclusions

- 2.1 The proposal will modify an existing communication facility by increasing the height of the existing 70 foot monopole (with an antenna tip height of 73 feet) to 90 feet (with an antenna tip height of 93 feet tall) and installation of associated ground equipment within the existing site area, which will not substantially alter the use, intensity or character of the substation.
- 2.2 The proposed development meets all minimum setback standards except for ADC 8.500(8) in terms of the tower setback to Oak Street. The existing tower is considered a legal nonconforming structure as it adhered to the development code standards in place when it was approved. Staff finds that the intent of the telecommunication facility design standards of ADC 8.500 prioritizes the collocation of communication facilities and that application of the tower height setback standard of ADC 8.500(8) to a partially vacated public street that does not provide through access does not meet the intent of the standard.
- 2.3 The proposed development does not include an increase to impervious surface area.
- 2.4 The proposed monopole will be approximately 20 feet taller than the existing monopole; however, the visual impact of the tower and equipment building at ground level will remain unchanged.

2.5 This criterion is met without conditions.

Criterion 3

The transportation system is capable of supporting 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.

Findings of Fact

- 3.1 The proposal is to increase the height of the existing 73-foot-tall monopole to 93 feet to allow the collocation of new telecommunication equipment.
- 3.2 The site is located at the southwest corner of the Queen Avenue and Geary Street intersection. Access to the site is provided via two existing driveway connections to Geary Street SE, one existing driveway connection to partially vacated Oak Street, and one driveway connection to Queen Avenue SE.
- 3.3 Geary Street and Queen Avenue are both classified as minor arterial streets and are constructed to City standards. Improvements along the frontage of the site include curb, gutter, and sidewalk along both sides of the street; and on-street bike lanes. Geary Street is constructed with two southbound and one northbound travel lane with center left turn lane and a right turn lane. Queen is constructed with two east and westbound travel lanes with a center turn lane.

Oak Street between Queen Avenue and Geary Street is not shown in the Roadway Functional Classification Map, Figure 7-4 of the Transportation System Plan and is unimproved except for paved travel aisles in each direction. As described in Finding 2.3 above, access to Oak Street from Queen Avenue is prohibited. Access from Geary Street to the vacated portion of Oak Street serves a driveway access to the King Pointe Apartments at 1860 Geary Street and Simply Ramen at 1800 Geary Street. The subject site, Cascades West Council of Governments at 1400 Queen Avenue, and the professional office complex at 1536 Queen Avenue utilize the Oak Street public right-of-way as an internal parking lot connection and travel aisle.

- 3.4 The applicant did not submit a Traffic Impact Analysis (TIA) with the application. Albany guidelines call for submittal of a trip generation analysis for project that generate more than 50 new peak hour trips, and a full TIA for projects that generate more than 100 peak hour trips.
- 3.5 Albany's Transportation System Plan was developed with the assumption of this site developing in accordance with its underlying commercial designation and does not show any capacity or safety issues occurring adjacent to the site.
- 3.6 No on-street parking is allowed along the site's Queen Avenue, Geary Street, or Oak Street frontages; therefore, no on-street parking impacts are found.
- 3.7 Off-street parking requirements for a communication facility are not specified in Table 9-1, ADC 9.020. In such cases, ADC 9.020(4) allows the Director to approve alternative parking standards based on applicant documentation demonstrating parking demand. The applicants state that the facility is unstaffed with approximately one maintenance and inspection trip per month.
- 3.8 The existing site is developed with 60 parking spaces. These parking spaces are shared by a drive-thru restaurant (approximately 300 square feet) and retail sales (approximately 17,000 square feet) uses which require a total of 60 spaces (without deducting floor area used for restrooms, storage rooms, maintenance equipment areas). ADC 9.030(4) allows a ten percent reduction to the total requirements

of off-street parking for a multi-tenant development; therefore, the development exceeds the required number of on-site parking spaces by six parking spaces based on the standards contained in ADC 9.020.

Conclusions

- 3.1 All public streets adjoining the site are constructed to City standards.
- 3.2 Albany's Transportation System Plan (TSP) does not identify any level of service or safety problems along either frontage of the site. The TSP was developed with the assumption that this parcel would be developed with a commercial use in accordance with its zone designation.
- 3.3 A traffic generation study is not required.
- 3.4 No new driveways or parking spaces are proposed nor required for this development.
- 3.5 This review criterion is satisfied without conditions.

Criterion 4

Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.

Findings of Fact

Sanitary Sewer

- 4.1 City utility maps show an eight-inch public sanitary sewer main in Geary Street.
- 4.2 The applicant is proposing no plumbing with this development.

Water

- 4.3 City utility maps show 12-inch public water mains in Queen Avenue and Geary Street.
- 4.4 The applicant is proposing no plumbing with this development.

Storm Drainage

- 4.5 City utility maps show a 12-inch public storm drainage main in Geary Street and a 96-inch culvert running under the northeast corner of the site.
- 4.6 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system, must be reviewed and approved by the City of Albany's Engineering Division.
- 4.7 The proposed structure is not expected to increase stormwater runoff from the site.

Storm Drainage

- 4.8 Section 12.45.030 of the Albany Municipal Code states that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development (Ordinance 5841).
- 4.9 Linn County records indicate that the subject site is 1.83 acres.
- 4.10 Section 12.45.040 of the Albany Municipal Code (AMC) states that development may be exempted from a post-construction stormwater quality permit if the development creates and/or replaces less than 8,100 square feet of impervious surface, cumulatively.
- 4.11 According to the applicant's site plan, new and replacement impervious surfaces will not exceed 8,100 square feet in area.

Police Protection

- 4.12 The proposed development will be served by the City of Albany Police Department.
- 4.13 According to the applicant, the associated ground equipment is contained in a locked cabinet behind a six-foot-tall chain-linked fence, which will minimize the potential for theft or vandalism.

Fire Safety

- 4.14 The proposed development will be served by the City of Albany Fire Department.
- 4.15 No habitable buildings or structures will be constructed that require fire safety services. Virtually no combustible materials will be contained on-site.

Conclusions

- 4.1 The applicant is proposing no wastewater plumbing, domestic water plumbing, or additional impervious surfaces with the proposal, so there will be no impact to the public sanitary sewer, water, and storm drainage systems.
- 4.2 The proposed development is anticipated to create little to no demand for fire and police protection.
- 4.3 This criterion is met without conditions.

Criterion 5

The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.

Findings of Fact

- 5.1 Properties abutting the subject property to the west and south are zoned CC and Residential Medium Density, respectively. Property to the north of the subject property, across Queen Avenue, is zoned OP; and properties to the east of the subject property across Geary Street are zoned CC and Residential Medium Density Attached, respectively.
- 5.2 As stated in Finding 1.6 above, the site is surrounded by residential and commercial uses. Residential uses, south of the subject property consist primarily of duplexes and multifamily apartment units. Professional offices and retail sales uses border the property to the west within the Queen Center Office Park. North of the site, across Queen Avenue, are medical offices (Samaritan Urgent Care).

West of the site, across Geary Street, is undeveloped Residential Medium Density Attached zoned property, Periwinkle Creek, and former Mega Foods site zoned Community Commercial.

- 5.3 Noise. There will be an emergency generator on-site that will be used during emergencies (i.e. power outages) and during daytime hours for routine maintenance and testing purposes. Included in the application submittal is a generator set sound data sheet which indicates sound pressure data at 81.2 dB(A) at a 100 percent load. A note provided in the generator set sound data sheet states that, “sound pressure data is the logarithmic average of eight perimeter measurements points at a distance of 23 feet.”

The sound pressure of the proposed generator exceeds the allowable statistical noise levels of daytime noise (between 7 a.m. to 10 p.m.) of L50 - 55dB(A), per ADC 9.440. However, emergency equipment not operated on a regular or scheduled basis is exempt by Oregon Secretary of State Administrative Rule (OAR) 340-035-0035(5)(a).

- 5.4 Glare. According to ADC 9.480, no direct- or sky-reflected glare in excess of 0.5-foot candles of light, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. The applicant states that lighting is not needed for the proposed facility.
- 5.5 Odors. The 30kW diesel generator proposed with this development will be located to the northeast portion of the fenced ground equipment enclosure approximately 88 feet and 81 feet from adjacent Residential Medium Density zone property to the south of the property and Office Professional zoned property to the west of the subject property. The applicant states that it is intended to be used for emergency purposes and inspection only. Associated exhaust odors of this type and intensity are typical in commercial areas and near major transportation corridors.
- 5.6 Litter. The proposed use is not anticipated to generate litter or refuse in normal day-to-day operation.
- 5.7 Hours of operation. The proposed facility is intended to provide continuous communication service with maintenance inspections occurring during normal daytime business hours. Emergency service outside of normal daytime business may be necessary on occasion.
- 5.8 Privacy/Safety. Design and construction of the proposed monopole extension and associated communication equipment will be reviewed upon the submittal of a building permit. After construction, the facility is anticipated to be frequented on occasion by maintenance staff and other leaseholders.
- 5.9 Fencing. No changes are proposed to the existing 6-foot-tall chain-link fence enclosure that was approved under planning file no. CU-01-99.

Conclusion

- 5.1 The proposed facility will not have significant adverse impacts on the livability of nearby residentially zoned lands because it will produce no significant noise, glare, odor, litter, or other negative impacts. There are no privacy or safety issues associated with this facility.
- 5.2 This criterion is met without conditions.

Criterion 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.

Findings of Fact

- 6.1 Article 4: Airport Approach. The subject property is located within the City's Airport Approach Overlay District, and specifically within the Conical Surface Area. The highest elevation on the property is about 220 feet (NGVD 1929), according to the City's topographical records. The conical surface has an elevation ranging from 372 feet to 472 feet above mean sea level. The top of the proposed monopole is 90 feet tall with a tip height of the antenna of 93 feet tall. The proposed height will not penetrate the elevation of the Airport Conical Surface area.
- 6.2 Article 4: Other Interference. To prevent interference with airport operations, the ADC also has other general conditions that apply to all development in proximity to the airport. These conditions are related to reducing any possible interference with navigational signals or radio communication between the airport and aircraft. A condition of approval shall restrict electrical interference with navigational signals or radio communication between the airport and aircraft, lighting and glare that would impair visibility and navigation of pilots, and any other type of interference that would otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- 6.3 Article 6: Periwinkle Creek and Riparian Corridor. *Comprehensive Plan Plate 4: Streams, Rivers, and Lakes*, shows that Periwinkle Creek traverse the subject property from east to west, crossing the north property line. A riparian corridor boundary applies to Periwinkle Creek and extends 50 feet upland from the Ordinary High-Water mark, measured horizontally. The proposed tower extension is approximately 200 feet southwest of the Periwinkle Creek riparian corridor; therefore, not subject to a Natural Resource Impact Review.
- 6.4 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, does not show a 100-year floodplain on this property. FEMA/FIRM Community Panel No. 41043C0214H, dated December 8, 2016 and FEMA/FIRM Community Panel No. 41043C527G, dated September 29, 2010, shows that this property is in Zone X, an area determined to be outside the 500-year floodplain.
- 6.5 Article 6: Wetlands. *Comprehensive Plan Plate 6* does not show any wetlands on the subject property; and the National Wetlands Inventory does not show any wetlands on the property.
- 6.6 Article 6: Hillside Development. *Comprehensive Plan Plate 7: Slopes*, shows that there are no areas of steep slopes on the subject property in the vicinity of the proposed development.
- 6.7 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts* shows the property is not located in a Historic District. There are no known archaeological sites on the property.

Conclusions

- 6.1 There are special features of the property related to Periwinkle Creek and the proximity of the property to the Albany Municipal Airport.
- 6.2 No development is proposed within or in close proximity to the Periwinkle Creek riparian corridor; therefore, a Natural Resource Impact Review is not required.
- 6.3 A condition of approval shall be included to prohibit interference with airport operations by reducing any possible interference with navigational signals or radio communication between the airport and aircraft.
- 6.4 As proposed, this criterion is satisfied with the following condition.

Conditions

Condition 1 Electrical interference with navigational signals or radio communication between the airport and aircraft, lighting and glare that would impair visibility and navigation of pilots, and any other type of interference that would otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport are prohibited.

Telecommunication Facilities Design Standards (ADC 8.500)

In addition to the review criteria above, the following Design Standards must be met. **Note:** If there is a checked box symbol () preceding a standard, it means staff has compared the applicant's findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked () , staff has provided findings and conclusions as to the reason(s) why the standard is not met and has added a condition. "NA" preceding the standard means it is not applicable to this particular development

- NA No new tower shall be permitted unless the applicant demonstrates that co-location is not feasible on existing towers (ADC 8.500(1)).
- New towers or facilities 50 feet or more in height must provide for future co-location or other telecommunications providers (ADC 8.500(2)).
- Monopole construction is preferred over the lattice style (ADC 8.500(3)).
- The applicant shall consider the following locations as the preferred order of location 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 (ADC 8.500(4)).
- 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 (ADC 8.500(5)).
- 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 lack of visibility caused by natural growth or other factors (ADC 8.500(6)).
- Towers shall not be located between the principal structure and a public street (ADC 8.500(7)).
- Tower setbacks shall be at least the height of the tower from public streets (ADC 8.500(8)).
- 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 (ADC 8.500(9)).

NA All towers and associated facilities shall be removed within six months of the cessation of operation 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 (ADC 8.500(10)).

Overall Conclusion

As proposed and conditioned, the application for the Conditional Use Review meets all applicable review criteria as outlined in this report.

Conditions of Approval

Condition 1 Electrical interference with navigational signals or radio communication between the airport and aircraft, lighting and glare that would impair visibility and navigation of pilots, and any other type of interference that would otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport are prohibited.

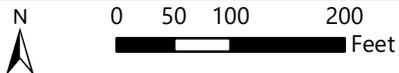
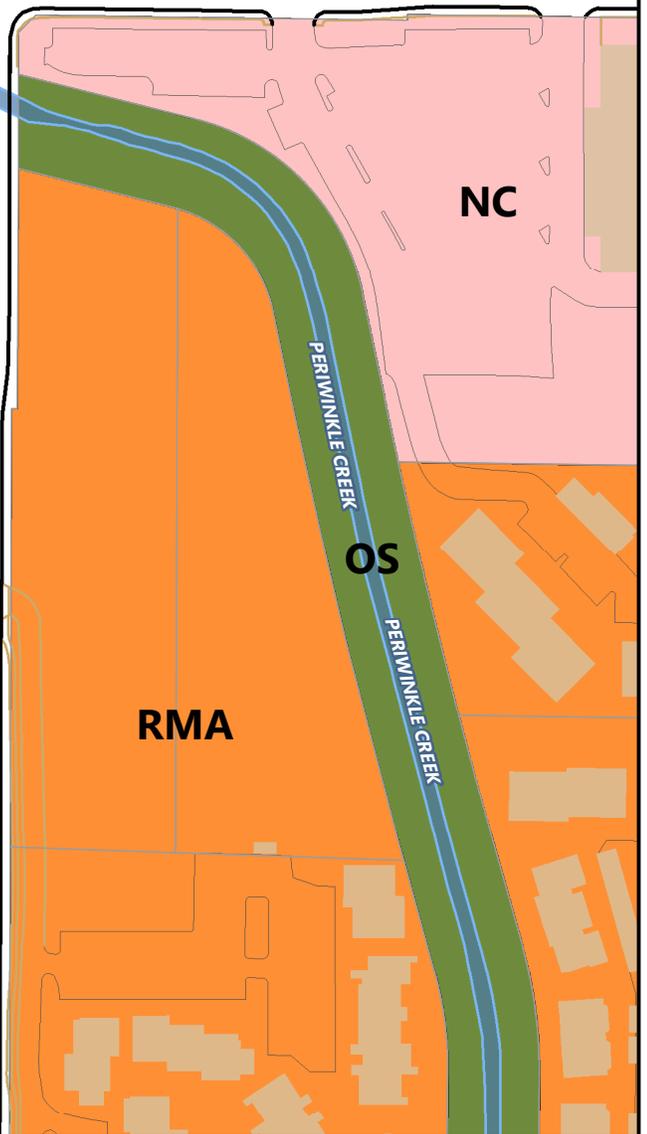
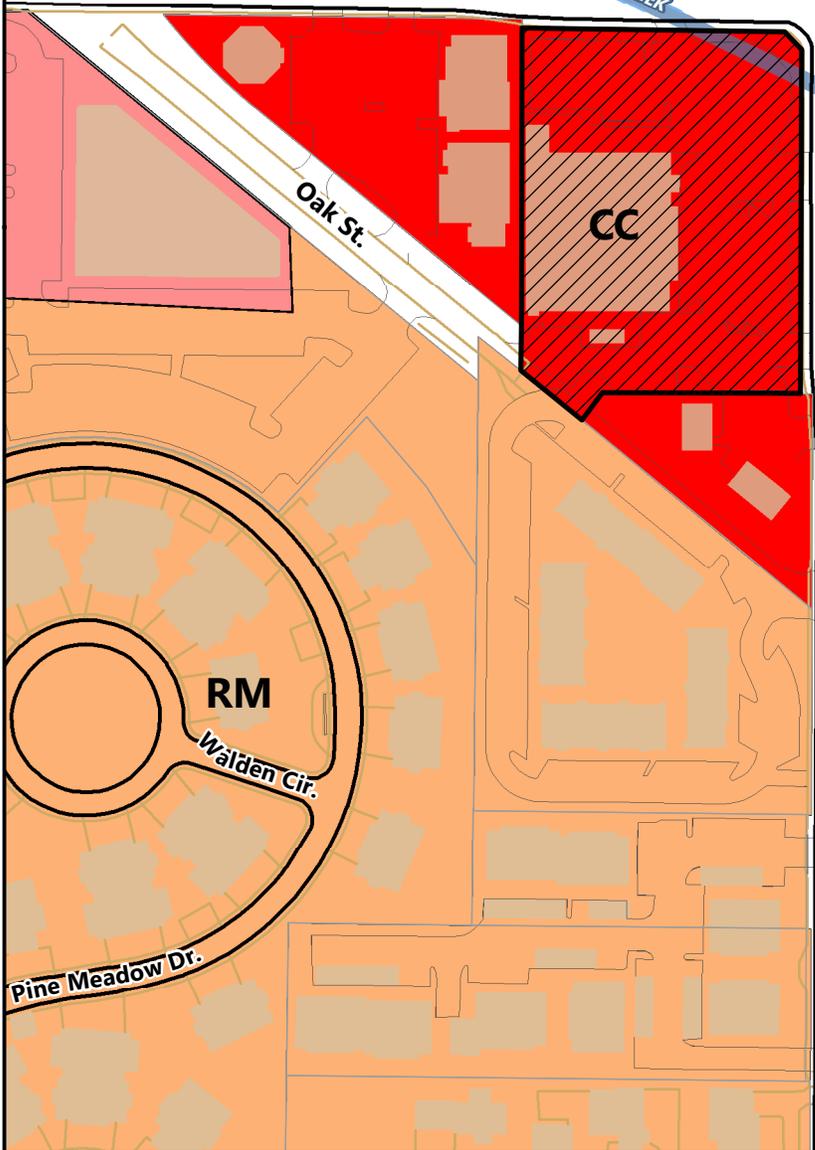
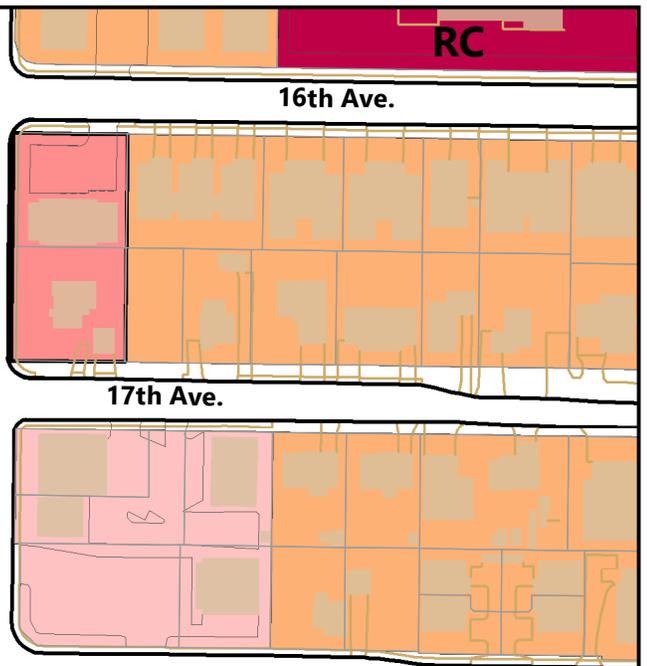
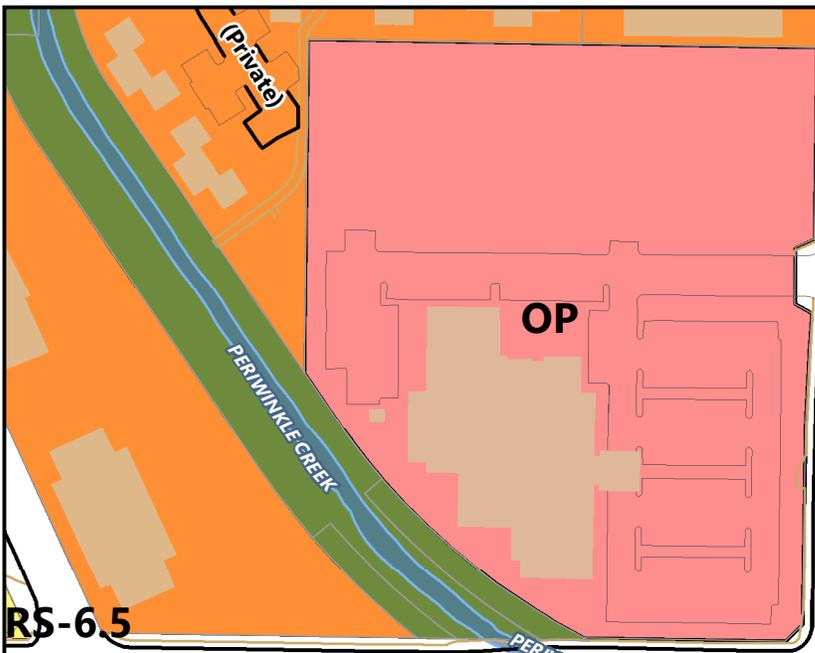
Attachments

- A. Location Map
- B. Applicant's Plan Set
 - a. Title Sheet, Sheet T1.0
 - b. Overall Site Plan, Sheet A1.0
 - c. Enlarged Site Plan, Sheet A2.0
 - d. Elevations, Sheet A3.0

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CC	Community Commercial Zoning District
CU	Conditional Use File Designation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NGVD 1929	National Geodetic Vertical Datum of 1929*
RM	Residential Medium Density
RMA	Residential Medium Density Attached
TIA	Traffic Impact Analysis
TSP	Transportation System Plan

*The conversion factor from NGVD 1929 to NAVD 1988 in Albany is +3.38 feet.



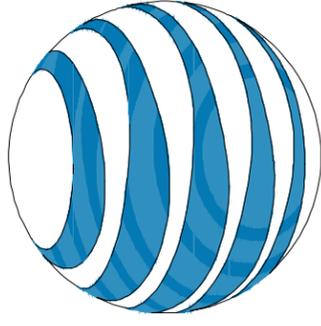
Date: 12/9/2019 Map Source: City of Albany

1710 Geary Street SE

Location / Zoning Map

PROJECT SCOPE

1. PROPOSED INSTALLATION OF A TELECOMMUNICATIONS FACILITY ON AN EXISTING PARCEL FOR AT&T.
2. PROPOSED INSTALLATION OF SIX (6) ANTENNAS, TWELVE (12) RRHS, TWO (2) SURGE PROTECTORS, AND FIBER/DC CABLES ON AN EXISTING 70' MONOPOLE TO BE EXTENDED 20.0' TO A NEW HEIGHT OF 90.0'.
3. PROPOSED INSTALLATION OF A 6'-8" X 6'-8" WIC (EQUIPMENT SHELTER) AND 30KW GENERATOR ON A 9'-0" X 20'-0" CONCRETE PAD WITHIN AN EXISTING FENCED COMPOUND.
4. PROPOSED INSTALLATION OF NEW 200A ELECTRICAL SERVICE, AND FIBER SERVICE.



CO16 CALAPOOIA

FA #: 14671567 / USID: 275569
 1710 GEARY STREET SE
 ALBANY, OR 97322
 ATC #: 414458
 ZONING DRAWINGS

PROJECT CONTACTS

APPLICANT:
 NEW CINGULAR WIRELESS PCS, LLC
 19801 SW 72ND AVENUE #200
 TUALATIN, OR 97062

TOWER OWNER:
 AMERICAN TOWER COMPANY
 10 PRESIDENTIAL WAY
 WOBURN, MA 01801

PROPERTY OWNER:
 TIM & JOYCE BARTEL
 1410 POWELL STREET SE
 ALBANY, OR 97322

ZONING/PERMITTING AGENT:
 SMARTLINK
 11232 120TH AVE NE #204
 KIRKLAND, WA 98034
 SAMANTHA DOWNS
 PH: 480.296.1205

SITE ACQUISITION AGENT:
 SMARTLINK
 11232 120TH AVE NE #204
 KIRKLAND, WA 98034
 SAMANTHA DOWNS
 PH: 971.338.3783

RF ENGINEER:
 AT&T MOBILITY

CONSTRUCTION MANAGER:
 AT&T MOBILITY
 DANNY DICKERSON
 PH: 503.820.8561

PROJECT INFORMATION

SITE NAME:
 CO16 CALAPOOIA
 1710 GEARY STREET SE
 ALBANY, OR 97322

JURISDICTION:
 CITY OF ALBANY

PARCEL #:
 344875

TAX MAP #:
 11503W08CC00101

PARCEL SIZE:
 1.83 AC

ZONING:
 CC

LATITUDE:
 44° 37' 27.8" N (44.624389°)

LONGITUDE:
 -123° 05' 02.7" W (-123.084083°)

GROUND ELEVATION:
 224.6' AGL

ZONING:
 1A CERTIFICATION

MONOPOLE
 70.0'

(E) STRUCTURE HEIGHT:
 90.0'

(P) STRUCTURE HEIGHT:
 200 SQ FT

(P) AT&T GROUND LEASE AREA:
 180 SQ FT (22%)

(P) AT&T EQUIP. PAD COVERAGE:
 180 SQ FT (22%)

OCCUPANCY:
 U

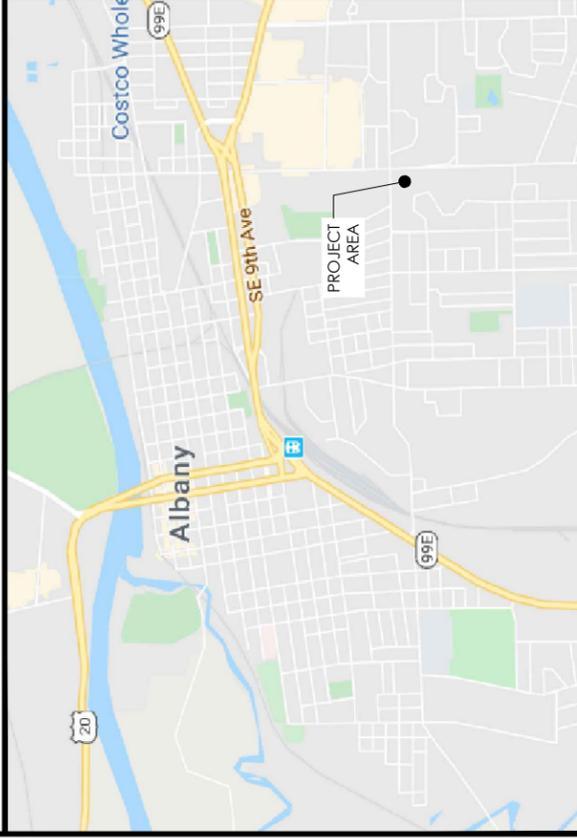
GROUP:
 II-B

DRIVING DIRECTIONS

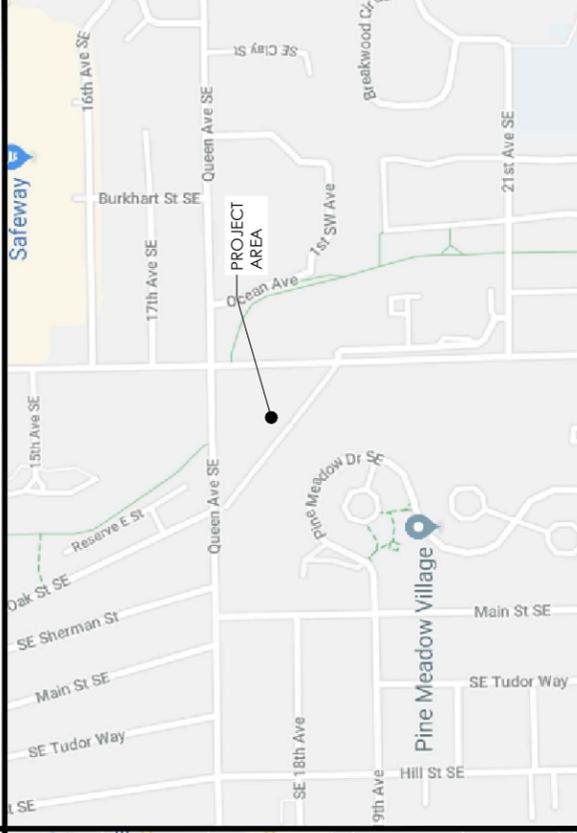
- FROM AT&T OFFICE IN TUALATIN, OREGON:
1. TURN RIGHT ONTO SW 72ND AVE (489 FT)
 2. TURN RIGHT AT THE 1ST CROSS STREET ONTO SW SAGERT ST (.4 MI)
 3. TURN RIGHT ONTO SW MARTINAZZI AVE (.4 MI)
 4. TURN RIGHT ONTO SW TUALATIN-SHERWOOD RD (.2 MI)
 5. CONTINUE ONTO SW NYBERG ST (.1 MI)
 6. SLIGHT RIGHT TO MERGE ONTO I-5 S TOWARD SALEM (.2 MI)
 7. MERGE ONTO I-5 S (54.9 MI)
 8. TAKE EXIT 234B FOR OR-99E TOWARD ALBANY (.2 MI)
 9. CONTINUE ONTO OR-99 E S / PACIFIC BLVD SE (1.1 MI)
 10. SLIGHT LEFT ONTO OR-99E (.2 MI)
 11. TURN LEFT ONTO SE GEARY ST (.6 MI)
 12. SITE WILL BE ON YOUR RIGHT BEHIND THE "WHEELER DEALER"

TOTAL TIME: 1 HR
 TOTAL MILES: 58.5 MILES

VICINITY MAP



LOCALIZED MAP



SHEET INDEX

- T1.0 TITLE SHEET
- A1.0 OVERALL SITE PLAN
- A2.0 ENLARGED SITE PLAN
- A3.0 ELEVATIONS



DRAWN BY: MS

CHECKED BY: BU

VER.	DATE	DESCRIPTION
1	12/05/19	PRELIM LU DRAWINGS
2	12/11/19	CLIENT COMMENT
3	12/12/19	FINAL LU DRAWINGS

LICENSER

PROJECT INFORMATION

CO16
 CALAPOOIA

1710 GEARY STREET
 ALBANY, OR 97322

SHEET TITLE

TITLE SHEET

SHEET NO.

T1.0

** THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE OWNER IS STRICTLY PROHIBITED.

GOVERNING CODES

- 2014 OREGON STRUCTURAL SPECIALTY CODE
- 2017 OREGON ELECTRICAL SPECIALTY CODE
- 2014 OREGON ENERGY EFFICIENCY SPECIALTY CODE
- 2014 MECHANICAL SPECIALTY CODE
- 2014 OREGON FIRE CODE

A.D.A. COMPLIANCE
 INSTALLATION IS UNMANNED / NOT FOR HUMAN HABITATION. HANDICAP ACCESS IS NOT REQUIRED PER A.D.A.

APPROVALS

FINAL CONSTRUCTION DRAWINGS SIGN-OFF

** REVIEWERS SHALL PLACE INITIALS ADJACENT TO EACH REDLINE NOTE AS DRAWINGS ARE BEING REVIEWED.

CONSULTANT/PRINTED NAME	SIGNATURE	DATE
LANDLORD:		
SITE ACQ:		
PERMITTING:		
RF MGR:		
CONST MGR:		
OPS MGR:		
PROJ. MGR:		
COMPLIANCE:		
TRANSPORT:		



DRAWN BY: MS
 CHECKED BY: BU

DRAWING VERSION	
VER.	DESCRIPTION
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2	12/11/19 CLIENT COMMENT
3	12/12/19 FINAL LU DRAWINGS

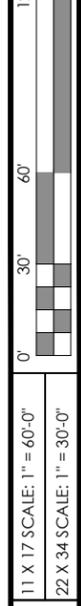
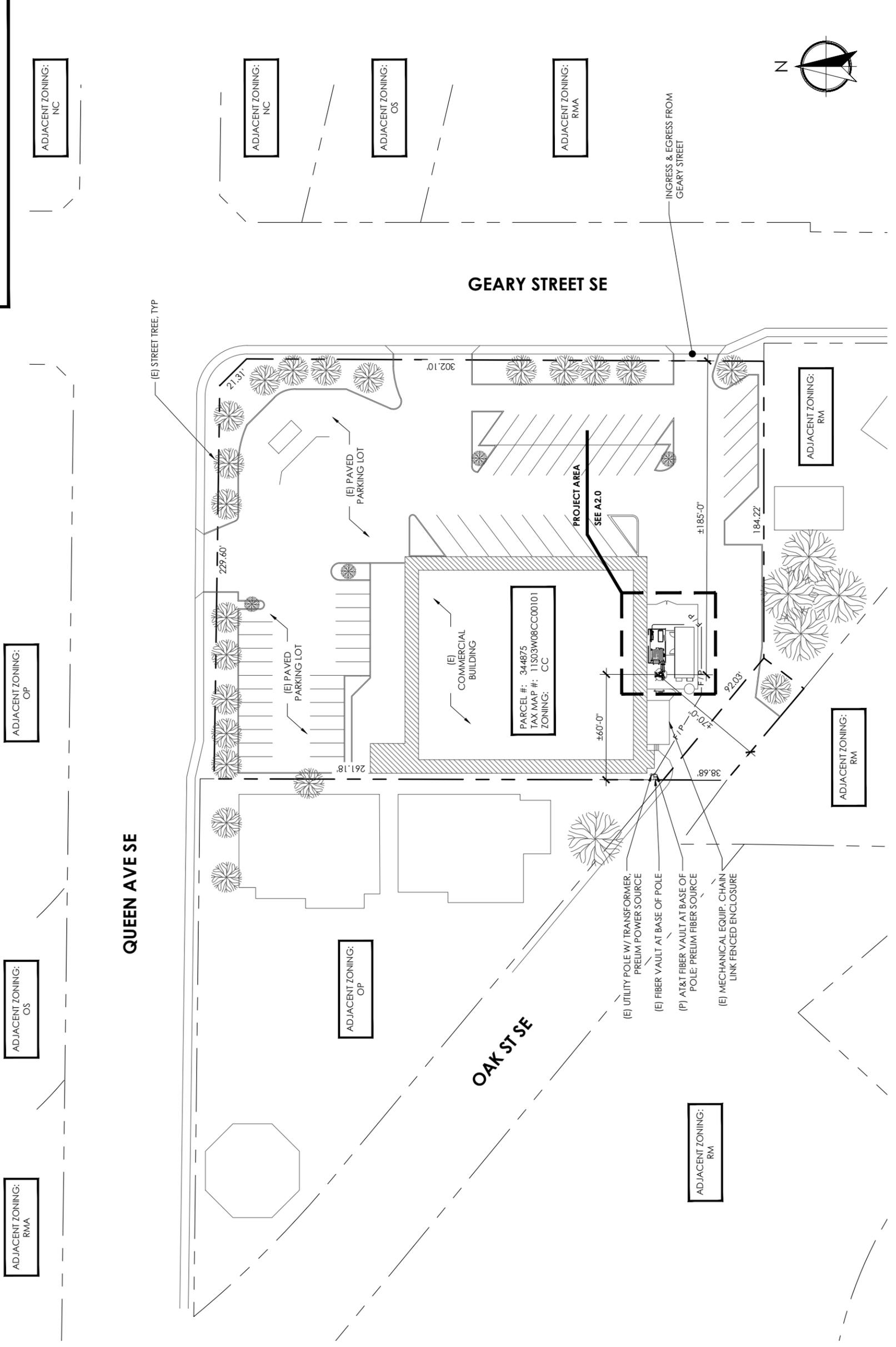
LICENSER

PROJECT INFORMATION
**CO16
 CALAPOOIA**
 1710 GEARY STREET
 ALBANY, OR 97322

SHEET TITLE
OVERALL SITE PLAN

SHEET NO.
A1.0

NOTES:
 1. THE OVERALL SITE PLAN IS GENERATED FROM MULTIPLE SOURCES INCLUDING, BUT NOT LIMITED TO, GIS MAPS, AERIAL MAPS, PHOTOS, IMAGES, AND TOPOGRAPHIC SURVEY (IF PROVIDED).





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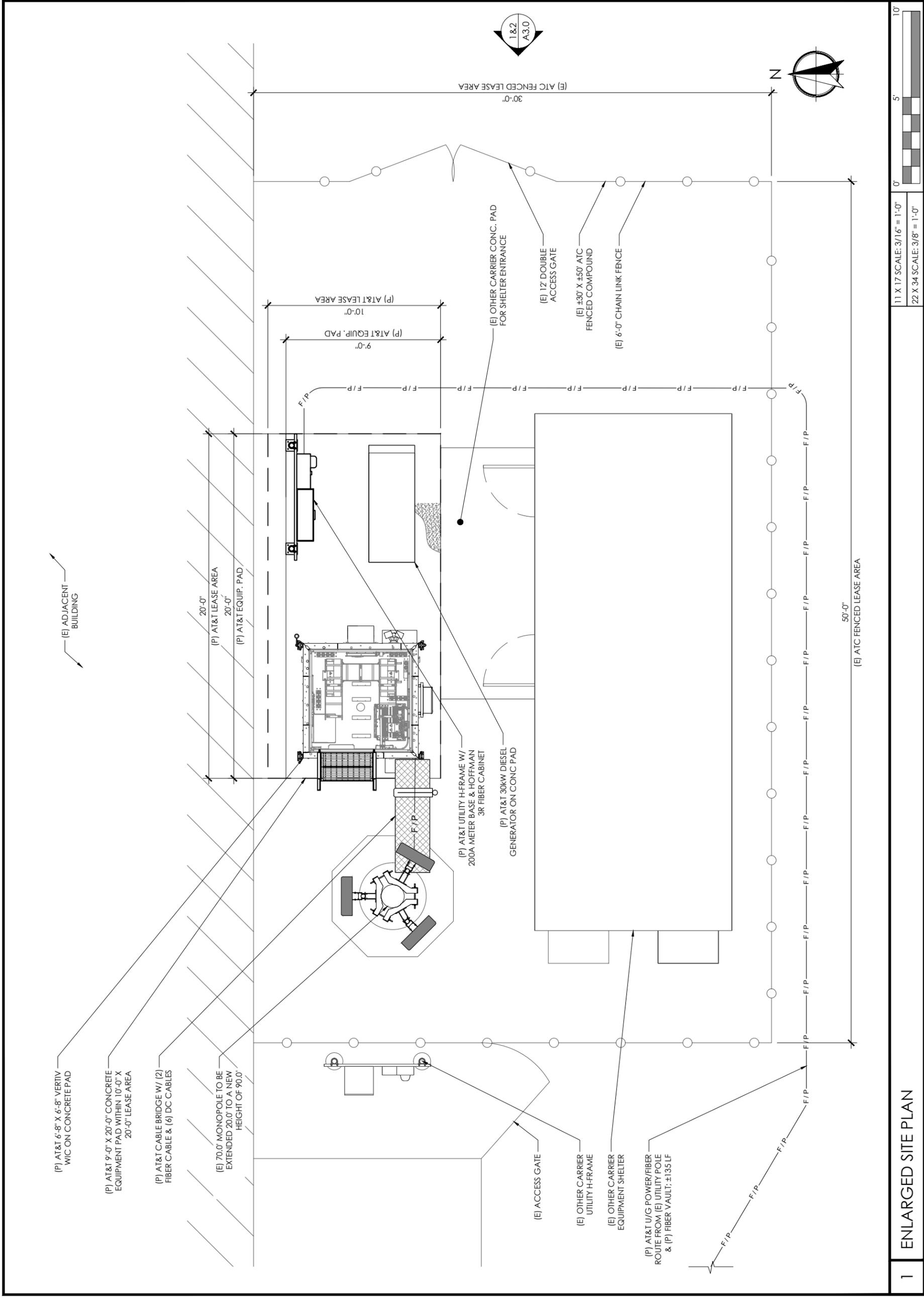
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2	12/11/19	CLIENT COMMENT
3	12/12/19	FINAL LU DRAWINGS

LICENSER

PROJECT INFORMATION
CO16
CALAPOOIA
 1710 GEARY STREET
 ALBANY, OR 97322

SHEET TITLE
ENLARGED SITE PLAN

SHEET NO.
A2.0





DRAWN BY: MS
CHECKED BY: BU

VER.	DATE	DESCRIPTION
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2	12/11/19	CLIENT COMMENT
3	12/12/19	FINAL LU DRAWINGS

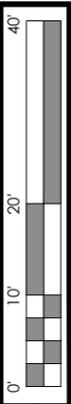
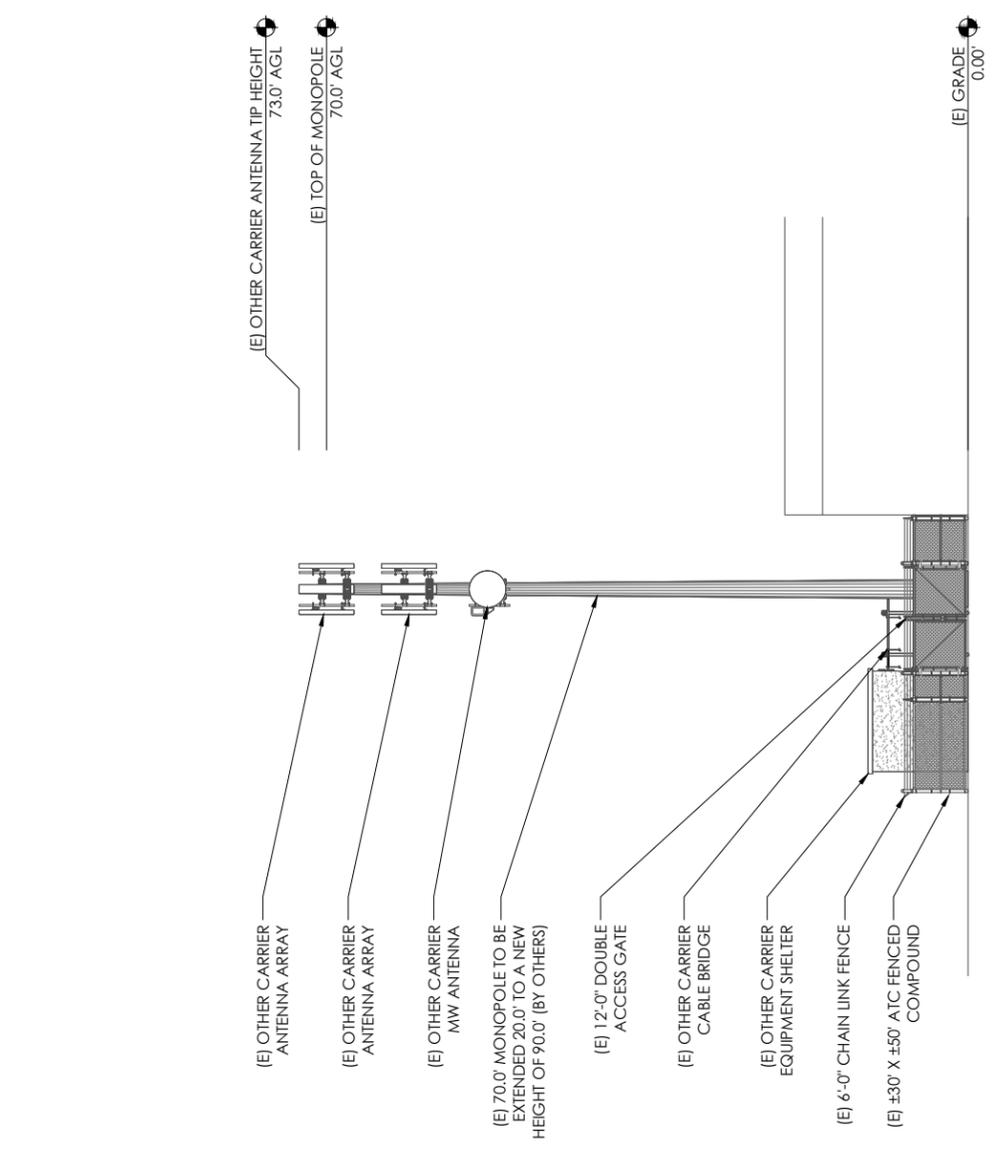
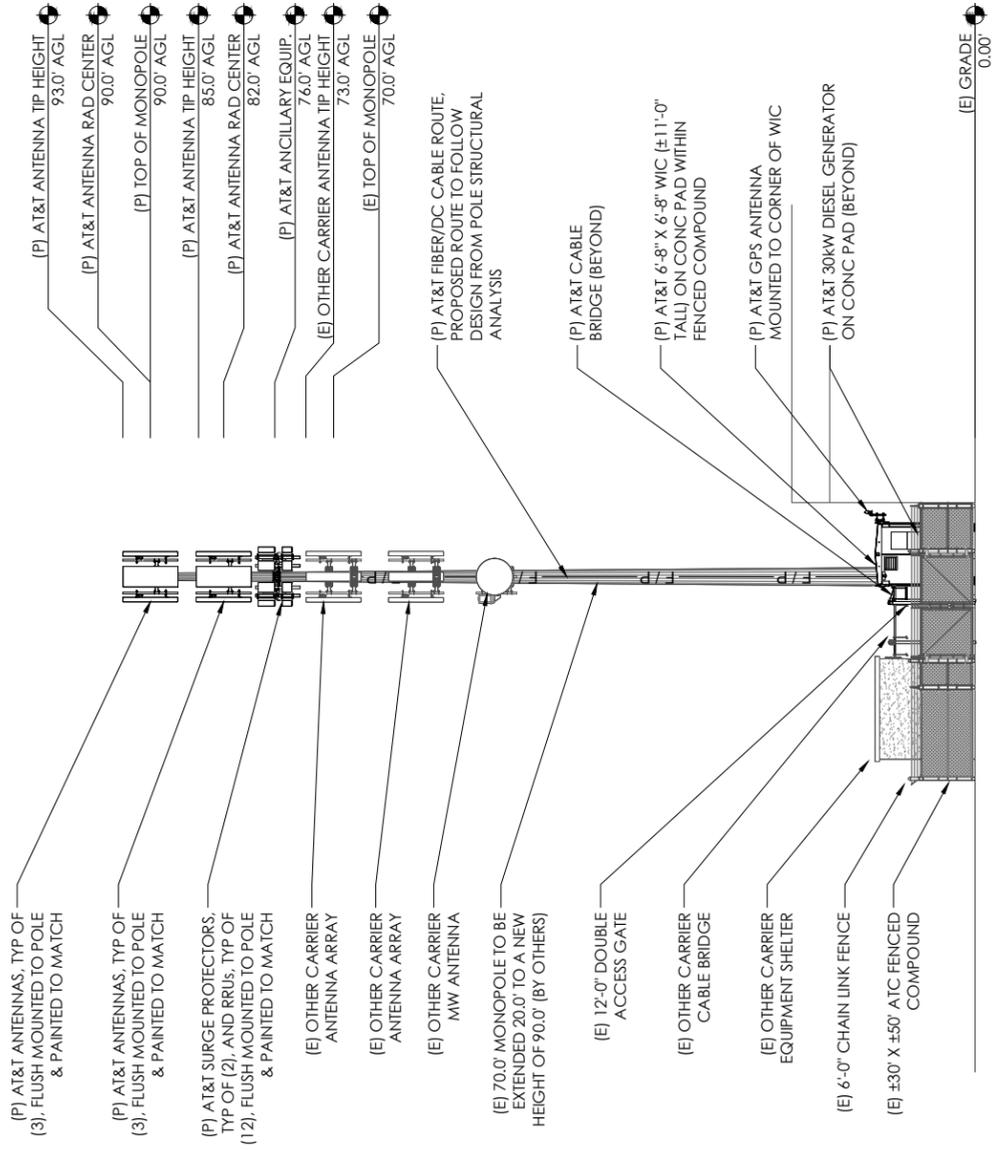
LICENSER

PROJECT INFORMATION
**CO16
CALAPOOIA**
1710 GEARY STREET
ALBANY, OR 97322

SHEET TITLE
ELEVATIONS

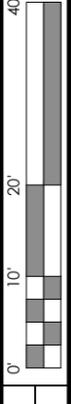
SHEET NO.
A3.0

NOTES:
1. THE PROJECT CM / PM TO VERIFY ANY REQUIRED PAINTING REQUIREMENTS FOR PROPOSED TOWER, ANTENNAS, ANCILLARY EQUIPMENT, CABLES, AND HARDWARE PRIOR TO ORDERING / INSTALLING EQUIPMENT.



11 X 17 SCALE: 1" = 20'-0"
22 X 34 SCALE: 1" = 10'-0"

2 (P) EAST ELEVATION



11 X 17 SCALE: 1" = 20'-0"
22 X 34 SCALE: 1" = 10'-0"

1 (E) EAST ELEVATION