

CU/SDR 20-06 ACOM Consulting Public Hearing File – Part I

Table of Contents

- City Council Staff Report 1**
- 1. Planning Commission Order of Denial dated July 6, 2020..... 21
- 2. Applicant’s Materials
 - a) Appeal Form and its Exhibit A 39
 - b) Letter, M. Connors, Hathaway Larson, to the City Council 43
 - c) Letter, Tammy Hamilton, Acom Consulting 47
 - d) Photosims..... 51
 - e) Site and Elevation Plans 57
 - f) Letter, M. Connors, Hathaway Larson 71
- 3. Written comments received from the public during the Planning Commission process..... 85



**CITY OF DUNDEE CITY COUNCIL
Staff Report**

**Appeal of a Planning Commission Order Denying a
Conditional Use Permit and Site Development Review
File No. CU 20-06/SDR 20-07 – Verizon Cell Tower**

Request: An appeal by the applicant of the Planning Commission’s denial of an 80-foot tall wireless communications tower (74’ + 6’ of branches) and ground equipment. The tower and equipment will be enclosed within a 232 square foot fenced area in the SE corner of the Dundee Fire Station. In addition to fencing, landscaping will be provided to screen the equipment from surrounding properties.

Project Information	
Applicant and Agent	Tammy Hamilton, Acom Consulting, Inc. for Verizon Wireless.
Property Owner	City of Dundee
Location	Southeast corner of the Dundee Fire Station site
Site Address	801 N Hwy 99W
Tax Lot	T3S, R3W, Section 25CC, Tax Lot 800
Zoning	P (Public)
Applicable Criteria	Dundee Municipal Code Sections 17.402.050, 17.404.030, 17.203.170
Hearing Date	August 4, 2020

Background

Version Wireless submitted a Site Development Review application with a concurrent Conditional Use application to construct the above described wireless communications facility (cell tower). The subject property is in the Public Zone where the height limit is 45-feet, but through a Conditional Use application, the height can be increased (Dundee Development Code, Table 17.202.030, C), thus a Conditional Use application was also submitted.

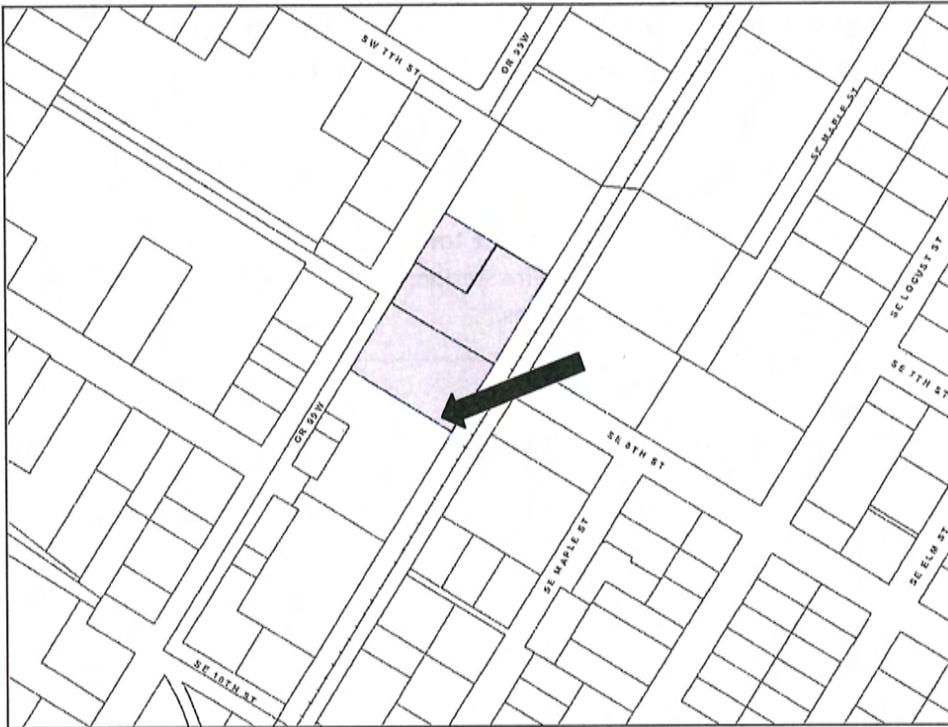
The Planning Commission conducted a duly noticed public hearing on June 17, 2020 and at the request of a testifying party it was continued to July 1, 2020. On July 1, after receiving additional written and oral testimony the Commission passed an oral motion which was set forth in a July 6, 2020 Planning Commission Order denying the requested Conditional Use application because the applicant did not meet approval criterion 17.404.030, A, 1, regarding building mass, visibility and aesthetic considerations. Criterion A, 1, states:

A. Use Criteria.

- 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations. (emphasis added)*

When the Conditional Use application was denied, the Site Development Review (SDR) was also denied because the SDR proposed an 80-foot tall tower and when the 80-foot height was not approved, the SDR could not be approved. The Planning Commission Order is at Attachment 1.

Location Map



Applicant's Appeal

On July 15, 2020 Acom Consulting, Inc., for Verizon Wireless, submitted the City's appeal form with Exhibit A, Appeal Issues, prepared by Michael Connors, Hathaway Larson, LLP, Portland (see Attachment 2).

This staff report does not paraphrase the 2-page Exhibit A because City staff does not want to inadvertently misstate or miss-characterize the appellant's statements. Staff encourages the City Council to read the applicant's 2-page Exhibit A, to the City's appeal form at Attachment 1.

Contingency Options for the City Council

Where the City Council affirms the Planning Commission Order (at Attachment 1 as noted above), and where the City Council does not add, change or remove the reasons set forth in the Planning Commission Order, the Order provides the findings and conclusions for denying the Conditional Use and Site Development Review applications. A City Council Order will be prepared by staff for the Mayor to sign in the days after the City Council hearing.

Where the City Council affirms the Planning Commission Order, but adds, changes or removes language set forth in the Planning Commission Order, the City Council Order prepared by staff for the Mayor to sign in the days after the City Council hearing will include the added, changed or removed language.

Where the City Council does not affirm the Planning Commission Order and approves the Conditional Use and Site Development Review applications, the City Council Order prepared by staff, or prepared by the applicant at the City's request, for the Mayor to sign in the days after the City Council hearing, will provide the findings and conclusions to support the approvals. Such language was in the draft Planning Commission Order included in the June 17, 2020, staff report to the Planning Commission. The heading below on this page, Staff Recommendation, includes findings and conclusions in support of approvals for the CU and SDR applications.

Comments Received:

Comments received from the City Departments and agencies were incorporated into the Planning Commission Order. The agency comments include the following:

ODOT: Reviewed, "...no comments on the cell tower proposal. The existing access was permitted in 2014 (Permit #03A55832) and the permit is still valid with the addition of a cell tower."

ODOT Rail Division: Reviewed, no conflict. During construction contact Portland & Western Railroad if equipment is being operated within 50 feet of the railroad tracks. Contact information: Dennis Hannah, Permit Specialist, dhannahs@gwrr.com, (505) 508-7940.

Oregon Department of Aviation (ODA): "The ODA has determined that a FAA FORM 7460-1 will need to be completed by the applicant for the proposed construction. The completed FAA FORM 7460-1 must be submitted to the ODA prior to final approval of building permits or land use decisions. I have attached a FAA FORM 7460-1 for reference." The applicant followed-up and submitted the completed FAA Form to ODA.

Frontier and Portland General Electric: No comment.

Citizen Comments: Written and oral public comments were received during the Planning Commission hearing process. The written comments are in Attachment 3. Written comments for the City Council hearing received by the city, but not in time to be included in this report, will be forwarded to the Council as they are received.

A notice of the August 4, 2020 City Council public hearing was mailed to all the parties who submitted oral or written testimony during the Planning Commission hearing process.

Staff Recommendation

The CU criterion, 17.404.030, A, 1, referring to building mass, visibility and aesthetic considerations, is a subjective criterion where differing conclusions are possible. Staff recommends the Conditional Use (CU) and Site Development Review (SDR) applications be approved because staff's conclusion is the approval criteria are met.

Where the City Council concludes the CU and SDR applications should be approved, the following is from the June 17, 2020 staff report to the Planning Commission and finds the approval criteria have been met for the CU and SDR. Additional language has been added at locations identified as "Additional language."

Note: The Dundee Municipal Code criteria are written in *italic* font and the findings are written in regular font. Items related to conditions of approval are underlined. The Development Code criteria are listed with the findings immediately following for each criterion.

1. Applicable Dundee Municipal Code Criteria – Conditional Use & Site Development Review

17.404 – Conditional Use Permits

17.404.030 Criteria, Standards, and Conditions of Approval

By means of a Type III procedure, the planning commission shall approve, approve with conditions or deny an application, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in subsections (A) through (C) of this section.

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

Finding: The applicant's response (3/18/20, Narrative, p. 24) addresses size, location, topography and access. The wireless structure and related ground equipment are proposed on the 1.48-acre (64,468 square feet) Dundee Fire Station site. The proposed enclosure for the structure and related equipment is 232 square feet (8-foot x 29-foot). The total lease area with the 5-foot landscape buffer is 507 square feet (13-foot x 39-foot) which is 0.7 percent of the site area. From the north side of the 507 square foot lease area the site slopes down to the south and it is proposed to be brought up to the same level as the north side using a retaining wall which will be filled in and backfilled on the outer side.

The railroad tracks abut the subject property on the east. The site is in the Public (P) Zone, but the area is commercial zoning (CBD Zone) between 99W and the tracks, and industrial zoning (LI Zone) on the east side of the tracks.

The facility will be behind the Dundee Fire Station, in the southeast corner of the site, away from public streets. Screening (fencing and landscaping) for the ground equipment is proposed to mitigate visual and noise impacts. All of the proposed improvements will fit within the fenced and leased areas.

The facility will not be manned, therefore, access will be necessary only for one to two trips per month. No parking is required for the use. A 12 foot wide access easement is provided through the fire station parking lot to the facility. The site size, dimensions, location, topography and access are adequate for the needs of the proposal. The site size, dimensions and topography are adequate for the proposed use.

The applicant's 3/18/20 Narrative, p. 24, indicates the location is necessary because the area has poor wireless service and a new facility will allow seamless coverage for users in town and along Highway 99W. The site is very near the center of Verizon's search area to fill the coverage and capacity gaps. The location in the back corner of the site place the facility away from 99W and other roads to the east.

The applicant's 3/18/20 Narrative, pp. 4 - 12, address site selection and design in terms of improving coverage and capacity. The site's location is adequate for the proposed use.

The applicant's 3/18/20 Narrative, p. 24, indicates the facility will use the existing access from 99W into the Fire Department parking lot with a 12-foot wide easement running to the facility. The facility will be monitored remotely and will be visited 1 or 2 times per month for maintenance. The access is adequate for the proposed use.

The applicant's materials address building mass, visibility and aesthetics. The applicant has proposed an 80-foot high stealth Monopine to mimic the appearance of a pine tree. A 74-foot antenna tip height will allow for 6-foot

of branches above the antennas to mimic the shape of a natural tree. The applicant states 74-feet is the minimum height to meet coverage needs. The height allows for co-location of another provider, which will minimize the number of future facilities needed in the area.

Photo simulations from several vantage points in the area have been provided showing how the proposed structure will look in relation to existing trees, structures, and utility poles. A stealth design is proposed, which limits the appearance of the structure's mass. Antennas will be mounted on short arms and the structure will be behind the fire station to minimize the view from Hwy 99W. The base and ground equipment will be surrounded by a 6-foot chain link fence with slats and a 5-foot wide landscape buffer with a mix of deciduous and evergreen trees, shrubs and groundcover.

Additional language follows.

Above, in the heading "Applicant's Appeal" (p. 2) it says, "This staff report does not paraphrase the 2-page Exhibit A because City staff does not want to inadvertently miss-state or miss-characterize the appellant's statements. Rather, City Councilor's are encouraged to read Exhibit A." The following does not paraphrase, but identifies additional materials provided by the appellant.

The applicant's 7/15/20 Exhibit A – Appeal Issues, 2-pages, addresses the building mass, visibility and aesthetics issues (see Attachment 1).

The applicant's 7/15/20 Exhibit A – Appeal Issues, 2-pages, addresses the 1996 Federal Telecommunications Act "...prohibits a city from adopting decisions that 'prohibit or have the effect of prohibiting' wireless communication facilities within the city." (see Attachment 1).

The applicant's 7/27/20 letter to the City Council follows-up on the 7/15/20 appeal (Exhibit A, Appeal Issues) and reiterates the applicant was not afforded the opportunity to present alternative design options at the Planning Commission hearing (p. 2, Section B, Tower Design Options)(see Attachment 1). The 7/27/20 letter, Section B, proposes an alternative to the original monopine design stating:

"The first option is a slimmer version of the monopine design. Verizon originally proposed the fuller monopine design option since some people believe it looks more like a realistic tree, but the Planning Commission cited the bulk of the tower as one of the reasons for the denial under DMC 17.404.030, A, 1. In response, Verizon is proposing a slimmer monopine option that is less bulky than the original monopine proposal. We included photosims to show how this particular design of monopine would look in the surrounding area."

The 7/27/20 letter, Section B, proposes a second alternative to the original monopine design stating:

"The second option is a monopole option. Although the monopole option is not a stealth option, it is significantly less bulky than any of the monopine options. Given the number of utility poles in the immediate area, this design option may blend in better with the surrounding environment as well. Verizon included architecture drawings for the monopole design in the event the City Council chooses this option."

The 7/27/20 letter, Section B, goes on to state, in part:

"These [the original monopine design and the two options above] are the best design options available for this site as other design options (lattice tower, etc.) will have greater visual impacts. Given that wireless communication facilities are allowed as a special use in the Public ("P") zone and the conditional use criteria require that the impacts be reasonably mitigated or minimized, not avoided or eliminated,

Version believes that the City Council is required to choose the best of the available options. Denying the Application on the grounds that no design option can satisfy DMC 17.404.030(A)(1) for this site would be inconsistent with the City code and violate the Federal Telecommunications Act.”

Additional justification is provided in the applicant’s 7/15/20 Appeal Issues (2-pages), the 7/27/20 letter to the City Council and Acom’s 7/27/20 letter to the City of Dundee.

Regarding the Dundee Development Code (DDC), staff believes if the original intent of the Public Zone was to limit cell towers to 45-feet in height, the DDC would have been written to not allow the 45-foot height limit to be exceeded through the conditional use process, but the DDC specifically allows the 45-foot height limit to be exceeded through the conditional use process.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.

Finding: The applicant’s response (3/18/20 Narrative, p. 24) and the June 16, 2020 noise study address the negative visual and noise impacts.

Regarding the visual impacts, the following repeats some of the finding from above regarding 17.404.030, A, 1. The applicant has proposed an 80-foot high stealth Monopine to mimic the appearance of a pine tree. A 74-foot antenna tip height will allow for 6-feet of branches above the antennas to mimic the shape of a natural tree. The applicant states 74-feet is the minimum height to meet coverage needs. The height allows for co-location of another provider, which will minimize the number of future facilities needed in the area. Photo simulations from several vantage points in the area have been provided showing how the proposed structure will look in relation to existing trees, structures, and utility poles. A stealth design is proposed, which limits the structure’s mass. Antennas will be mounted on short arms and the structure is proposed behind the fire station to minimize the view from Hwy 99W. The base and ground equipment will be surrounded by a 6-foot chain link fence with slats and a 5-foot wide landscape buffer with a mix of deciduous and evergreen trees, shrubs and groundcover.

The proposed equipment includes support cabinets. The cabinets will run 24 hours a day. The closest property to the facility site is the abutting land to the south which is zoned Central Business District (CDB). It is vacant, except for an older unoccupied concrete industrial building.

The Dundee Municipal Code limits noise to 60 dBA during daytime hours and 55 dBA at night. The applicant’s materials included a 5-page acoustical report by SSA Acoustics dated October 4, 2017. The report shows a noise barrier is required to satisfy the Dundee noise requirements for the equipment at night. A detail of the barrier is shown in the report, Figure 2, p. 4, along the inside of the south fence line. Additional The applicant is conditioned to provide plans for review and approval that show how the noise barrier can be accommodated within the project area including the proposed fencing and landscaping.

The prior proposal in 2018 included an emergency generator and the acoustical report include sound mitigation for the generator. The 2020 application does not include a generator and, therefore, the sound mitigation for the generator is not now needed, nor is it required.

Additional language follows.

The above proposed condition of approval related to the noise barrier is now not needed because the updated June 16, 2020 noise study includes plans showing how the noise barrier will be affixed to the chain link fence. Therefore, where the City Council approves the CU and SDR applications, the above condition of approval is not included in the conditions of approval at the end of this staff report.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with city standards.

Finding: The applicant's response (Narrative, p. 25) addresses the public facilities. The proposed facility is unmanned and only requires electrical and telephone services. There are adequate electrical and telephone services available. Water and sewer are not needed. Highway 99W is adequate to accommodate the 1-2 maintenance trips to the facility each month.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under DMC Division 17.200; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

Finding: The applicant's response (Narrative, p. 25) addresses the public facilities. Wireless communication facilities are permitted as a special use within the P (Public) zone. A conditional use permit is required only for facilities exceeding the 45-foot height limit. The conditional use permit is for the overall height of 80-feet. The applicant has applied for conditional use approval. A variance is not being requested or required.

B. Conditions of Approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

- 1. Limiting the hours, days, place and/or manner of operation;*
- 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;*
- 3. Requiring larger setback areas, lot area, and/or lot depth or width;*
- 4. Limiting the building or structure height, size, lot coverage, and/or location on the site;*
- 5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;*
- 6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;*
- 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;*
- 8. Limiting the number, size, location, height and/or lighting of signs;*
- 9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;*

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with city standards; and
14. The planning commission may require renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such periodic review may occur through an administrative or quasi-judicial land use review process.

Finding: The applicant's response (Narrative, p. 25) acknowledges the City's authority to assign conditions of approval. To minimize visual impacts, the applicant has proposed a Monopine design with branches on the upper 6-feet and with short antenna mounting arms to reduce the mass of the structure. To screen ground equipment, a 6-foot chain link fence with slats and a 5-foot wide landscape area is proposed on the eastern, western, and southern sides of the fence enclosure. The applicant's acoustical report notes that if an emergency generator were proposed such as with the prior application, a noise barrier would be needed to satisfy the Dundee noise requirements, but a generator is not proposed in this application, therefore, a noise barrier for a generator is not needed. After hearing public testimony and considering the proposal, conditions of approval may be imposed by the Dundee Planning Commission to minimize negative impacts from the proposed use.

C. Conditional Use Permit Supplemental Requirements. The requirements for compliance with permit conditions and permit expiration are the same as for site development review under DMC 17.402.070.

Finding: The applicant's response (Narrative, p. 26) acknowledges the requirements are the same as for site development review. The requirements for compliance with permit conditions and permit expiration shall be the same as for site development review under DMC 17.402.070.

17.402 – Site Development Review

17.402.050 Approval criteria.

A. Approval Criteria. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The city decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

1. *The application is complete, in accordance with DMC 17.402.040;*

Finding: The application was substantially complete for review. This criterion is met.

2. *The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*

Finding: The proposed wireless facility complies with the applicable development standards in the Public Zone (P) as follows:

17.202.030 Dimensional Standards (for the P zone)

- A. Lot Size: 5,000 square feet
- B. Setback Requirements: 20 front; none for side or rear yard
- C. Maximum Building Height: 45 feet; telecommunications structures in excess of 45 feet in height allowed with conditional use permit
- D. Minimum Lot Dimensions (Feet): None
- E. Maximum Lot Coverage (% of Lot): None

Finding: The property is located in the P (Public) Zone, which has the following requirements: 5,000 square foot minimum lot size; 20 foot front setback; 45 foot height limit (greater with conditional use permit); and no lot width, depth, frontage, or coverage standards. The parcel is approximately 64,468 square feet, which meets the lot size standard. The proposed monopole is 74 feet tall with branches extending to 80-feet, and the applicant has requested a conditional use permit to exceed the 45 feet height limit. The facility will be set back more than 20 feet from the front property line, meeting the standard. This criterion is met.

3. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 17.104 DMC, Nonconforming Situations;

Finding: The site is developed with the Dundee Fire Station, approved in 2013 (SDR 13-01). There are no nonconforming situations to upgrade. This criterion is met.

4. The proposal complies with all of the site design and development standards of this code, as applicable;

Finding: The proposal complies with, or can be conditioned to comply with, all applicable site design and development standards as outlined in this report under "Additional Standards". This criterion is met or met as conditioned.

5. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

Finding: All existing conditions of approval for the site are related to the Dundee Fire Station approval (SDR 13-01), and they have been satisfied. This criterion is met.

Additional Standards

17.202 – Zoning Regulations

17.202.050 Fence Standards

A. General Standards.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in agricultural and public zones.
2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
4. Fences shall comply with requirements of the clear vision area for streets and driveways.
5. In no instance shall a fence extend beyond the property line.
6. In the C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:
 - a. In the C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section.
 - b. In the CBD zone, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to subsection (B) of this section.
7. In the LI zone, fences taller than six feet in height shall not be chain link. Fences over six feet in height shall be screened by a sight obscuring hedge.

Finding: The proposed structure and ground equipment will be enclosed by a 6-foot tall chain link fence with slats. The fence will not include dangerous materials, be electric, be within the clear vision area, or extend beyond the property line. The requirements for fences in the C, CBD, and LI zones do not apply because the site is in the Public Zone.

17.203 – Special Use Standards

17.203.170 Wireless Communication Facilities

B. Review Procedure. In addition to the applicable application requirements for site development review, all of the following information shall be submitted:

1. An evaluation of the feasibility of co-location of the subject facility as an alternative to the requested permit. The feasibility study must include:
 - a. The location and ownership of the existing telecommunication structures within the cell service area and not to exceed two miles.
 - b. Written verification and other documentation revealing the availability and/or cooperation shown by other providers to gain access to existing sites/facilities to meet the needs of the applicant.

c. The tower type and height of potential collection facilities.

d. Anticipated capacity of the wireless communication facility, including number and type of antennas that can be accommodated.

e. The specific reasons as to why co-location is or is not feasible.

Finding: The applicant's Narrative, Section IV, pp. 4 – 12, provide the results of a wireless facility search "...to improve a significant capacity deficiency in its 3G and 4G LTE coverage in the City of Dundee" (p. 4). A "search ring" was identified in the area needing additional capacity (p. 5). The search results included the location, height, and ownership of the registered facilities. The closest facility was noted 1.1 miles away to the southwest on SE Fulquartz Landing Road (p. 7)(south of Hess Creek at the intersection of Fulquartz Landing Road and the RR tracks).

The applicant's Narrative, Figure 4, p. 10, shows the coverage area of the closest existing Verizon tower in Newberg. The coverage in the Dundee area is shown in green and yellow. Green "...represents a high RF signal strength which generally provides good coverage inside vehicles and buildings. Yellow represents moderate RF signal strength that generally provides good service inside vehicles and moderate service inside buildings" (p. 10). The Dundee area is shown in yellow, moderate service (Figure 4).

The applicant's Narrative, Figure 5, p. 11, shows the coverage in the Dundee area with the proposed Monopine. The Dundee area is shown in green, good service. The Narrative indicates the proposed Monopine would meet Verizon's coverage objective for the Dundee area.

The applicant's Narrative, Table 1, p. 8, considered co-location on existing telecommunication facilities and concluded, "Colocation on existing telecommunication facilities: This tower is outside of the search area and already being utilized by Verizon" [Table 1, p. 8, 1), a)]. The Narrative also considered "upgrade to existing towers" [Table 1, p. 8, 1) b)], "Existing alternative structures" [Table 1, p. 8, 1) c)], "Rooftop Installations" [Table 1, P. 8, 1) d)], and "Utility Structures (i.e., power poles, high tension power lines, etc.)" [Table 1, p. 8, 2)]. No other existing, non-wireless structures have the height or structural capacity needed to serve the area. Existing buildings in the area are not tall enough (mainly one story) and utility poles ranging from 20 – 60 feet cannot provide the coverage without multiple facilities. Where the poles were replaced with taller poles, there would be no space for ground equipment because the poles are in the 99W public right-of-way. For these reasons, co-location is not feasible.

In addition to the Narrative, Table 1, p. 8, the applicant's materials include "RF Usage and Facility Justification, OR1 Dundee" prepared by Verizon Wireless, October 15, 2019. It is eight color unnumbered pages. The seventh page, "Coverage Comparison With Existing Tower," (the AT&T tower at the corner of Fulquartz Landing Road and the RR tracks), shows how co-locating on the Fulquartz site would affect capacity in the Dundee area. It shows the current coverage and the coverage with Verizon co-locating on the AT&T tower would be, essentially, the same, and it concludes, "Existing tower located 1.3 miles SE [SW] of Dundee city will not improve coverage or capacity offload of existing sites."

2. Alternatives for locating or relocating support structures within 250 feet of the proposed location.

Finding: The applicant's Narrative, p. 11, states, "As there are no viable alternative structures or existing

wireless facilities on which to locate, prohibiting a new facility at this location would prohibit or have the effect of prohibiting the provision of wireless communications service in this area because it would materially inhibit Verizon's ability to add needed capacity." Moving the tower east would put it closer to a residential area. Locations north and south would be on the same site or another adjacent site which would have similar impacts as the proposed location. Further west would put the tower along Hwy 99W, closer to pedestrian areas. The proposed location is away from most of the nearby streets, behind the Fire Station, and within an area zoned for commercial and industrial uses.

3. Analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation.

Finding: The applicant submitted photo simulations from several vantage points to show the visual impacts of the proposed facility. Views 1 – 4 are along 99W and View 5 is looking west from 785 SE Locust Street (the NE quadrant of Locust and 8th). To minimize visual impacts the proposed facility design includes a monopole with evergreen limbs to give the appearance of an evergreen tree (Monopine). Antennas mounted on short davit arms and the ground equipment would be surrounded by fencing with privacy slats and landscaping (trees, shrubs and groundcover). To be less noticeable, the applicant is proposing the facility on a site abutted by commercial and industrial zoned properties, and behind the Dundee Fire Station near the railroad tracks and away from most public streets.

C. Approval Criteria. In addition to any other applicable requirements, the decision to approve or deny the placement of a wireless communication tower shall be based on all of the following:

1. Co-location is not feasible on existing structures, including other wireless communication facilities.

Finding: The applicant provided documentation of other wireless facilities within the area. There is an existing AT&T wireless facility 1.3 miles away, but it does not provide the coverage needed for the Dundee area. The applicant also considered alternative structures, buildings and utility poles. No existing, non-wireless structures have the height or structural capacity needed to serve the area. Existing buildings in the area are not tall enough (mainly one story) and utility poles ranging from 20 – 60 feet cannot provide the coverage without multiple facilities. Where the poles were replaced with taller poles, there would be no space for ground equipment because they are in the 99W public right-of-way. For these reasons, co-location is not feasible. This criterion is met.

2. The wireless facility shall be located and designed to preserve the ability for co-location of at least one additional user on all structures exceeding 35 feet in height, if feasible.

Finding: The proposed monopole is 80 feet tall (74 feet to the tip of the antennas) and will be designed for one additional antenna facility. This criterion is met.

3. Based on the visual analysis and mitigating measures, the location and design of a freestanding wireless communication facility shall be conditioned to minimize visual impacts from residential areas through the use of setbacks, building heights, bulk, color, landscaping and similar visual considerations.

Finding: Photo simulations of the proposed facility were provided by the applicant. Views are provided from several locations, including the residential area to the east of the site. To minimize visual impacts a monopole

design with short davit arm antenna mountings is proposed. A 6-foot high chain link fence with privacy slats and landscaping is proposed to screen ground equipment from view. The location of the proposed facility behind the Fire Station, near the RR tracks and away from most public streets also partially screens the facility. The simulation shows the facility in comparison to existing buildings, trees, and utility poles. The design minimizes the visual impacts from residential areas. This criterion is met.

4. The design minimizes identified adverse impacts of the proposed use to the extent feasible.

Finding: The adverse impacts from the proposed facility include visual and noise impacts. To minimize visual impacts the applicant completed a visual impact study within the surrounding area. Photo simulations from several locations were provided showing the facility in relation to existing buildings, structures, and landscaping. To minimize the visual impact the applicant proposed a monopole design with short davit arm antenna mountings. A 6-foot high chain link fence with privacy slats and 5 feet of landscaping are proposed to screen ground equipment from view. The proposed location is behind the Fire Station, near the railroad tracks, and away from most public streets.

The Dundee Municipal Code limits noise to 60 dBA during daytime hours and 55 dBA at night (DMC 8.28.040). The applicant's materials included a 5-page acoustical report by SSA Acoustics dated October 4, 2017. The report shows a noise barrier is required to satisfy the Dundee noise requirements for the equipment at night. A detail of the barrier is shown in the report, Figure 2, p. 4, along the inside of the south fence line, but the application sheets such as L-1, Landscaping, A-2, Enlarged Site Plan and A-2.1, Equipment Plan do not show the sound barrier. The applicant is conditioned to provide plans for review and approval that show how the noise barrier can be accommodated within the project area including the proposed fencing and landscaping.

Additional language follows.

As noted at the top of p. 7, above, the above proposed condition of approval related to the noise barrier is now not needed because the updated June 16, 2020 noise study includes plans showing how the noise barrier will be affixed to the chain link fence. Therefore, where the City Council approves the CU and SDR applications, the above condition of approval is not included in the conditions of approval at the end of this staff report.

5. Structures greater than 35 feet in height shall be at least 300 feet from any residentially (R) zoned property.

Finding: The proposed wireless facility is 80-feet tall. The nearest residentially zoned property is over 300 feet to the east measured from the property line. The applicant has provided a plan showing this but staff also used GIS maps and Yamhill County assessor's maps to verify the distance. This criterion is met.

Additional language follows.

The additional electronic file dated 7/27/20 submitted by Acom, Consulting, Inc., showing 14-pages of plans and elevations, includes Sheet SV-2, showing the distance from the tower to the property line on the east side of Maple Street where the residential zoning begins is 328.7 feet, which exceeds the 300-foot requirement.

17.302 Landscaping and Screening

17.302.50.A Minimum Landscape Area in C, CBD, LI and P Zones.

1. *In the CBD, LI, and P zones, a minimum of 10 percent of the gross lot area shall be landscaped.*
2. *In the C zone, a minimum of 15 percent of the gross lot area shall be landscaped.*
3. *In a commercial zone pedestrian courtyards, plazas, walkways, fountains, benches, sculptures, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this code.*
4. *Landscaping required under other sections of this code, including, but not limited to, parking lot landscaping pursuant to DMC 17.302.060 and landscaping within front setback areas pursuant to DMC 17.202.060(C), may be included in and counted towards the required landscaping percentage. If landscaping required under other sections of this code exceeds 10 percent of the gross lot area, the full amount of landscaping required under other sections shall still be required.*
5. *The required landscape area for all zones must be visible from the public right-of-way.*

Finding: The subject site is located within the P (Public) zone. According to the staff report for the Dundee Fire Station (SDR 13-01) approximately 14,546 square feet of the 1.48 acre site is landscaped. The 8-foot by 29-foot fenced enclosure will reduce the landscaping by 232 square feet. The landscape plan shows that approximately 20% of the site will still be landscaped, which exceeds the minimum 10% required in the P Zone. Screening for the ground equipment is required. The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide landscape area outside the fence for that purpose. Existing and proposed landscaping is visible from the public right-of-way.

17.302.060 Screening and Buffering

A. Required Screening. Screening shall be used to eliminate or reduce the visual impacts of the uses in subsections (A)(1) through (7) of this section:

1. *Commercial and industrial uses when abutting residential uses;*
2. *Industrial uses when abutting commercial uses;*
3. *Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;*
4. *Outdoor storage areas;*
5. *At- and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;*
6. *Rooftop mechanical equipment;*
7. *Any other area or use as required by this code.*

Finding: The proposed wireless facility includes ancillary ground equipment, therefore, screening is required.

B. Methods of Screening. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques, as appropriate to the site given its visibility from adjacent uses and rights-of-way.

Finding: The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide area outside the fence with a mix of evergreen and deciduous trees, shrubs, and ground cover to screen the ground equipment from adjacent properties and rights-of-way.

D. Required Buffers. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.

Finding: The proposal is for a wireless telecommunications facility. The applicant proposes to mitigate the visual impacts and noise. Dust or pollution are not expected from the facility. Wireless communication facilities are classified as public and institutional uses, which are not dissimilar from the adjoining commercial uses.

E. Methods of Buffering. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area. Width not less than 15 feet, planted with the following materials:

a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart; and

b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five feet in height within one year of planting; and

c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

2. Berm plus Planting Area. Width not less than 10 feet, developed in accordance with the following standards:

a. Berm form shall not slope more than 40 percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary); and

b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use; and

c. Combined total height of the berm plus the hedge shall be at least five feet within one year of planting.

3. Wall plus Planting Area. Width must not be less than five feet developed in accordance with the following standards:

a. A masonry wall or fence not less than five feet in height; and

b. Lawn, low growing evergreen shrubs, and evergreen ground cover covering the balance of the area.

4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the review authority.

Finding: The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide area outside the fence with a mix of evergreen and deciduous trees, shrubs, and ground cover to screen the ground equipment from adjacent properties and rights-of-way. This meets the requirements of buffer alternative Number 3.

17.302.080 Landscape Installation and Maintenance

All landscaping required by this code shall be continually maintained pursuant to this section. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property, including necessary watering, weeding, pruning, mowing, and replacement, as applicable, in a substantially similar manner as was approved by the city or as otherwise required by applicable city regulations. The following standards apply to all landscaping required by this code:

A. Clear Vision. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear vision area as defined in DMC 17.301.040.

B. Pedestrian Areas. Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight feet over pedestrian areas and to a minimum height of 15 feet over streets and vehicular traffic areas.

C. Utilities. Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.

D. Nursery Standards. Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

E. Plant Selection. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas where permanent irrigation is not to be provided should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.

F. Deciduous Trees. Deciduous trees, where required to provide shade (e.g., over parking lots or walkways), shall be fully branched and have a minimum caliper of two inches a minimum height of eight feet at the time of planting. Deciduous trees intended to serve as ornamental (nonshade) trees may be smaller, but shall not be less than one and one-half inch caliper, at time of planting.

G. Evergreen Trees. Evergreen trees shall be a minimum of six feet in height, fully branched, at time of planting.

H. Shrubs. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 to 15 inches.

I. Ground Cover. Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.

J. Irrigation. Except in wooded areas, wetlands, flood plains, or along natural drainage channels or stream banks,

where the city may waive irrigation requirements, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than 1,000 square feet of total landscaped area shall be irrigated with automatic sprinkler systems to ensure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 square feet. Sprinkler heads shall be located and installed to not cause any hazard to the public.

K. Protection of Plants. Landscape plant material shall be protected from damage due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.

L. Performance Guarantee. Except where the review authority requires installation of landscaping prior to issuance of building permits, all landscaping required by this code and approved by the city shall be installed prior to issuance of a final occupancy permit unless security equal to 110 percent of the cost of the landscaping is filed with the city assuring such installation within six months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the review authority prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the city attorney.

M. Maintenance Guarantee. The developer or builder, as applicable, shall guarantee all landscape material for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.

N. Final Inspection. The city planning official, prior to the city returning any security provided under this chapter, shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed properly within six months of such postponement, or within an extension of time authorized by the city, the city may use the security to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant. [Ord. 521-2013 § 3 (Exh. A)].

Finding: The proposed landscape plans, L-1 and L-2, demonstrate how the landscape installation and maintenance standards are met. Plant materials meet the minimum requirements for spacing, size, and installation. The landscaping is not located in an area that will interfere with pedestrian/vehicular traffic or impede clear vision. Root barriers are proposed where trees are four feet or less from underground utilities and pipes. A watering schedule is provided, and long term water catchment features will be installed to provide additional irrigation. Native and drought tolerant plants are proposed to improve performance. The landscape plan Note #2 states that plants are under a 1-year warranty but a copy of the warranty was not provided. To ensure the landscape material is guaranteed for a period of 1-year from the date of installation, the applicant is conditioned to provide a copy of the guarantee prior to the issuance of building permits.

17.305 Public Improvements and Utilities

17.305.050 Storm drainage

C. General Requirement. All stormwater runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

D. Plan for Storm Drainage and Erosion Control. No construction of any facilities in a development included in

subsection (B) of this section shall be permitted until an engineer registered in the state of Oregon and approved by the city prepares a storm drainage and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the storm drainage plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the state of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the public works design standards for the city.

Finding: The proposed improvements will add less than 2000 square feet of impervious surface to the site (232 square feet) which will not require additional water quality or detention improvements. The proposed improvements will impact two on-site storm pipes in the southeast corner of the site. The applicant shows one of the pipes being relocated outside of the improvement area and connection of the other pipe (parallel to the railroad tracks) being reconnected to the relocated pipe. However, the configuration of the relocated pipe requires two bends and cleanouts that may increase maintenance for the Fire Station. The new impervious area is shown to drain to an area drain that connects to the relocated pipe.

The applicant is required to reconfigure the existing storm system to accommodate the proposed improvements. This includes: relocation of one pipe and outfall as shown on the proposed plan and reconnection of a second pipe extending along the railroad tracks. Re-grade the new impervious to drain to the existing, adjoining impervious area, provide a curb cut in the existing curb to improve flow to the existing water quality facility. Provide section, details and grades for the interface between the existing concrete curb/slab and proposed improvements. Consider reconfiguration of the outlet pipes to eliminate one of the bends and cleanouts by replacing pipe from existing ditch Inlet. Coordinate the final design with the City Engineer and Fire Chief. Add rip-rap outlet protection and re-grade the existing drainage channel to accommodate the new outfall.

E. Development Standards. Development subject to this section shall be planned, designed, constructed and maintained in compliance with the city of Dundee public works design standards.

Finding: The applicant has proposed and is conditioned to reconfigure (re-route existing pipes) the existing storm system to accommodate the proposed improvements. The applicant shall field verify existing private and public utilities within the work area and coordinate with or relocate as needed. There are existing communications utilities extending to the Fire Station from the northwesterly corner of the site along Highway 99W that may conflict with the proposed utility extensions in this area.

Conclusion

The proposed wireless facility meets the criteria for approval for conditional use permit and site development review, with completion of the conditions of approval as stated below.

Based on the findings, above, the proposed development meets the required criteria contained in the Dundee Municipal Code and is **approved**, subject to completion of the conditions of approval:

The applicant must provide the following information for review and approval prior to construction of improvements:

1. To ensure the landscape material is guaranteed for a period of one year from the date of installation, the applicant shall provide a copy of the guarantee prior to the issuance of building permits.
2. **Utility Improvements:** The applicant shall provide engineered plans for the Engineering Department's approval addressing the items listed below. All plans must be in accordance with the Dundee Public Works Design Standards. Note that utility lines may not cross property lines except by easement, and the utilities for one parcel may not serve development on another parcel.

3.

- **Stormwater:**

The applicant is required to reconfigure the existing storm system to accommodate the proposed improvements. This includes: relocation of one pipe and outfall as shown on the proposed plan and reconnection of a second pipe extending along the railroad tracks. Re-grade the new impervious to drain to the existing, adjoining impervious area, provide a curb cut in the existing curb to improve flow to the existing water quality facility. Provide section, details and grades for the interface between the existing concrete curb/slab and proposed improvements. Consider reconfiguration of the outlet pipes to eliminate one of the bends and cleanouts by replacing pipe from existing ditch inlet. Coordinate the final design with the City Engineer and Fire Chief. Add rip-rap outlet protection and re-grade the existing drainage channel to accommodate the new outfall.

- **Property Line & Constructability:**

The improvements shall be set back from the property line to allow for construction or obtain an easement from adjoining rail property to accommodate construction.

The applicant shall complete the following prior to final building inspection:

1. Install utilities as required by the approved utility plan and obtain the necessary City permits prior to construction.
2. Construct all improvements according to the approved construction plans.

Development Notes

- o **Public Works Requirements:** This project is subject to compliance with all Dundee Public Works Design Standards. The applicant shall field verify existing private and public utilities within the work area and coordinate with or relocate as needed. There are existing communications utilities extending to the Fire Station from the northwesterly corner of the site along Highway 99W that may conflict with the proposed utility extensions in this area.
- o **Existing improvements.** All landscaping or other improvements disturbed by the work shall be restored to original condition or better.

During construction contact Portland & Western Railroad if equipment is being operated within 50 feet of the railroad tracks. Contact information: Dennis Hannah, Permit Specialist, dhannahs@gwrr.com, (505) 508-7940.

City Council Action

At the August 4, 2020 hearing, the City Council's options are:

1. Consider the staff report and public testimony.
2. Deliberate and:
 - a. Pass an oral motion affirming the Planning Commission Order and state the reasons therefore, and staff will prepare a City Council Order for the Mayor to sign in the days after the City Council hearing consistent with the motion, or
 - b. Pass an oral motion not affirming the Planning Commission Order and approving the Conditional Use and Site Development Review applications, and staff will prepare a City Council Order for the Mayor to sign in the days after the City Council hearing consistent with the motion.
3. Continue the hearing to a date/time certain.

Attachments

1. Planning Commission Order of denial dated July 6, 2020.
2. Applicant's materials:
 - a. 2020-07-15 Appeal form and its Exhibit A, 2-page appeal statement.
 - b. 2020-07-27 Letter, M. Connors, Hathaway Larson, LLP, to the City Council, 3-pages.
 - c. 2020-07-27 Letter, Tammy Hamilton, Acom Consulting, Slimmer Option with pictures, 3-pages.
 - d. 2020-07-27 Photosims, 6 pages.
 - e. 2020-07-27 Site and Elevation plans, 14 pages.
 - f. 2020-06-29 Letter, M. Connors, Hathaway Larson, LLP, to Planning Commission, 14 pages.
3. Written comments received from the public during the Planning Commission and City Council process.

DUNDEE PLANNING COMMISSION ORDER

FILE NO. CU 20-06, SDR 20-07

AN ORDER DENYING A CONDITIONAL USE AND A SITE DEVELOPMENT REVIEW FOR A WIRELESS COMMUNICATIONS FACILITY AT THE DUNDEE FIRE STATION AT 801 N HIGHWAY 99W, TAX LOT 3325CC, 00800.

RECITALS:

1. Tammy Hamilton of ACOM Consulting, Inc., for Verizon Wireless (applicant) submitted Conditional Use and Site Development Review applications to construct a wireless communications facility at 801 N Highway 99W (Tax Lot 800 on Assessor's Map 3325CC) in the SE corner of the Dundee Fire Station property. The property is zoned Public (P).
2. The request is to construct a new 80-foot high stealth wireless communications structure designed to mimic the appearance of a pine tree (monopine). A 74-foot antenna tip height will allow for 6-feet of branches above the antennas to mimic the shape of a natural tree. The tower and equipment will cover a 507 square foot area. The structure and equipment cabinets will be enclosed within a 232 square foot fenced area with a 5-foot landscape area to the west, south and east, in the SE corner of the Dundee Fire Station.
3. The Dundee Planning Commission held an electronic public hearing to consider the proposal on June 17, 2020 continued it to July 1, 2020.
4. At the June 17, 2020 and July 1, 2020 electronic public hearings the Planning Commission received public written testimony and heard public testimony.
5. At the June 17, 2020 and July 1, 2020 public hearings, the Planning Commission heard a summary of the staff reports, considered the applicant's testimony and the public testimony, closed the public hearing and deliberated. The Planning Commission finds the proposed Conditional Use and Site Development Review do not meet the applicable Development Code criteria for approval.

The Dundee Planning Commission orders the following:

The Conditional Use and Site Development Review applications to construct a wireless communications facility are hereby denied. This Order is based on the June 17, 2020 and July 1, 2020 staff reports, findings shown in Exhibit "A", the application materials and public testimony. Exhibit "A" is attached and by this reference incorporated herein.

ADOPTED BY THE DUNDEE PLANNING COMMISSION THIS 1st DAY OF JULY, 2020:

AYE: 6

NAY: 0

ABSTAIN: 1

ABSENT: 0

SIGNED:

Shannon Howland July 6, 2020
Shannon Howland, Planning Commission Chair Date

ATTEST:

Robert Daykin 7/6/2020
Robert Daykin, City Administrator Date

EXHIBIT A
DEVELOPMENT CODE CRITERIA & FINDINGS
[CU 20-06/SDR 20-07, Verizon Cell Tower,
Conditional Use and Site Development Review]

Note: The Dundee Municipal Code criteria are written in *italic* font and the findings are written in regular font. The Development Code criteria are presented first followed by the findings of fact.

1. Applicable Dundee Municipal Code Criteria – Conditional Use & Site Development Review

17.404 – Conditional Use Permits

17.404.030 Criteria, Standards, and Conditions of Approval

By means of a Type III procedure, the planning commission shall approve, approve with conditions or deny an application, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in subsections (A) through (C) of this section.

A. Use Criteria.

- 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.*

Finding: The applicant's response (Narrative, p. 24) addresses size, dimensions, location, topography and access.

The wireless structure and related ground equipment are proposed on the 1.48-acre (64,468 square feet) Dundee Fire Station site. The proposed enclosure for the structure and related equipment is 232 square feet (8-feet x 29-feet). The total lease area with a 5-foot landscape buffer is 507 square feet (13-feet x 39-feet) which is 0.7 percent of the site area. From the north side of the 507 square foot lease area the site slopes down to the south and it is proposed to be brought up to the same level as the north side using a retaining wall which will be filled in and backfilled on the outer side.

The monopine is proposed in the SE corner of the Dundee Fire Station site. The Fire Station is, generally, centrally located in the City and about equidistant from the north and south city limits along Highway 99W. The applicant's analysis of the need for improved cell phone coverage and capacity show the site is adequate to improve the coverage and capacity. The applicant's materials indicate the mass of the cabinets is small and even though the monopine is tall, its diameter is not great and, overall, the mass is not large. The facility requires no parking and will generate about 2 trips per month for maintenance. The June 19, 2020 noise report indicates the City's nighttime noise standard would be exceeded and a noise barrier is proposed on the south fence enclosing the cabinets which brings the cabinets into compliance with the nighttime noise standard.

The proposed monopine and its use will not create vibration, exhaust/emissions, light, glare, erosion, odor, dust. Safety of the tower is not an issue because it will be constructed to meet the Oregon building code standards for monopole cell tower facilities.

The applicant addresses the building mass, visibility and aesthetic considerations by proposing a tower with a pine tree appearance with a total height of 80-feet and an antenna height at 74-feet. The upper 6-feet will allow for branches that would present a tree top appearance. The 80-foot height is lower than the height proposed 2-years ago. A slatted chain link fence is proposed around the tower's base and cabinets. A 5-foot wide landscaped area is proposed on the west, south and east sides of the fence around the tower's base and cabinets. All of the proposed improvements will fit within the fenced and leased areas.

The facility will not be manned, therefore, access will be necessary only for one to two trips per month. No parking is required for the use. A 12 foot wide access easement is provided through the fire station parking lot to the facility.

The applicant's Narrative, p. 24, indicates the location is necessary because the area's wireless service needs to be improved and a new facility will allow seamless coverage for users in town and along Highway 99W. The site is very near the center of Verizon's search area to fill the coverage and capacity gaps. The applicant's Narrative, pp. 4 - 12, addresses site selection and design in terms of improving coverage and capacity.

The applicant's Narrative, p. 24, indicates the facility will use the existing access from 99W into the Fire Department parking lot with a 12-foot wide easement running to the facility. The facility will be monitored remotely and will be visited 1 or 2 times per month for maintenance.

Written testimony by Mike Osborne, email June 30, 2020, states "...most people traveling through Dundee will recognize it as a tree" and provided information supporting his statement.

The opponent's written and oral testimony indicates even with the monopine style people who see the monopine will know it is a cell tower and they will believe the monopine is not aesthetically pleasing. The tree branches will not adequately mask the underlying cell tower. Additionally, the opponent's written and oral testimony indicates the tall slender shape of the tower will be the only tall slender shaped structure along Highway 99W in the city limits and will present the appearance of a "sore thumb," which, even with tree branches, will not be aesthetically pleasing. The opponents indicate where a monopine is in an area of natural trees, it could be aesthetic, but the proposed monopine would be by itself and, therefore, would not be aesthetic.

The opponents indicate the location behind the Dundee Fire Station, in the southeast corner of the site, away from public streets is inadequate to screen the tower because only the lower portion would be screened from Highway 99W by the Fire Station. The Fire Station would not screen the tower from the properties directly to the north, east and south.

The Planning Commission finds the site's size, dimensions, location, topography and access are adequate for the needs of the monopine considering parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust and safety.

The Planning Commission finds the site is not adequate for the monopine's needs considering building mass, visibility and aesthetic considerations. Criterion 17.404.030, A, 1, is not met.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.

Finding: The applicant's response (Narrative, p. 24) addresses the visual and noise impacts. The applicant has proposed an 80-foot high stealth Monopine to mimic the appearance of a pine tree. A 74-foot antenna tip height will allow for 6-feet of branches above the antennas to mimic the shape of a natural tree. The applicant states 74-feet is the minimum height to meet coverage needs. The height allows for co-location of one other provider, which will minimize the number of future facilities needed in the area. Photo simulations from several vantage points in the area have been provided in the applicant's materials showing how the proposed structure will look in relation to existing trees, structures, and utility poles. A stealth design is proposed, which limits the structure's mass. Antennas will be mounted on short arms and the structure is proposed behind the fire station to minimize the view from Hwy 99W. The base and ground equipment will be surrounded by a 6-foot chain link fence with slats and a 5-foot wide landscape buffer with a mix of deciduous and evergreen trees, shrubs and groundcover will be outside the fence.

The proposed equipment includes support cabinets. The cabinets will run 24 hours a day. The closest property to the facility's location in the SE corner of the property is the land abutting to the south which is zoned Central Business District (CDB). It is vacant, except for an older unoccupied concrete industrial building.

The Dundee Municipal Code limits noise to 60 dBA during daytime hours and 55 dBA at night. The applicant's materials included a 2-page acoustical report by SSA Acoustics dated June 16, 2020 and a second 5-page acoustical report by SSA Acoustics dated June 19, 2020. The reports show a noise barrier is required to satisfy the Dundee noise requirements for the equipment at night. A detail of the barrier is shown in the June 19 report, Figure 2, p. 4, along the inside of the south fence line. The applicant is not conditioned to provide plans for review and approval that show how the noise barrier can be accommodated within the project area because the June 19 report shows how it would be affixed to the fence.

The prior proposal in 2018 included an emergency generator and the 2017 acoustical report included sound mitigation for the generator. The 2020 application does not include a generator and, therefore, sound mitigation for a generator is not needed, nor is it required. Criterion 17.404.030, A, 2, is met.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with city standards.

Finding: The applicant's response (Narrative, p. 25) addresses the public facilities. The proposed facility is unmanned and only requires electrical and telephone services. There are adequate electrical and telephone services available. Water and sewer are not needed. Highway 99W is adequate to accommodate the 1-2 maintenance trips to the facility each month. Criterion

17.404.030, A, 3, is met.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under DMC Division 17.200; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

Finding: The applicant's response (Narrative, p. 25) addresses the public facilities. Wireless communication facilities are permitted as a special use within the P (Public) zone. A conditional use permit is required only for facilities exceeding the P Zone's 45-foot height limit. The conditional use permit is for the overall height of 80-feet. The applicant has applied for conditional use approval. A variance is not being requested or required. Criterion 17.404.030, A, 4, is met.

B. Conditions of Approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

- 1. Limiting the hours, days, place and/or manner of operation;*
- 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;*
- 3. Requiring larger setback areas, lot area, and/or lot depth or width;*
- 4. Limiting the building or structure height, size, lot coverage, and/or location on the site;*
- 5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;*
- 6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;*
- 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;*
- 8. Limiting the number, size, location, height and/or lighting of signs;*
- 9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;*
- 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;*
- 11. Requiring and designating the size, height, location and/or materials for fences;*
- 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;*
- 13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in*

conformance with city standards; and

14. The planning commission may require renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such periodic review may occur through an administrative or quasi-judicial land use review process.

Finding: The applicant's response (Narrative, p. 25) acknowledges the City's authority to assign conditions of approval. To minimize visual impacts, the applicant has proposed a monopine design with branches on the upper 6-feet and with short antenna mounting arms to reduce the mass of the structure. To screen ground equipment, a 6-foot chain link fence with slats and a 5-foot wide landscape area outside the fence is proposed on the eastern, western, and southern sides of the fence enclosure.

The applicant's June 19, 2020 acoustical report notes a noise barrier is needed to satisfy the Dundee noise requirements and a noise barrier is proposed which results in the facility meeting the noise requirements.

The Planning Commission's decision is to deny the Conditional Use to allow the height to be greater than 45-feet, and because the Conditional Use is denied, the Site Development Review is also denied, and therefore, no conditions of approval are included in the decision.

C. Conditional Use Permit Supplemental Requirements. The requirements for compliance with permit conditions and permit expiration are the same as for site development review under DMC 17.402.070.

Finding: The applicant's response (Narrative, p. 26) acknowledges the requirements are the same as for site development review. The requirements for compliance with permit conditions and permit expiration shall be the same as for site development review under DMC 17.402.070.

17.402 – Site Development Review

17.402.050 Approval criteria.

A. Approval Criteria. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The city decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

- 1. The application is complete, in accordance with DMC 17.402.040;*

Finding: The application was substantially complete for review. This criterion is met.

- 2. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*

Finding: The proposed wireless facility complies with the applicable development standards in the Public Zone (P) as follows:

17.202.030 Dimensional Standards (for the P zone)

- A. Lot Size: 5,000 square feet
- B. Setback Requirements: 20 front; none for side or rear yard
- C. Maximum Building Height: 45 feet; telecommunications structures in excess of 45 feet in height are allowed with a conditional use permit
- D. Minimum Lot Dimensions (Feet): None
- E. Maximum Lot Coverage (% of Lot): None

Finding: The property is located in the P (Public) Zone, which has the following requirements: 5,000 square foot minimum lot size; 20 foot front setback; 45 foot height limit (greater with conditional use permit); and no lot width, depth, frontage, or coverage standards. The parcel is approximately 64,468 square feet, which meets the lot size standard. The proposed monopole is 74 feet tall with branches extending to 80-feet, and the applicant has requested a conditional use permit to exceed the 45 feet height limit. The facility will be set back more than 20 feet from the front property line, meeting the standard. Criterion 17.402.050, 2, is met.

3. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 17.104 DMC, Nonconforming Situations;

Finding: The site is developed with the Dundee Fire Station, approved in 2013 (SDR 13-01). There are no nonconforming situations to upgrade. Criterion 17.402.050, 3, is met.

4. The proposal complies with all of the site design and development standards of this code, as applicable;

Finding: The Planning Commission finds, above, the proposal does not comply with Conditional Use criterion 17.404.030, A, 1, regarding building mass, visibility and aesthetic considerations, therefore, the proposal does not comply "...with all applicable site design and development standards of this code...."

The Planning Commission finds Criterion 17.402.050, 4, is not met.

5. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

Finding: All existing conditions of approval for the site are related to the Dundee Fire Station approval (SDR 13- 01), and they have been satisfied. Criterion 17.402.050, 5, is met.

Additional Standards

17.202 – Zoning Regulations

17.202.050 Fence Standards

A. General Standards.

- 1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in agricultural and public zones.*
- 2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.*
- 3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.*
- 4. Fences shall comply with requirements of the clear vision area for streets and driveways.*
- 5. In no instance shall a fence extend beyond the property line.*
- 6. In the C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:*
 - a. In the C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section.*
 - b. In the CBD zone, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to subsection (B) of this section.*
- 7. In the LI zone, fences taller than six feet in height shall not be chain link. Fences over six feet in height shall be screened by a sight obscuring hedge.*

Finding: The proposed structure and ground equipment will be enclosed by a 6-foot tall chain link fence with slats. The fence will not include dangerous materials, be electric, be within the clear vision area, or extend beyond the property line. The requirements for fences in the C, CBD, and LI zones do not apply because the site is in the Public Zone.

17.203 – Special Use Standards

17.203.170 Wireless Communication Facilities

B. Review Procedure. *In addition to the applicable application requirements for site development review, all of the following information shall be submitted:*

- 1. An evaluation of the feasibility of co-location of the subject facility as an alternative to the requested permit. The feasibility study must include:**
 - a. The location and ownership of the existing telecommunication structures within the cell service area and not to exceed two miles.**
 - b. Written verification and other documentation revealing the availability and/or cooperation shown by other providers to gain access to existing sites/facilities to meet the needs of the applicant.**
 - c. The tower type and height of potential collection facilities.**
 - d. Anticipated capacity of the wireless communication facility, including number and type of antennas that can be accommodated.**
 - e. The specific reasons as to why co-location is or is not feasible.**

Finding: The applicant's Narrative, Section IV, pp. 4 – 12, provide the results of a wireless facility search "...to improve a significant capacity deficiency in its 3G and 4G LTE coverage in the City of Dundee" (p. 4). A "search ring" was identified in the area needing additional capacity (p. 5). The search results included the location, height, and ownership of the registered facilities. The closest facility was noted 1.1 miles away to the southwest on SE Fulquartz Landing Road (p. 7)(south of Hess Creek at the intersection of Fulquartz Landing Road and the RR tracks).

The applicant's Narrative, Figure 4, p. 10, shows the coverage area of the closest existing Verizon tower in Newberg. The coverage in the Dundee area is shown in green and yellow. Green "...represents a high RF signal strength which generally provides good coverage inside vehicles and buildings. Yellow represents moderate RF signal strength that generally provides good service inside vehicles and moderate service inside buildings" (p. 10). The Dundee area is shown in yellow, moderate service (Figure 4).

The applicant's Narrative, Figure 5, p. 11, shows the coverage in the Dundee area with the proposed Monopine. The Dundee area is shown in green, good service. The Narrative indicates the proposed Monopine would meet Verizon's coverage objective for the Dundee area.

The applicant's Narrative, Table 1, p. 8, considered co-location on existing telecommunication facilities and concluded, "Colocation on existing telecommunication facilities: This tower is outside of the search area and already being utilized by Verizon" [Table 1, p. 8, 1), a)]. The Narrative also considered "upgrade to existing towers" [Table 1, p. 8, 1) b)], "Existing alternative structures" [Table 1, p. 8, 1) c)], "Rooftop Installations" [Table 1, P. 8, 1) d)], and "Utility Structures (i.e., power poles, high tension power lines, etc.]" [Table 1, p. 8, 2)]. No

other existing, non-wireless structures have the height or structural capacity needed to serve the area. Existing buildings in the area are not tall enough (mainly one story) and utility poles ranging from 20 – 60 feet cannot provide the coverage without multiple facilities. Where the poles were replaced with taller poles, there would be no space for ground equipment because the poles are in the 99W public right-of-way. For these reasons, co-location is not feasible.

In addition to the Narrative, Table 1, p. 8, the applicant's materials include "RF Usage and Facility Justification, OR1 Dundee" prepared by Verizon Wireless, October 15, 2019. It is eight color unnumbered pages. The seventh page, "Coverage Comparison With Existing Tower," (the AT&T tower at the corner of Fulquartz Landing Road and the RR tracks), shows how co-locating on the Fulquartz site would affect capacity in the Dundee area. It shows the current coverage and the coverage with Verizon co-locating on the AT&T tower would be, essentially, the same, and it concludes, "Existing tower located 1.3 miles SE [SW] of Dundee city will not improve coverage or capacity offload of existing sites."

The applicant's materials include information related to, and address, 1, a – e. Criterion 17.203.170, B, 1, is met.

2. Alternatives for locating or relocating support structures within 250 feet of the proposed location.

Finding: The applicant's Narrative, p. 11, states, "As there are no viable alternative structures or existing wireless facilities on which to locate, prohibiting a new facility at this location would prohibit or have the effect of prohibiting the provision of wireless communications service in this area because it would materially inhibit Verizon's ability to add needed capacity." Moving the tower east would put it closer to a residential area. Locations north and south would be on the same site or another adjacent site which would have similar impacts as the proposed location. Further west would put the tower along Hwy 99W, closer to pedestrian areas. The proposed location is away from most of the nearby streets, behind the Fire Station, and within an area zoned for commercial and industrial uses.

The applicant's materials include information related to, and address alternatives for locating or relocating support structures within 250 feet of the proposed location. Criterion 17.203.170, B, 2, is met.

3. Analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation.

Finding: The applicant submitted photo simulations from several vantage points to show the visual impacts of the proposed facility. Views 1 – 4 are along 99W and View 5 is looking west from 785 SE Locust Street (the NE quadrant of Locust and 8th). To minimize visual impacts the proposed facility design includes a monopole with evergreen limbs to give the appearance of an evergreen tree (monopine). Antennas would be mounted on short davit arms and the ground equipment would be surrounded by fencing with privacy slats and landscaping (trees, shrubs and groundcover). To be less noticeable, the applicant is proposing the facility on a site abutted by

commercial and industrial zoned properties, and behind the Dundee Fire Station near the railroad tracks and away from most public streets.

The applicant's materials include information related to, and analyze the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation. Criterion 17.203.170, B, 3, is met.

C. Approval Criteria. In addition to any other applicable requirements, the decision to approve or deny the placement of a wireless communication tower shall be based on all of the following:

- 1. Co-location is not feasible on existing structures, including other wireless communication facilities.*

Finding: The applicant provided documentation of other wireless facilities within the area. There is an existing AT&T wireless facility 1.3 miles away, but it does not provide the coverage needed for the Dundee area. The applicant also considered alternative structures, buildings and utility poles. No existing, non-wireless structures have the height or structural capacity needed to serve the area. Existing buildings in the area are not tall enough (mainly one story) and utility poles ranging from 20 – 60 feet cannot provide the coverage without multiple facilities. Where the poles were replaced with taller poles, there would be no space for ground equipment because they are in the 99W public right-of-way. For these reasons, co-location is not feasible. Criterion 17.203.170, C, 1, is met.

- 2. The wireless facility shall be located and designed to preserve the ability for co-location of at least one additional user on all structures exceeding 35 feet in height, if feasible.*

Finding: The proposed monopole is 80 feet tall (74 feet to the tip of the antennas) and will be designed for one additional antenna facility. Criterion 17.203.170, C, 2, is met.

- 3. Based on the visual analysis and mitigating measures, the location and design of a freestanding wireless communication facility shall be conditioned to minimize visual impacts from residential areas through the use of setbacks, building heights, bulk, color, landscaping and similar visual considerations.*

Finding: Photo simulations of the proposed facility were provided by the applicant. Views are provided from several locations, including the residential area to the east of the site. To minimize visual impacts a monopine design with short davit arm antenna mountings is proposed. A 6-foot high chain link fence with privacy slats and landscaping is proposed to screen ground equipment from view. The location of the proposed facility behind the Fire Station, near the RR tracks and away from most public streets also partially screens the facility. The simulation shows the facility in comparison to existing buildings, trees, and utility poles. The design minimizes the visual impacts from residential areas. Criterion 17.203.170, C, 3, is met.

4. The design minimizes identified adverse impacts of the proposed use to the extent feasible.

Finding: The adverse impacts from the proposed facility include visual and noise impacts. To minimize visual impacts the applicant completed a visual impact study within the surrounding area. Photo simulations from several locations were provided showing the facility in relation to existing buildings, structures, and landscaping. To minimize the visual impact the applicant proposed a monopole design with short davit arm antenna mountings. A 6-foot high chain link fence with privacy slats and 5 feet of landscaping are proposed to screen ground equipment from view. The proposed location is behind the Fire Station, near the railroad tracks, and away from most public streets.

The Dundee Municipal Code limits noise to 60 dBA during daytime hours and 55 dBA at night (DMC 8.28.040). The applicant's materials included a 5-page acoustical report by SSA Acoustics dated October 4, 2017. The report shows a noise barrier is required to satisfy the Dundee noise requirements for the equipment at night. A detail of the barrier is shown in the report, Figure 2, p. 4, along the inside of the south fence line, but the application sheets such as L-1, Landscaping, A-2, Enlarged Site Plan and A-2.1, Equipment Plan do not show the sound barrier. Criterion 17.203.170, C, 4, is met.

5. Structures greater than 35 feet in height shall be at least 300 feet from any residentially (R) zoned property.

Finding: The proposed wireless facility is 80-feet tall. The nearest residentially zoned property is over 300 feet to the east measured from the property line. The applicant has provided a plan showing this but staff also used GIS maps and Yamhill County assessor's maps to verify the distance. Criterion 17.203.170, C, 5, is met.

17.302 Landscaping and Screening

17.302.50.A Minimum Landscape Area in C, CBD, LI and P Zones.

- 1. In the CBD, LI, and P zones, a minimum of 10 percent of the gross lot area shall be landscaped.*
- 2. In the C zone, a minimum of 15 percent of the gross lot area shall be landscaped.*
- 3. In a commercial zone pedestrian courtyards, plazas, walkways, fountains, benches, sculptures, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this code.*
- 4. Landscaping required under other sections of this code, including, but not limited to, parking lot landscaping pursuant to DMC 17.302.060 and landscaping within front setback areas pursuant to DMC 17.202.060(C), may be included in and counted towards the required landscaping percentage. If landscaping required under other sections of this code exceeds 10 percent of the gross lot area, the full amount of*

landscaping required under other sections shall still be required.

5. The required landscape area for all zones must be visible from the public right-of-way.

Finding: The subject site is located within the P (Public) zone. According to the staff report for the Dundee Fire Station (SDR 13-01) approximately 14,546 square feet of the 1.48 acre site is landscaped. The 8-foot by 29-foot fenced enclosure will reduce the landscaping by 232 square feet. The landscape plan shows that approximately 20% of the site will still be landscaped, which exceeds the minimum 10% required in the P Zone. Screening for the ground equipment is required. The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide landscape area outside the fence for that purpose. Existing and proposed landscaping is visible from the public right-of-way.

17.302.060 Screening and Buffering

A. Required Screening. Screening shall be used to eliminate or reduce the visual impacts of the uses in subsections (A)(1) through (7) of this section:

- 1. Commercial and industrial uses when abutting residential uses;*
- 2. Industrial uses when abutting commercial uses;*
- 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;*
- 4. Outdoor storage areas;*
- 5. At- and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;*
- 6. Rooftop mechanical equipment;*
- 7. Any other area or use as required by this code.*

Finding: The proposed wireless facility includes ancillary ground equipment, therefore, screening is required.

B. Methods of Screening. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques, as appropriate to the site given its visibility from adjacent uses and rights-of-way.

Finding: The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide area outside the fence with a mix of evergreen and deciduous trees, shrubs, and ground cover to screen the ground equipment from adjacent properties and rights-of-way.

D. Required Buffers. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.

Finding: The proposal is for a wireless telecommunications facility. The applicant proposes to mitigate the visual impacts and noise. Dust or pollution are not expected from the facility. Wireless communication facilities are classified as public and institutional uses, which are not dissimilar from the adjoining commercial uses.

E. Methods of Buffering. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

- 1. Planting Area. Width not less than 15 feet, planted with the following materials:*
 - a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart; and*
 - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five feet in height within one year of planting; and*
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.*
- 2. Berm plus Planting Area. Width not less than 10 feet, developed in accordance with the following standards:*
 - a. Berm form shall not slope more than 40 percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary); and*
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use; and*
 - c. Combined total height of the berm plus the hedge shall be at least five feet within one year of planting.*
- 3. Wall plus Planting Area. Width must not be less than five feet developed in accordance with the following standards:*
 - a. A masonry wall or fence not less than five feet in height; and*
 - b. Lawn, low growing evergreen shrubs, and evergreen ground cover covering the balance of the area.*
- 4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the review authority.*

Finding: The applicant has proposed a 6-foot high chain link fence with privacy slats and a 5-foot wide area outside the fence with a mix of evergreen and deciduous trees, shrubs, and ground cover to screen the ground equipment from adjacent properties and rights-of-way. This meets the requirements of buffer alternative Number 3.

17.302.080 Landscape Installation and Maintenance

All landscaping required by this code shall be continually maintained pursuant to this section. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property, including necessary watering, weeding, pruning, mowing, and replacement, as applicable, in a substantially similar manner as was approved by the city or as otherwise required by applicable city regulations. The following standards apply to all landscaping required by this code:

A. Clear Vision. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear vision area as defined in DMC 17.301.040.

B. Pedestrian Areas. Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight feet over pedestrian areas and to a minimum height of 15 feet over streets and vehicular traffic areas.

C. Utilities. Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.

D. Nursery Standards. Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

E. Plant Selection. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas where permanent irrigation is not to be provided should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.

F. Deciduous Trees. Deciduous trees, where required to provide shade (e.g., over parking lots or walkways), shall be fully branched and have a minimum caliper of two inches a minimum height of eight feet at the time of planting. Deciduous trees intended to serve as ornamental (nonshade) trees may be smaller, but shall not be less than one and one-half inch caliper, at time of planting.

G. Evergreen Trees. Evergreen trees shall be a minimum of six feet in height, fully branched, at time of planting.

H. Shrubs. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 to 15 inches.

I. Ground Cover. Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.

J. Irrigation. Except in wooded areas, wetlands, flood plains, or along natural drainage channels or stream banks, where the city may waive irrigation requirements, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than 1,000 square feet of total landscaped area shall be irrigated with automatic sprinkler systems to ensure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 square feet. Sprinkler heads shall be located and installed to not cause any hazard to the public.

K. Protection of Plants. Landscape plant material shall be protected from damage due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.

L. Performance Guarantee. Except where the review authority requires installation of landscaping prior to issuance of building permits, all landscaping required by this code and approved by the city shall be installed prior to issuance of a final occupancy permit unless security equal to 110 percent of the cost of the landscaping is filed with the city assuring such installation within six months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the review authority prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the city attorney.

M. Maintenance Guarantee. The developer or builder, as applicable, shall guarantee all landscape material for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.

N. Final Inspection. The city planning official, prior to the city returning any security provided under this chapter, shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed properly within six months of such postponement, or within an extension of time authorized by the city, the city may use the security to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant. [Ord. 521-2013 § 3 (Exh. A)].

Finding: The proposed landscape plans, L-1 and L-2, demonstrate how the landscape installation and maintenance standards are met. Plant materials meet the minimum requirements for spacing, size, and installation. The landscaping is not located in an area that will interfere with pedestrian/vehicular traffic or impede clear vision. Root barriers are proposed where trees are four feet or less from underground utilities and pipes. A watering schedule is provided, and long term water catchment features will be installed to provide additional irrigation. Native and drought tolerant plants are proposed to improve performance. The landscape plan Note #2 states that plants are under a 1-year warranty but a copy of the warranty was not provided. Because the Planning Commission decision is to deny the Conditional Use and, therefore, deny the Site Development Review, a condition of approval is not adopted to ensure the landscape material is guaranteed for a period of 1-year from the

date of installation, the applicant is conditioned to provide a copy of the guarantee prior to the issuance of building permits.

17.305 Public Improvements and Utilities

17.305.050 Storm drainage

C. General Requirement. All stormwater runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

D. Plan for Storm Drainage and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the state of Oregon and approved by the city prepares a storm drainage and erosion control plan for the project. This plan shall contain at a minimum:

- 1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.*
- 2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the storm drainage plans.*
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the state of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the public works design standards for the city.*

Finding: The proposed improvements will add less than 2000 square feet of impervious surface to the site (232 square feet) which will not require additional water quality or detention improvements. The proposed improvements will impact two on-site storm pipes in the southeast corner of the site. The applicant shows one of the pipes being relocated outside of the Improvement area and connection of the other pipe (parallel to the railroad tracks) being reconnected to the relocated pipe. However, the configuration of the relocated pipe requires two bends and cleanouts that may increase maintenance for the Fire Station. The new impervious area is shown to drain to an area drain that connects to the relocated pipe.

Because the Planning Commission decision is to deny the Conditional Use and, therefore, deny the Site Development Review, a condition of approval is not adopted requiring the applicant to reconfigure the existing storm system to accommodate the proposed improvements. This includes: relocation of one pipe and outfall as shown on the proposed plan and reconnection of a second pipe extending along the railroad tracks. Re-grade the new impervious to drain to the existing, adjoining impervious area, provide a curb cut in the existing curb to improve flow to the existing water quality facility. Provide section, details and grades for the interface between the existing concrete curb/slab and proposed improvements. Consider reconfiguration of the

outlet pipes to eliminate one of the bends and cleanouts by replacing pipe from existing ditch inlet. Coordinate the final design with the City Engineer and Fire Chief. Add rip-rap outlet protection and re-grade the existing drainage channel to accommodate the new outfall.

E. Development Standards. Development subject to this section shall be planned, designed, constructed and maintained in compliance with the city of Dundee public works design standards.

Finding: Because the Planning Commission decision is to deny the Conditional Use and, therefore, deny the Site Development Review, a condition of approval is not adopted requiring the applicant to field verify existing private and public utilities within the work area and coordinate with or relocate as needed. There are existing communications utilities extending to the Fire Station from the northwesterly corner of the site along Highway 99W that may conflict with the proposed utility extensions in this area.

Conclusion

The proposed wireless communications facility does not meet the Conditional Use approval criterion 17.404.030, A, 1, regarding building mass, visibility and aesthetic considerations, and because the Planning Commission decision is to deny the Conditional Use, the Site Development Review is also denied.



TYPE III – APPEAL APPLICATION

*Regulated by Section 17.401.040(E) of the Dundee Municipal Code

1) Applicant Information:

Tammy Hamilton/ACOM Consulting Inc.

Name of Applicant: for Verizon Wireless Phone Number: 206-499-4878

Mailing Address: 5200 SW Meadows Rd. Ste 150, Lake Oswego, OR 97035

Email Address: tammy.hamilton@acomconsultinginc.com

Co-Applicant: Phone Number:

Identify Decision Being Appealed: Planning Commission Order denying a conditional use and site development review for a wireless communications facility at Dundee Fire Station at 801 N Highway 99W, Tax Lot 3325CC, 00800

File Number: CU 20-06; SDR 20-07 Date of Decision July 6, 2020

2) Description:

Please state the specific issues being raised on appeal:

See Exhibit A - Appeal Issues

Were the issues stated above raised in writing or by giving oral testimony during the public hearing process? The appeal issues were raised both in writing and oral testimony during the public hearing process.

I hereby certify that all information, justification, and supplemental information submitted are in all respects true and correct to the best of my knowledge.

Applicant: [Signature] Date: 7/14/20

Co-Applicant / Owner: Date

EXHIBIT A – APPEAL ISSUES

The Planning Commission denied Verizon Wireless (VAW) LLC's ("Verizon") Conditional Use and Site Design Review applications for a wireless communications facility consisting of a monopine stealth tower with antennas and related equipment (the "Application") on a single ground. The Planning Commission concluded that Verizon failed to comply with Dundee Municipal Code ("DMC") 17.404.030(A)(1) on the grounds that "the site is not adequate for the monopine's needs considering building mass, visibility and aesthetic considerations." Planning Commission Order, Exhibit A, p.3. The Planning Commission concluded that the Application complied with all of the remaining approval criteria.¹ The Planning Commission erred in determining that the Application does not comply with DMC 17.404.030(A)(1) for several reasons.

The Planning Commission's decision is inconsistent with DMC 17.202.020 and Table 17.202.020. The Planning Commission's rationale for denying the monopine on the grounds that it is the "only tall slender shaped structure along Highway 99W in the city limits" and would be too visible would apply to any wireless communication tower. All wireless communication towers are tall slender shaped structures and the proposed monopine is the minimum height necessary to achieve its objectives. Therefore, the Planning Commission's decision would preclude any tower at this site. Table 17.202.020 identifies "Wireless Communication Facilities" as "Public and Institutional Uses" and wireless communication facilities are allowed as a special use in the Public ("P") zone. Most of the zones require a conditional use approval (regardless of height). The Planning Commission's determination that a tall slender shaped wireless communication tower cannot satisfy the building mass, visibility and aesthetic considerations would preclude a tower at this site in violation of DMC 17.202.020 and Table 17.202.020.

The Planning Commission erred in interpreting DMC 17.404.030(A)(1). DMC 17.404.030(A)(1) focuses on the adequacy of the subject property to accommodate the needs of the proposed use, not the surrounding area. DMC 17.404.030(A)(1) provides: "The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations." (Emphasis added). The Planning Commission based its decision on the aesthetic considerations of the surrounding area, not the adequacy of the subject property or needs of the proposed use.

The Planning Commission failed to consider that Verizon mitigated the visual impacts to the greatest extent reasonably possible or explain what Verizon could have done to comply. The conditional use criteria require that the impacts be reasonably mitigated or minimized, not avoided or eliminated. DMC 17.404.030(A) & (B). Verizon satisfied and exceeded the approval criteria and did everything reasonably possible to minimize the impacts. Verizon limited the tower to the minimum height necessary to achieve its objectives, proposed a stealth design to

¹ The Planning Commission did not address some approval criteria or noted that they could not determine compliance, but all of these determinations were contingent upon or based on the Planning Commission's conclusion that the Application does not comply with DMC 17.404.030(A)(1).

minimize visual impacts, located the tower behind the Fire Station and doubled the amount of required landscaping to provide an additional visual buffer. The Planning Commission and opponents failed to explain what else Verizon could have done to make the tower comply with the building mass, visibility and aesthetic considerations. Since Verizon did everything reasonably possible to minimize the impacts, the City cannot deny the Application without any explanation as to what Verizon can do to satisfy these criteria. The Planning Commission's decision effectively amounts to a prohibition of any wireless communication tower on this site.

The Planning Commission failed to provide Verizon an opportunity to address its concerns about the monopine design. Verizon's previous 2018 application proposed a monopole design, which the Planning Commission and opponents rejected. In response to these public comments and at the request of the City, Verizon proposed a monopine stealth design to mitigate the visual and aesthetic impacts even greater. The Planning Commission did not ask any questions or raise any issues about the monopine design, or inquire about other design options during the public hearing. Instead, the Planning Commission waited until its deliberations to raise this issue when it was too late for Verizon to respond. Given that the City code does not require a specific design and the aesthetic criteria is subjective, Verizon cannot guess what design the Planning Commission believes would be acceptable unless the Planning Commission provides some feedback or explanation. For the appeal, Verizon will provide design options and allow the City Council to determine which of the designs is the most aesthetically pleasing.

The Planning Commission's decision violates the Federal Telecommunications Act because it has the effect of prohibiting wireless communication towers on aesthetic grounds. The Federal Telecommunications Act expressly prohibits a city from adopting decisions that "prohibit or have the effect of prohibiting" wireless communication facilities within the city. 47 U.S.C. § 253(a); 47 U.S.C. § 332(c)(7)(B)(i)(II). The Planning Commission's decision to deny a wireless communication tower that is allowed in the zone, satisfies all of the remaining approval criteria and mitigates the visual impacts to the greatest extent reasonably possible based purely on aesthetic grounds has the effect of prohibiting wireless communication facilities in violation of the Federal Telecommunications Act.



HATHAWAY LARSON

Koback · Connors · Heth

July 27, 2020

VIA EMAIL (Melody.Osborne@dundeecity.org & JJacks@mwvcog.org)

City Council
c/o Jim Jacks, Planner
City of Dundee
PO Box 220
620 SW Fifth Street
Dundee, OR 97115

Re: Verizon Wireless – Wireless Communications Facility
Application No. CU 20-06/SDR 20-07
Property: 801 N Highway 99W
Appeal of Planning Commission Decision

Dear Mayor Russ & Councilors:

This firm represents Verizon Wireless (“Verizon”) with respect to the above-referenced appeal of the Planning Commission’s decision (the “Appeal”) on Verizon’s Conditional Use and Site Design Review applications for a wireless communications facility consisting of a monopine stealth tower with antennas and related equipment (the “Application”). We are submitting this letter and the attached documents in support of the Appeal.

A. RF Justification for 74-foot antenna tip height versus 45-foot height.

We attached a document from Verizon’s RF engineer explaining why it is necessary for the proposed tower to have a minimum antenna tip height of 74 feet and why a 45-foot tower would be insufficient to satisfy the coverage and capacity objectives for this site. Although wireless communication towers are exempt from the maximum height limits under Dundee Municipal Code (“DMC”) 17.202.040(B), some opponents argued that Verizon should be required to reduce the height of the tower to 45 feet to avoid the need for a conditional use approval under DMC 17.202.030(C)(m). Verizon believes this is unnecessary because 17.202.040(B) allows for a taller tower and the Application satisfies the conditional use criteria, including DMC 17.404.030(A)(1), for the reasons provided in the Appeal. Nonetheless, Verizon is submitting this additional information from Verizon’s RF engineer to explain why a 45-foot tower will not satisfy the coverage and capacity objectives for this site.

E. Michael Connors
1331 NW Lovejoy Street, Suite 950
Portland, OR 97209
mike@hathawaylarson.com
(503) 303-3111 direct
(503) 303-3101 main

B. Tower design options.

We also attached several documents addressing design options. As noted in the Appeal, the Planning Commission failed to provide Verizon an opportunity to address its concerns about the monopine design. The Planning Commission did not ask any questions or raise any issues about the monopine design or inquire about other design options during the public hearing. Given that the City code does not require a specific design and the aesthetic criteria are subjective, Verizon is proposing additional design options for the City Council to consider for the Appeal. The City Council can choose which of these design options it prefers.

We attached a letter from Tammy Hamilton at ACOM Consulting, Inc., dated July 27, 2020, which explains the design options Verizon is proposing for the City Council's consideration. Ms. Hamilton also included photosims for the new design options and architectural drawings for the monopole option.

The first option is a slimmer version of the monopine design. Verizon originally proposed the fuller monopine design option since some people believe it looks more like a realistic tree, but the Planning Commission cited the bulk of the tower as one of the reasons for the denial under DMC 17.404.030(A)(1). In response, Verizon is proposing a slimmer monopine option that is less bulky than the original monopine proposal. We included photosims to show how this particular design of monopine would look in the surrounding area.

The second option is a monopole option. Although the monopole option is not a stealth option, it is significantly less bulky than any of the monopine options. Given the number of utility poles in the immediate area, this design option may blend in better with the surrounding environment as well. Verizon included architecture drawings for the monopole design in the event the City Council chooses this option.

Verizon provided multiple design options to allow the City Council to decide which option is best suited for this site. These are the best design options available for this site as other design options (lattice tower, etc.) will have greater visual impacts. Given that wireless communication facilities are allowed as a special use in the Public ("P") zone and the conditional use criteria require that the impacts be reasonably mitigated or minimized, not avoided or eliminated, Verizon believes that the City Council is required to choose the best of the available options. Denying the Application on the grounds that no design option can satisfy DMC 17.404.030(A)(1) for this site would be inconsistent with the City code and violate the Federal Telecommunications Act.

C. Photographs of existing monopine towers.

During the Planning Commission deliberations for the Application, some commissioners stated that they wished Verizon had provided photographs of existing monopine towers so they could see how they looked. Verizon did not submit such photographs because they were not required by the City code and Verizon was not aware that some of the commissioners wanted to see such photographs until after the record was closed.

In order to address this issue, Verizon is submitting photographs of existing monopine towers located in Oregon which are attached to Ms. Hamilton's letter. The first photograph is a

Page 3
July 27, 2020

monopine tower located in nearby Newberg, Oregon. The second photograph is a monopine tower located in Bend, Oregon

We appreciate your consideration of this letter and look forward to addressing these issues further at the August 4, 2020 appeal hearing.

Very truly yours,

HATHAWAY LARSON LLP

/s/
E. Michael Connors

Enclosures

EMC/ph

cc: Verizon Wireless
ACOM Consulting



July 27, 2020

City of Dundee
621 SW 5th Street
Dundee, OR 97115

RE: Verizon Wireless Communication Facility Site / OR1 Dundee
Site Address: 801 N Hwy 99, Dundee, OR 97115
File Number: CU 20-06; SDR 20-07

The applicant is requesting an appeal of the Planning Commission's decision to deny a Conditional Use Permit (CUP) and a Site Development Review (SDR) for the proposed 80-foot monopine stealth wireless telecommunications facility to be located at 801 N Hwy 99, Dundee, OR.

As part of the appeal, the applicant would like to submit alternatives to the proposed monopine.

Alternatives as follow:

1. Slimmer Monopine- Here, the proposal remains exactly the same with location, height, equipment, etc. except the monopine will have shorter branches and look less full. Since "bulk" was raised as a reason for the denial, the slimmer monopine will look less bulky. Drawings will remain the same, however, the applicant has submitted new photosims to show the slimmer monopine.
2. Monopole- As an alternative to the monopine, the applicant is proposing a monopole. Here, the proposal remains the same for location, height, equipment but instead of a monopine, a monopole tower is proposed. If the City prefers the monopole, the applicant is submitting drawings and photosims relating to the monopole.

In addition, the applicant is submitting two photos of actual monopines. One is located in Newberg and the other is located in Bend, Oregon for reference.

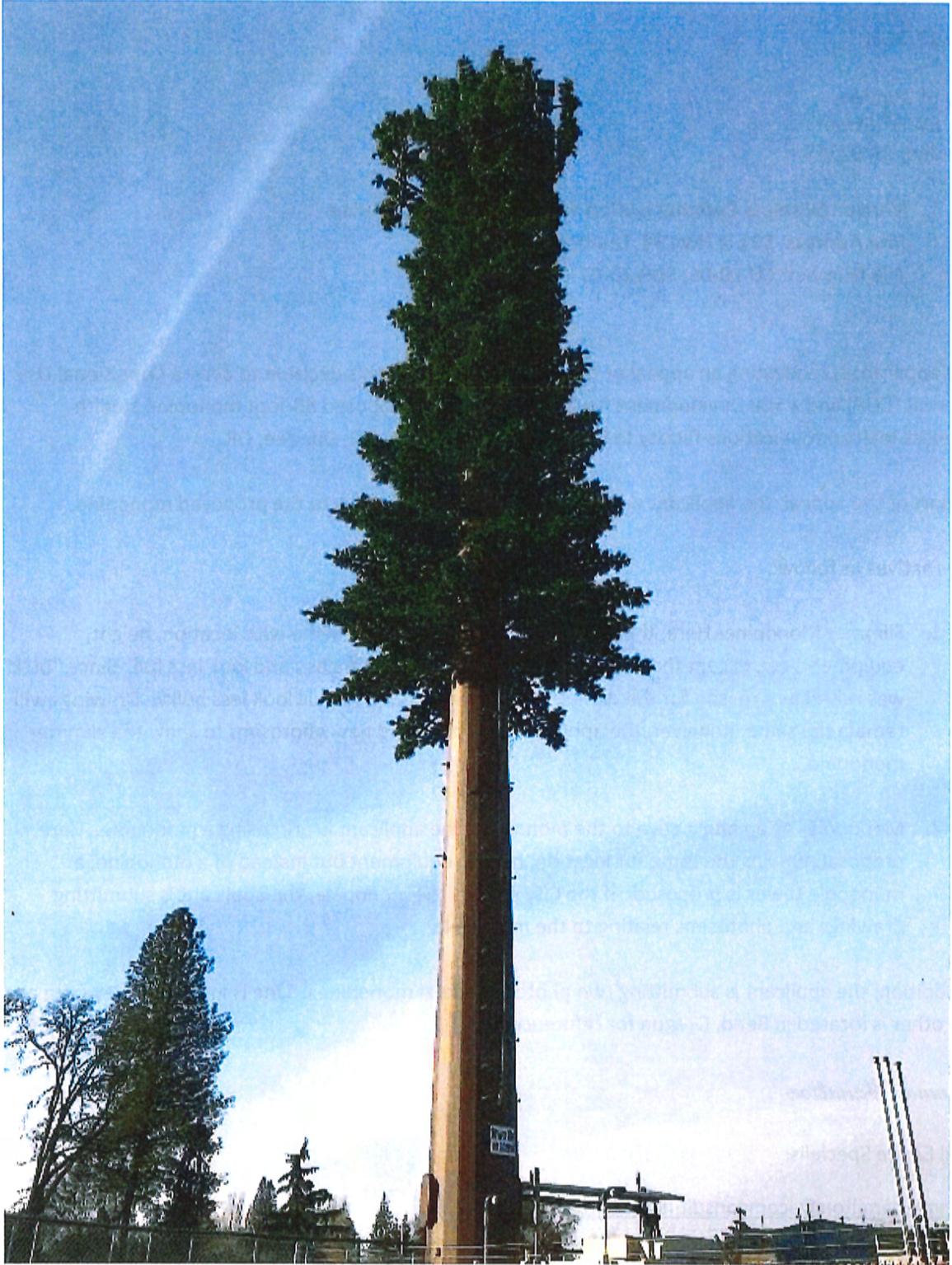
Tammy Hamilton

Real Estate Specialist

Tammy.hamilton@acomconsultinginc.com

ACOM Consulting Inc. for Verizon Wireless

NEWBERG
MONOPINE



BEND MONOPINE

02.12.2018 17:48





Before - Looking South



After - Looking South



This document is conceptual and informational only. Visual impacts will be affected by location and visibility of observer

Proposed Antenna tip height: 74.0'
Proposed Monopine height: 74.0'

Project Description:
Add new 74.0' Monopine, antennas and equipment to new VZW site



Before - Looking South East



After - Looking South East



This document is conceptual and informational only. Visual impacts will be affected by location and visibility of observer

Proposed Antenna tip height: 74.0'
Proposed Monopine height: 74.0'

Project Description:
Add new 74.0' Monopine, antennas and equipment to new VZW site



Before - Looking North East



After - Looking North East



This document is conceptual and informational only. Visual impacts will be affected by location and visibility of observer

Proposed Antenna tip height: 74.0'
Proposed Monopine height: 74.0'

Project Description:
Add new 74.0' Monopine, antennas and equipment to new VZW site



Before - Looking West



After - Looking West



This document is conceptual and informational only. Visual impacts will be affected by location and visibility of observer

Proposed Antenna tip height: 74.0'
Proposed Monopine height: 74.0'

Project Description:
Add new 74.0' Monopine, antennas and equipment to new VZW site

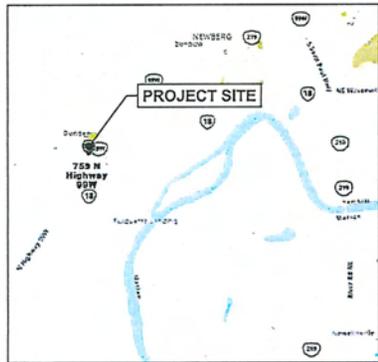
**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115



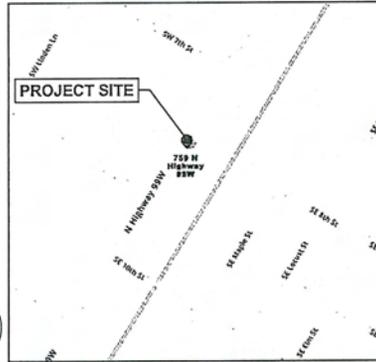
PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	DRAWN	REVISION
A	07/25/20	RM	90% 2D REVIEW (MONOPOLE)

VICINITY MAP



AREA MAP



PROJECT CONTACT LIST

PROPERTY OWNER:
ROB DAYKIN
CITY OF DUNDEE
PHONE: (503) 538-3922 EXT 103
ROB.DAYKIN@DUNDEECITY.ORG

IMPLEMENTATION CONTACT:
STEVE BODINE
VERIZON WIRELESS (VAW) LLC
(d/b/a VERIZON WIRELESS)
5430 NE 122ND AVENUE
PORTLAND, OR 97230
PHONE: (503) 544-8695
stephen.bodine1@verizonwireless.com

SITE ACQUISITION:
SARAH BLANCHARD
ACOM CONSULTING, INC
5200 SW MEADOWS RD, SUITE 150
LAKE OSWEGO, OR 97035
PHONE : (503) 310-5538
sarah.blanchard@acomconsultinginc.com

ENGINEER OF RECORD:
RAYMOND H. JACOBSON
5200 SW MEADOWS RD, SUITE 150
LAKE OSWEGO, OR 97035

APPLICANT:
VERIZON WIRELESS (VAW) LLC
(d/b/a VERIZON WIRELESS)
5430 NE 122ND AVENUE
PORTLAND, OR 97230

A&E CONSULTANT:
RICK MATTESON
ACOM CONSULTING, INC
5200 SW MEADOWS RD
SUITE 150
LAKE OSWEGO, OR 97035
PHONE: (425) 209-8723
rick.matteson@acomconsultinginc.com

ZONING / PERMITTING:
REID STEWART
ACOM CONSULTING, INC
5200 SW MEADOWS RD, SUITE 150
LAKE OSWEGO, OR 97035
PHONE : (503) 720-6526
reid.stewart@acomconsultinginc.com

DRAWING INDEX

- T-1 COVER SHEET
- T-2 GENERAL NOTES AND SYMBOLS
- SV-1 TOPOGRAPHICAL SURVEY
- C-1 PROPOSED GRADING PLAN
- C-2 WALL CROSS SECTION
- C-3 PROPOSED UTILITY PLAN
- L-1 PROPOSED LANDSCAPE PLAN
- L-2 PROPOSED OVERALL SITE PLAN
- A-1 PROPOSED ENLARGED SITE PLAN
- A-2 PROPOSED EQUIPMENT PLAN
- A-3 PROPOSED SOUTHEAST EXTERIOR ELEVATION
- A-3.1 PROPOSED SOUTHWEST EXTERIOR ELEVATION

DRIVING DIRECTIONS

FROM VERIZON WIRELESS OFFICE - PORTLAND, OR:

DEPART NE 122ND BLVD TOWARD NE INVERNESS DR; TURN LEFT ONTO NE AIRPORT WAY; TAKE RAMP RIGHT FOR I-205 SOUTH TOWARD PORTLAND / SALEM; CONTINUE TO I-5S INTERCHANGE. MERGE ONTO I-5S. TAKE EXIT 294 FOR OR-99W TOWARD TIGARD/NEWBERG. MERGE ONTO OR-99W S/SW BARBUR BLVD/PACIFIC HWY N. CONTINUE TO FOLLOW OR-99W S/PACIFIC HWY W. SITE WILL BE ON THE LEFT BEHIND FIRE STATION.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT CONDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

- OREGON STATE AND LOCAL BUILDING CODES WITH THE FOLLOWING REFERENCE CODE:
- 2012 IBC, STANDARDS AND AMENDMENTS - 2014 OSSC
 - 2012 IBC, STANDARDS AND AMENDMENTS - 2014 OMSC
 - 2012 IFC, STANDARDS AND AMENDMENTS - 2014 OFC
 - 2015 UPC, STANDARDS AND AMENDMENTS - 2017 OPSC
 - 2017 NEC, STANDARDS AND AMENDMENTS - 2017 OESC

PROJECT INFORMATION

CODE INFORMATION:

JURISDICTION: CITY OF DUNDEE
ZONING CLASSIFICATION: PUBLIC (FIRE STATION)
CONSTRUCTION TYPE: I-B
OCCUPANCY: UTILITY
PROPOSED BUILDING USE: TELECOM

SITE LOCATION (NAVD88):

GROUND ELEVATION: 201.0' AMSL
STRUCTURE HEIGHT: 70.0' (TOP OF MONOPOLE)
74.0' (TOP OF ANTENNAS)

GEODEIC COORDINATES (NAD83):

LATITUDE: 45.276447° (45° 16' 35.21" N)
LONGITUDE: -123.011186° (123° 00' 40.27" W)

LEASE AREA SIZE:

507 S.F.

PARCEL SIZE:

1.48 ACRES

PARCEL NUMBER:

R3325CC00800

SCOPE OF WORK

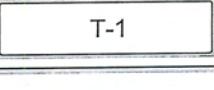
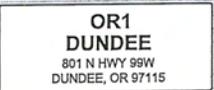
VERIZON WIRELESS PROPOSES TO INSTALL NEW PANEL ANTENNAS, NEW MW, NEW OPV'S, HYBRID CABLES AND RRU'S ON A NEW 70' MONOPOLE. THE PROPOSED EQUIPMENT SHALL BE LOCATED ADJACENT TO THE POLE INSIDE A 13'X39' FENCED LEASE AREA. LEASE AREA INCLUDES A 5'-0" LANDSCAPE BUFFER.

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANTS OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK SHOWN SHALL BE IMPLEMENTED WITHOUT PRIOR WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF ACOM CONSULTING.

CLIENT:



A&E CONSULTANT, SITE ACQUISITION AND PERMITTING:



**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

COVER SHEET

T-1

GENERAL NOTES

1. WORK SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, AND REGULATIONS, ALL NECESSARY LICENSES, CERTIFICATES, ETC., REQUIRED BY AUTHORITY HAVING JURISDICTION SHALL BE PROCURED AND PAID FOR BY THE CONTRACTOR.
2. ACOM HAS NOT CONDUCTED, NOR DOES IT INTEND TO CONDUCT ANY INVESTIGATION AS TO THE PRESENCE OF HAZARDOUS MATERIAL, INCLUDING, BUT NOT LIMITED TO, ASBESTOS WITHIN THE CONFINES OF THIS PROJECT. ACOM DOES NOT ACCEPT RESPONSIBILITY FOR THE INDEMNIFICATION, THE REMOVAL, OR ANY EFFECTS FROM THE PRESENCE OF THESE MATERIALS, IF EVIDENCE OF HAZARDOUS MATERIALS IS FOUND, WORK IS TO BE SUSPENDED AND THE OWNER NOTIFIED. THE CONTRACTOR IS NOT TO PROCEED WITH FURTHER WORK UNTIL INSTRUCTED BY THE OWNER IN WRITING.
3. ALL MATERIAL FURNISHED UNDER THIS CONTRACT SHALL BE PROPOSED, UNLESS OTHERWISE NOTED. ALL WORK SHALL BE GUARANTEED AGAINST DEFECTS IN MATERIALS AND WORKMANSHIP. THE CONTRACTOR SHALL REPAIR OR REPLACE AT HIS EXPENSE ALL WORK THAT MAY DEVELOP DEFECTS IN MATERIALS OR WORKMANSHIP WITHIN SAID PERIOD OF TIME OR FOR ONE YEAR AFTER THE FINAL ACCEPTANCE OF THE ENTIRE PROJECT, WHICHEVER IS GREATER.
4. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AND UTILITIES AT THE JOB SITE BEFORE WORK IS STARTED. NO CLAIMS FOR EXTRA COMPENSATION FOR WORK WHICH COULD HAVE BEEN FORESEEN BY AN INSPECTION, WHETHER SHOWN ON THE CONTRACT DOCUMENTS OR NOT, WILL BE ACCEPTED OR PAID.
5. THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING DIMENSIONS AND CONDITIONS AT THE JOB SITE WHICH COULD AFFECT THE WORK UNDER THIS CONTRACT. ALL MANUFACTURERS RECOMMENDED SPECIFICATIONS, EXCEPT THOSE SPECIFICATIONS HEREIN, WHERE MOST STRINGENT SHALL BE COMPLIED WITH.
6. THE CONTRACTOR SHALL VERIFY AND COORDINATE SIZE AND LOCATION OF ALL OPENINGS FOR STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, CIVIL, OR ARCHITECTURAL WORK.
7. THE CONTRACTOR SHALL VERIFY THAT NO CONFLICTS EXIST BETWEEN THE LOCATIONS OF ANY AND ALL MECHANICAL, PLUMBING, OR STRUCTURAL ELEMENTS, AND THAT ALL REQUIRED CLEARANCES FOR INSTALLATION AND MAINTENANCE ARE MET. NOTIFY THE CONSULTANT OF ANY CONFLICTS. THE CONSULTANT HAS THE RIGHT TO MAKE MINOR MODIFICATIONS IN THE DESIGN OF THE CONTRACT WITHOUT THE CONTRACTOR GETTING ADDITIONAL COMPENSATION.
8. DO NOT SCALE THE DRAWINGS. DIMENSIONS ARE EITHER TO THE FACE OF FINISHED ELEMENTS OR TO THE CENTER LINE OF ELEMENTS, UNLESS NOTED OTHERWISE. CRITICAL DIMENSIONS SHALL BE VERIFIED AND NOTIFY THE CONSULTANT OF ANY DISCREPANCIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAILY CLEAN UP OF ALL TRADES AND REMOVE ALL DEBRIS FROM THE CONSTRUCTION SITE. AT THE COMPLETION OF THE PROJECT, THE CONTRACTOR SHALL THOROUGHLY CLEAN THE BUILDING, SITE, AND ANY OTHER SURROUNDING AREAS TO A BETTER THAN EXISTING CONDITION.
10. THE CONTRACTOR IS RESPONSIBLE FOR ADEQUATELY BRACING AND PROTECTING ALL WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKAGE, COLLAPSE, ETC. ACCORDING TO APPLICABLE CODES, STANDARDS, AND GOOD CONSTRUCTION PRACTICES.
11. THE CONTRACTOR SHALL MEET ALL OSHA REQUIREMENTS FOR ALL INSTALLATIONS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO THE EXISTING CONSTRUCTION AND REPAIR ALL DAMAGES TO BETTER THAN PROPOSED CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DAMAGE TO THE BUILDING SITE OR ANY ADJACENT STRUCTURES AROUND THE PROJECT. THE CONSULTANT SHALL BE SOLE AND FINAL JUDGE AS TO THE QUALITY OF THE REPAIRED CONSTRUCTION. ANY ADDITIONAL MODIFICATIONS WHICH MUST BE MADE SHALL BE MADE AT THE CONTRACTOR'S EXPENSE.
13. WHERE ONE DETAIL IS SHOWN FOR ONE CONDITION, IT SHALL APPLY FOR ALL LIKE OR SIMILAR CONDITIONS, EVEN THOUGH NOT SPECIFICALLY MARKED ON THE DRAWINGS OR REFERRED TO IN THE SPECIFICATIONS, UNLESS NOTED OTHERWISE.
14. WHERE PROPOSED PAVING, CONCRETE SIDEWALKS OR PATHS MEET EXISTING CONSTRUCTION, THE CONTRACTOR SHALL MATCH THE EXISTING PITCH, GRADE, AND ELEVATION SO THE ENTIRE STRUCTURE SHALL HAVE A SMOOTH TRANSITION.
15. THE CONTRACTOR SHALL MODIFY THE EXISTING FLOORS, WALL, CEILING, OR OTHER CONSTRUCTION AS REQUIRED TO GAIN ACCESS TO AREAS FOR ALL MECHANICAL, PLUMBING, ELECTRICAL, OR STRUCTURAL MODIFICATIONS. WHERE THE EXISTING CONSTRUCTION DOORS, PARTITIONS, CEILING, ETC., ARE TO BE REMOVED, MODIFIED, OR REARRANGED OR WHERE THE EXPOSED OR HIDDEN MECHANICAL, ELECTRICAL, SYSTEMS ARE ADDED OR MODIFIED, THE GENERAL CONTRACTOR SHALL REPAIR, PATCH AND MATCH ALL EXISTING CONSTRUCTION AND FINISHES OF ALL FLOORS WALLS AND CEILINGS. WHERE CONCRETE MASONRY CONSTRUCTION IS MODIFIED, THE CONTRACTOR SHALL TOOTH IN ALL PROPOSED CONSTRUCTION TO MATCH THE EXISTING BOND. WHERE CONCRETE CONSTRUCTION IS MODIFIED, THE CONTRACTOR SHALL VERIFY THE EXACT DETAILS TO BE USED FOR CONSTRUCTION. ALL WORK SHALL BE COVERED UNDER THE GENERAL CONTRACT.
16. VERIFY ALL EXISTING DIMENSIONS PRIOR TO PERFORMING WORK.
17. VERIFY LOCATION OF ALL BURIED UTILITIES PRIOR TO ANY EXCAVATION.
18. IN RAWLAND CONDITIONS, TOWER FOUNDATION STRUCTURAL STEEL TO BE GROUNDING PRIOR TO CONCRETE POUR. TOWER FOUNDATION STRUCTURAL STEEL TO BE CONNECTED TO PERMANENT GROUND ROD PRIOR TO TOWER ERECTION. TOWER GROUND MUST BE MAINTAINED AT ALL TIMES.
19. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING FOR COMMERCIAL POWER IMMEDIATELY UPON AWARD OF CONTRACT. THE GENERAL CONTRACTOR IS REQUIRED TO KEEP ALL DOCUMENTATION RECEIVED FROM THE POWER COMPANY, ACKNOWLEDGING APPLICATION FOR POWER, WRITTEN AND VERBAL DISCUSSIONS WITH THE POWER COMPANY, ETC.
20. THE GENERAL CONTRACTOR SHALL OBTAIN WRITTEN CONFIRMATION OF THE EXPECTED DATE OF COMPLETION OF THE POWER CONNECTION FROM THE POWER COMPANY.
21. IF THE POWER COMPANY IS UNABLE TO PROVIDE THE POWER CONNECTION BY OWNER'S REQUIRED DATE, THE GENERAL CONTRACTOR SHALL PROVIDE AND MAINTAIN A TEMPORARY GENERATOR UNTIL THE POWER COMPANY CONNECTION IS COMPLETED. COSTS ASSOCIATED WITH THE TEMPORARY GENERATOR TO BE APPROVED BY THE OWNER.
22. IF THE GENERAL CONTRACTOR FAILS TO TAKE NECESSARY MEASURES AS DESCRIBED IN NOTES 19, 20 AND 21 ABOVE, THE GENERAL CONTRACTOR SHALL PROVIDE A TEMPORARY GENERATOR AT NO COST TO THE OWNER.
23. PLANS PART OF THIS SET ARE COMPLEMENTARY. INFORMATION IS NOT LIMITED TO ONE PLAN. DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. WHETHER THE PROJECT FOR WHICH THEY ARE MADE IS EXECUTED OR NOT, THEY ARE NOT TO BE USED BY THE OWNER ON OTHER PROJECTS OR EXTENSION TO THIS PROJECT EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO THE ARCHITECT. THESE PLANS WERE PREPARED TO BE SUBMITTED TO GOVERNMENTAL BUILDING AUTHORITIES FOR REVIEW FOR COMPLIANCE WITH APPLICABLE CODES AND IT IS THE SOLE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO BUILD ACCORDING TO APPLICABLE BUILDING CODES.
24. IF CONTRACTOR OR SUB-CONTRACTOR FIND IT NECESSARY TO DEVIATE FROM ORIGINAL APPROVED PLANS, THEN IT IS THE CONTRACTOR'S AND THE SUB-CONTRACTOR'S RESPONSIBILITY TO PROVIDE THE ARCHITECT WITH 4 COPIES OF THE PROPOSED CHANGES FOR HIS APPROVAL BEFORE PROCEEDING WITH THE WORK. IN ADDITION THE CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY APPROVALS FROM THE BUILDING AUTHORITIES FOR THE PROPOSED CHANGES BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR PROCURING ALL NECESSARY INSPECTIONS AND APPROVALS FROM BUILDING AUTHORITIES DURING THE EXECUTION OF THE WORK.
25. IN EVERY EVENT, THESE CONSTRUCTION DOCUMENTS AND SPECIFICATIONS SHALL BE INTERPRETED TO BE A MINIMUM ACCEPTABLE MEANS OF CONSTRUCTION BUT THIS SHALL NOT RELIEVE THE CONTRACTOR, SUB-CONTRACTOR, AND/OR SUPPLIER/MANUFACTURER FROM PROVIDING A COMPLETE AND CORRECT JOB WHEN ADDITIONAL ITEMS ARE REQUIRED TO THE MINIMUM SPECIFICATION. IF ANY ITEMS NEED TO EXCEED THESE MINIMUM SPECIFICATIONS TO PROVIDE A COMPLETE, ADEQUATE AND SAFE WORKING CONDITION, THEN IT SHALL BE THE DEEMED AND UNDERSTOOD TO BE INCLUDED IN THE DRAWINGS. FOR EXAMPLE, IF AN ITEM AND/OR PIECE OF EQUIPMENT REQUIRES A LARGER WIRE SIZE (I.E. ELECTRICAL WIRE), STRONGER OR LARGER PIPING, INCREASED QUANTITY (I.E. STRUCTURAL ELEMENTS), REDUCED SPACING, AND/OR INCREASED LENGTH (I.E. BOLT LENGTHS, BAR LENGTHS) THEN IT SHALL BE DEEMED AND UNDERSTOOD TO BE INCLUDED IN THE BID/PROPOSAL. THESE DOCUMENTS ARE MEANT AS A GUIDE AND ALL ITEMS REASONABLY INFERRED SHALL BE DEEMED TO BE INCLUDED.
26. THESE CONTRACT DOCUMENTS AND SPECIFICATIONS SHALL NOT BE CONSTRUED TO CREATE A CONTRACTUAL RELATIONSHIP OF ANY KIND BETWEEN THE ARCHITECT AND THE CONTRACTOR.

LINE/ANTENNA NOTES

1. ALL THREADED STRUCTURAL FASTENERS FOR ANTENNA SUPPORT ASSEMBLES SHALL CONFORM TO ASTM A307 OR ASTM A36. ALL STRUCTURAL FASTENERS FOR STRUCTURAL STEEL FRAMING SHALL CONFORM TO ASTM A325. FASTENERS SHALL BE 9/8" MIN. DIA. BEARING TYPE CONNECTIONS WITH THREADS EXCLUDED FROM THE PLANE. ALL EXPOSED FASTENERS, NUTS, AND WASHERS SHALL BE GALVANIZED OTHERWISE NOTED. CONCRETE EXPANSION ANCHORS SHALL BE HILTI KWIK BOLTS UNLESS OTHERWISE NOTED. ALL ANCHORS INTO CONCRETE SHALL BE STAINLESS STEEL.
2. NORTH ARROW SHOWN ON PLANS REFERS TO TRUE NORTH. CONTRACTOR SHALL VERIFY MAGNETIC NORTH AND NOTIFY CONSULTANT OF ANY DISCREPANCY BEFORE STARTING CONSTRUCTION.
3. PROVIDE LOCK WASHERS FOR ALL MECHANICAL CONNECTIONS FOR GROUND CONDUCTORS. USE STAINLESS STEEL HARDWARE THROUGHOUT.
4. THOROUGHLY REMOVE ALL PAINT AND CLEAN ALL DIRT FROM SURFACES REQUIRING GROUND CONNECTIONS.
5. MAKE ALL GROUND CONNECTIONS AS SHORT AND DIRECT AS POSSIBLE. AVOID SHARP BENDS. ALL BENDS TO BE A MIN. OF 8" RADIUS.
6. FOR GROUNDING TO BUILDING FRAME AND HATCH PLATE GROUND BARS. USE A TWO-BOLT HOLE NEMA DRILLED CONNECTOR SUCH AS T&B 32007 OR APPROVED EQUAL.
7. FOR ALL EXTERNAL GROUND CONNECTIONS, CLAMPS AND CADWELDS, APPLY A LIBERAL PROTECTIVE COATING OR AN ANTI-OXIDE COMPOUND SUCH AS "NO-OXIDE A" BY DEARBORN CHEMICAL COMPANY.
8. REPAIR ALL GALVANIZED SURFACES THAT HAVE BEEN DAMAGED BY THERMO-WELDING. USE ERICO T-319 GALVANIZING BAR/COLD GALVANIZING PAINT.
9. SEAL ALL CONDUIT PENETRATIONS INTO MODULAR BUILDING WITH A SILICONE SEALANT AND ALL CONDUIT OPENINGS.
10. ANTENNAS AND COAX TO BE PROVIDED BY VERIZON WIRELESS. CONTRACTOR TO COORDINATE DELIVERY.

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

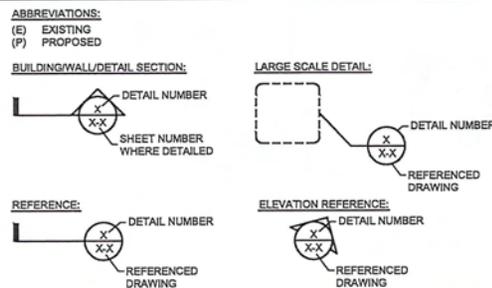
NO.	DATE	DRAWN	REVISION
A	07/20/20	RM	90% 2D REVIEW (MONOPOLE)



PROJECT INFORMATION

1. THIS IS AN UNMANNED FACILITY AND RESTRICTED ACCESS EQUIPMENT AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE.
2. VERIZON WIRELESS CERTIFIES THAT THIS TELEPHONE EQUIPMENT FACILITY WILL BE SERVICED ONLY BY VERIZON WIRELESS EMPLOYEE SERVICE PERSONNEL FOR REPAIR PURPOSES ONLY. THIS FACILITY IS UNOCCUPIED AND NOT DESIGNED FOR HUMAN OCCUPANCY THUS IT IS NOT OPEN TO THE PUBLIC.
3. THIS FACILITY WILL CONSUME NO UNRECOVERABLE ENERGY.
4. NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION.
5. NO WASTE WATER WILL BE GENERATED AT THIS LOCATION.
6. NO SOLID WASTE WILL BE GENERATED AT THIS LOCATION.
7. VERIZON WIRELESS MAINTENANCE CREW (TYPICALLY ONE PERSON) WILL MAKE AN AVERAGE OF ONE TRIP PER MONTH AT ONE HOUR PER VISIT.

LEGEND



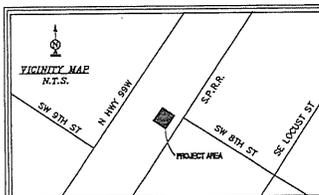
IMPORTANT NOTICE

THE EXISTING CONDITIONS REPRESENTED HEREIN ARE BASED ON VISUAL OBSERVATIONS AND INFORMATION PROVIDED BY OTHERS. ACOM CONSULTING CANNOT GUARANTEE THE CORRECTNESS NOR COMPLETENESS OF THE EXISTING CONDITIONS SHOWN AND ASSUMES NO RESPONSIBILITY THEREOF. CONTRACTOR AND HIS SUB-CONTRACTORS SHALL VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS AS REQUIRED FOR PROPER EXECUTION OF PROJECT. REPORT ANY CONFLICTS OR DISCREPANCIES TO THE CONSULTANT PRIOR TO CONSTRUCTION.

**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

GENERAL NOTES
AND SYMBOLS

T-2



BENCHMARK
PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF N.G.S. GEOD 15A MODELED SEPARATIONS TO ELLIPSOID HEIGHTS DETERMINED BY REAL TIME KINEMATIC (RTK) GPS DATA PROCESSED/CORRECTED ON THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) CORS NETWORK. ALL ELEVATIONS SHOWN HEREON ARE IN FEET AND REFERENCED TO NAVD83.

LEASE AREA LEGAL DESCRIPTION
THAT PORTION OF A TRACT OF LAND, BEING ALL OF LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE ORCHARD HOMES NO. 1, AND A PORTION OF PARCEL 1, OF PARTITION PLAT NO. 1995-55, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE FOUND AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 24 OF SAID TOWNSHIP OF DUNDEE, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SE 8TH STREET WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF THE S.P. RAILROAD RIGHT OF WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 20°28'33" WEST, ALONG SAID S.P. RAILROAD RIGHT OF WAY, A DISTANCE OF 106.53 FEET TO A POINT; THENCE NORTH 59°31'21" WEST, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SE 8TH STREET, A DISTANCE OF 207.25 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY 99W; THENCE NORTH 30°28'33" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 106.53 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF SAID SE 8TH STREET; THENCE SOUTH 59°31'21" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.65 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 33°13'58" EAST ALONG THE SOUTHEASTERLY LINE THEREOF, A DISTANCE OF 3.31 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°46'02" WEST, A DISTANCE OF 39.00 FEET; THENCE NORTH 33°13'58" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 56°46'02" WEST, A DISTANCE OF 39.00 FEET; THENCE SOUTH 33°13'58" WEST, A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 507.50 SQ. FT.

ACCESS EASEMENT LEGAL DESCRIPTION
THAT PORTION OF A TRACT OF LAND, BEING ALL OF LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE ORCHARD HOMES NO. 1, AND A PORTION OF PARCEL 1, OF PARTITION PLAT NO. 1995-55, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE FOUND AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 24 OF SAID TOWNSHIP OF DUNDEE, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SE 8TH STREET WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF THE S.P. RAILROAD RIGHT OF WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 20°28'33" WEST, ALONG SAID S.P. RAILROAD RIGHT OF WAY, A DISTANCE OF 106.53 FEET TO A POINT; THENCE NORTH 59°31'21" WEST, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SE 8TH STREET, A DISTANCE OF 207.25 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY 99W; THENCE NORTH 30°28'33" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 106.53 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF SAID SE 8TH STREET; THENCE SOUTH 59°31'21" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.65 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, BEING A 12.00 FOOT WIDE STRIP OF LAND, 12.00 FEET WIDE ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 33°13'58" EAST ALONG THE SOUTHEASTERLY LINE THEREOF, A DISTANCE OF 3.31 FEET; THENCE LEAVING SAID LINE NORTH 56°46'02" WEST, A DISTANCE OF 39.00 FEET; THENCE NORTH 33°13'58" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 56°46'02" WEST, A DISTANCE OF 39.00 FEET; THENCE NORTH 33°13'58" EAST, A DISTANCE OF 178.36 FEET; THENCE NORTH 28°22'35" WEST, A DISTANCE OF 15.63 FEET; THENCE NORTH 56°33'25" WEST, A DISTANCE OF 171.14 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY OF HIGHWAY 99 AND BEING THE POINT OF TERMINUS.

CONTAINING 3,514 SQ. FT. MORE OR LESS

UTILITY NOTES
SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE ACCURATE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT PUBLIC UTILITY LOCATING SERVICES AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION, RENOVATION, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

FLOOD ZONE
THIS PROJECT APPEARS TO BE IN FLOOD ZONE X, NO BASE FLOOD ELEVATION DETERMINED, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PARCEL 219 OF 874, MAP NUMBER #4107020290, DATED MARCH 2, 2010.

BASIS OF BEARING
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM OREGON STATE PLANE COORDINATE NORTH ZONE, DETERMINED BY REAL TIME KINEMATIC (RTK) GPS DATA PROCESSED/CORRECTED ON THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) CORS NETWORK.

SURVEYOR'S NOTES
THE DESCRIPTION OF PROPERTY BOUNDARY SHOWN HEREON, REPRESENT THAT INFORMATION PROVIDED AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH OR DETERMINE LEASE AREAS & ASSOCIATED EASEMENTS. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION PROVIDED BY RECORD/TITLE AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00800)
LOTS 10 AND 11, BLOCK 24, TOWN OF DUNDEE, YAMHILL COUNTY, OREGON.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #471816053987, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED AUGUST 16, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

ITEMIZED NOTES
ITEMS 1, 2 AND 3 ARE NOT A SURVEY MATTER.
ITEM 4: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)
THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PREMISES SHOWN HEREON.

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00900)
LOTS 1, 2, 3 AND 12, BLOCK 23, IN THE TOWN (NOW CITY) OF DUNDEE, COUNTY OF YAMHILL, STATE OF OREGON.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #471816052321, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED JULY 14, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

ITEMIZED NOTES
ITEMS 1 AND 2 ARE NOT A SURVEY MATTER.
ITEM 3: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)
ITEM 4: DEED PRIOR TO CURRENT PROPERTY DESCRIPTION. (DOES NOT AFFECT THE PROJECT AREA)
THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PREMISES SHOWN HEREON.

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC03900)
A TRACT OF LAND, BEING ALL OF LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE ORCHARD HOMES NO. 1, AND A PORTION OF PARCEL 1, OF PARTITION PLAT NO. 1995-55, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIPE FOUND AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 24 OF SAID TOWNSHIP OF DUNDEE, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SE 8TH STREET WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF THE S.P. RAILROAD RIGHT OF WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 20°28'33" WEST, ALONG SAID S.P. RAILROAD RIGHT OF WAY, A DISTANCE OF 106.53 FEET TO A POINT; THENCE NORTH 59°31'21" WEST, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SE 8TH STREET, A DISTANCE OF 207.25 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HIGHWAY 99W; THENCE NORTH 30°28'33" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 106.53 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF SAID SE 8TH STREET; THENCE SOUTH 59°31'21" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.65 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED.

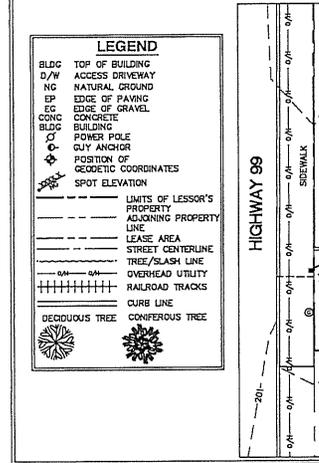
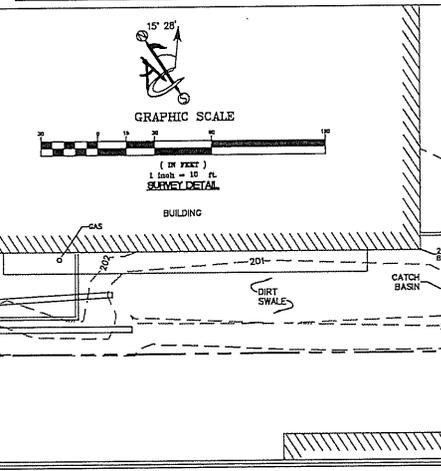
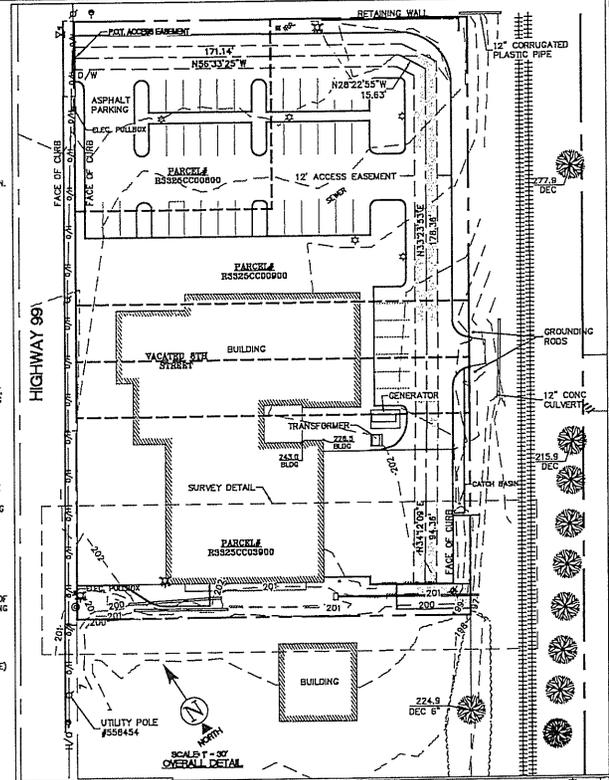
TOGETHER WITH THAT PORTION OF VACATED SE 8TH STREET ALONG THENCE BY REASON OF CITY OF DUNDEE ORDINANCE NO. 016-2012, RECORDED JANUARY 24, 2012, RECORDED'S NO. 20130102.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #471816055482, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED SEPTEMBER 20, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

ITEMIZED NOTES
ITEMS 1, 2 AND 3 ARE NOT A SURVEY MATTER.
ITEMS 4 AND 5: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)
ITEMS 6 AND 7 ARE BLANKET IN NATURE - NOTHING TO PLOT
THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PREMISES SHOWN HEREON.

POSITION OF GEODETIC COORDINATE
LATITUDE 45° 16' 39.21" (45.277528) NORTH (NAD83)
LONGITUDE 123° 00' 40.27" (-123.011895) WEST (NAD83)
ELEVATION = 201.0' (NAVD83)

SURVEY DATE
JULY 28, 2016



verizon
5430 NE 122ND AVE.
PORTLAND, OR 97230

PROJECT INFORMATION:

OR1 DUNDEE
759 N. HWY. 99W
DUNDEE, OR 97115
YAMHILL COUNTY

ORIGINAL ISSUE DATE:

08/04/2016

REV.	DATE	DESCRIPTION	BY
9	6/24/20	UPDATE	PD
1	8/04/16	GEO COORD	AC
2	8/23/16	ADD TITLES	AC
3	1/26/17	ADD LEASE	AC
4	6/12/17	REV. LEASE AREA	RC
5	7/26/17	REV. ACCESS	DH
6	1/11/18	REV. LEASE AREA	SR
7	11/11/19	REV. LEASE AREA	PD
8	11/18/19	TITLE UPDATE	CK

PLANS PREPARED BY:

Acom
CONSULTING INC.

CONSULTANT:

Ambit
243 SAINT HELENS AVE. SUITE 3A
TACOMA, WA 98402 (253)372-9181

DRAWN BY: CHK. APV.

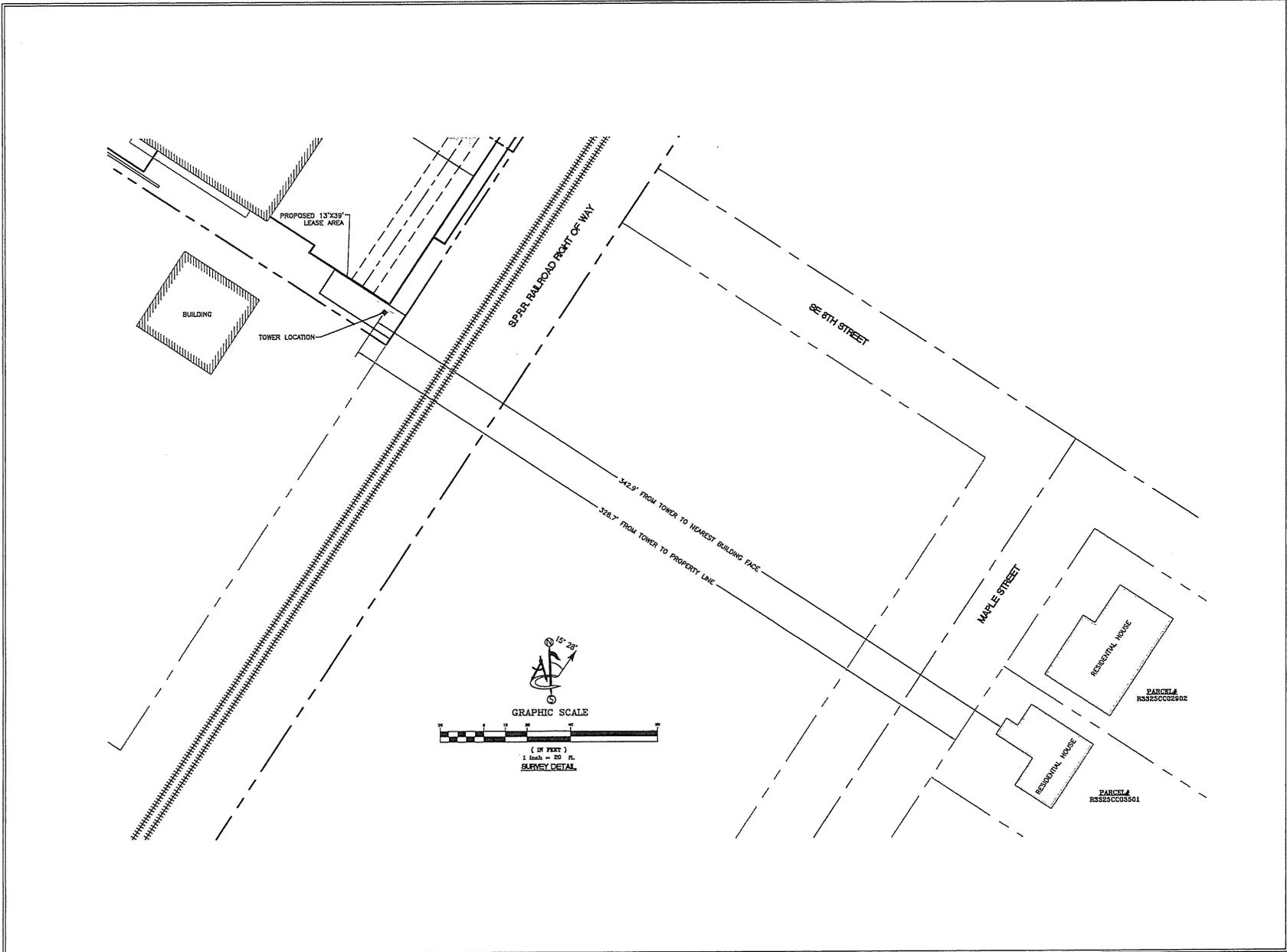
AC SR DG

LICENSER:

SHEET TITLE:

SITE SURVEY

SHEET NUMBER:
SV-1



verizon

5430 NE 122ND AVE.
PORTLAND, OR 97230

PROJECT INFORMATION:

OR1 DUNDEE
759 N. HWY. 99W
DUNDEE, OR 97115
YAMHILL COUNTY

ORIGINAL ISSUE DATE:

08/04/2016

REV.	DATE	DESCRIPTION	BY
9	6/24/20	UPDATE	PD
1	8/04/16	GEO COORD	AC
2	8/23/16	ADD TITLES	AC
3	1/26/17	ADD LEASE	AC
4	6/12/17	REV. LEASE AREA	RC
5	7/26/17	REV. ACCESS	DH
6	1/11/18	REV. LEASE AREA	SR
7	11/11/19	REV. LEASE AREA	PD
8	11/18/19	TITLE UPDATE	CK

PLANS PREPARED BY:



CONSULTANT:



DRAWN BY:	CHK.:	APV.:
AC	SR	DC

LICENSER:

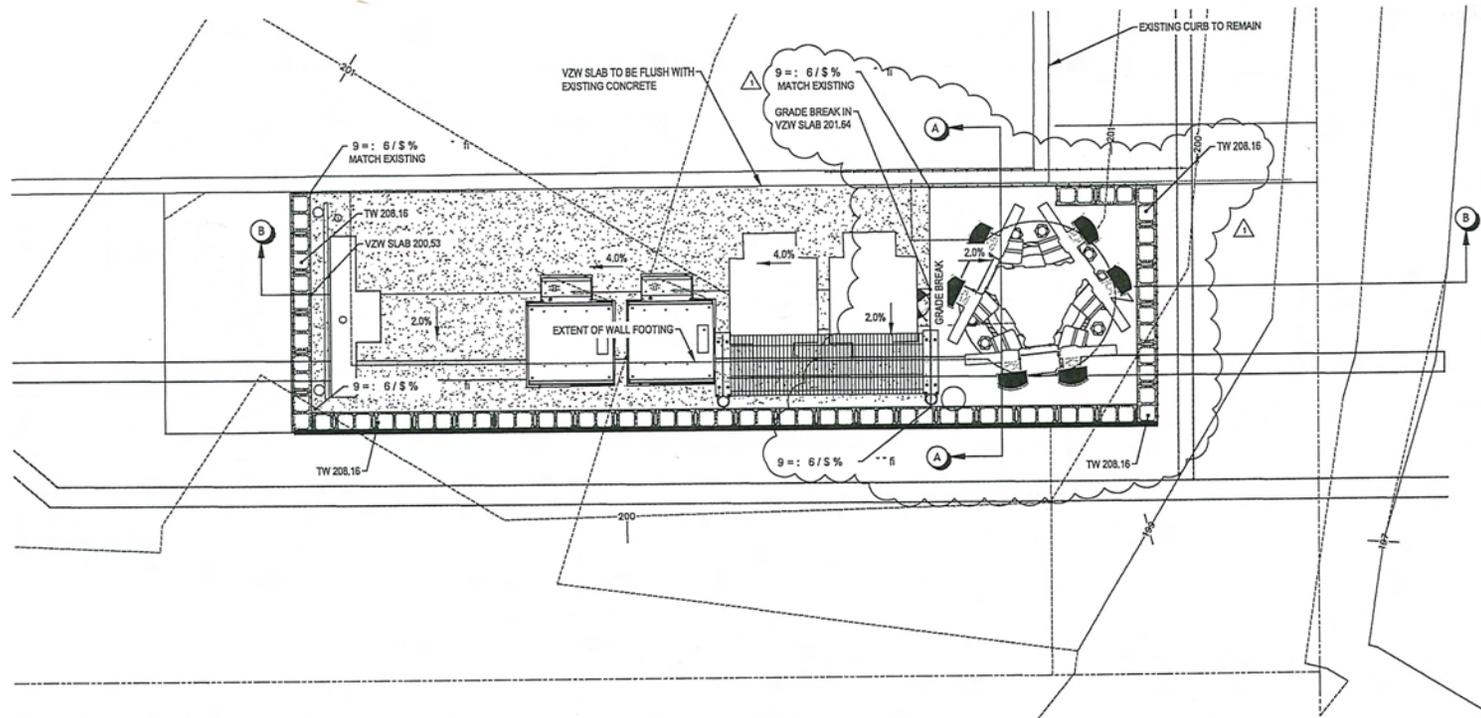
PRELIMINARY

SHEET TITLE:

SITE SURVEY

SHEET NUMBER:

SV-2



DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANT OF ANY ERRORS OR OMISSIONS. NO VARIATIONS OR MODIFICATIONS TO WORK DRAWINGS SHALL BE IMPLEMENTED WITHOUT PROPER WRITTEN APPROVAL. ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF ACOM CORPORATION.



No.	Date	Revision
A	6/12/2017	INITIAL SUBMITTAL
B	1/17/2018	REVISION 1
C	-	-
D	-	-
0	-	-
1	-	-
2	-	-

Client:

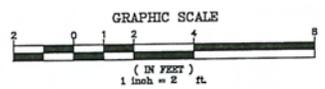
Implement at Ion and A&E Team:

Project Info:
OR4 DUNDEE
 759 N. HWY 99W
 DUNDEE, OR 97115

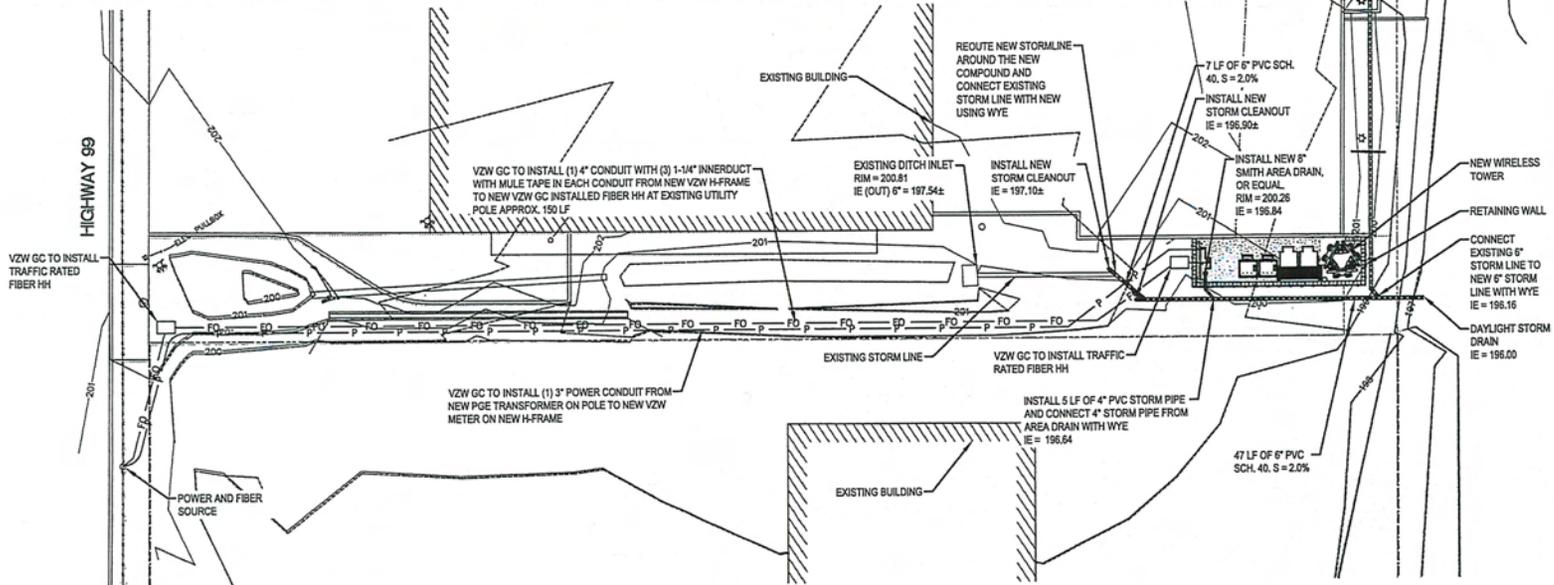
Drawing Title:
GRADING PLAN

Project Number:	Date:
Designer:	Professional of Record:
Project Manager:	Sheet No:
Revision No:	

C-1



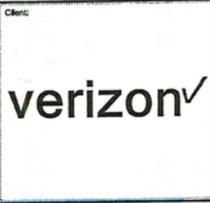
Dan Cushing Associates Civil Engineers
 107 SE Washington St. Ste. 200 - Suite 200
 Portland, OR 97214
 (503) 347-0321
 www.cushing-ae.com



DO NOT SCALE DRAWING. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADVISE CONSULTANT OF ANY ERRORS OR OMISSIONS. NO WARRANTIES OR GUARANTEES TO WORK. DESIGN SHALL BE BASED ON INFORMATION PROVIDED. APPROVAL OF ALL PREVIOUS ISSUES OF THIS DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DRAWINGS AND SPECIFICATIONS REMAIN THE PROPERTY OF ACOM CORPORATION.



No.	Date	Revision
A	6/12/2017	INITIAL SUBMITTAL
B	1/17/2018	REVISION 1
C	3/29/2018	REVISION 2
D	-	-
0	-	-
1	-	-
2	-	-

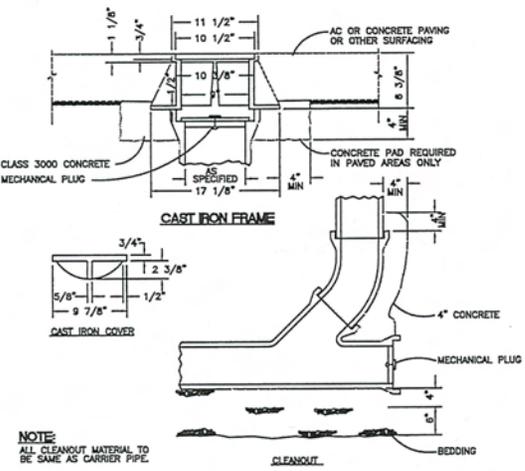


Project Info:
OR4 DUNDEE
 735 N.W. 92ND
 DUNDEE, OR 97115

Drawing Title:
UTILITY PLAN

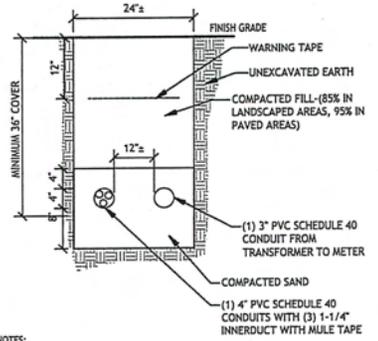
Project Number:	Date:
Drafter:	Designer:
Project Manager:	Professional of Record:
Revision No.:	Sheet No.:

C-3



NOTE:
 ALL CLEANOUT MATERIAL TO BE SAME AS CARRIER PIPE.

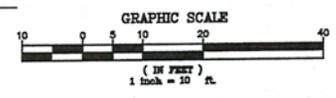
1 CLEANOUT
 N.T.S.

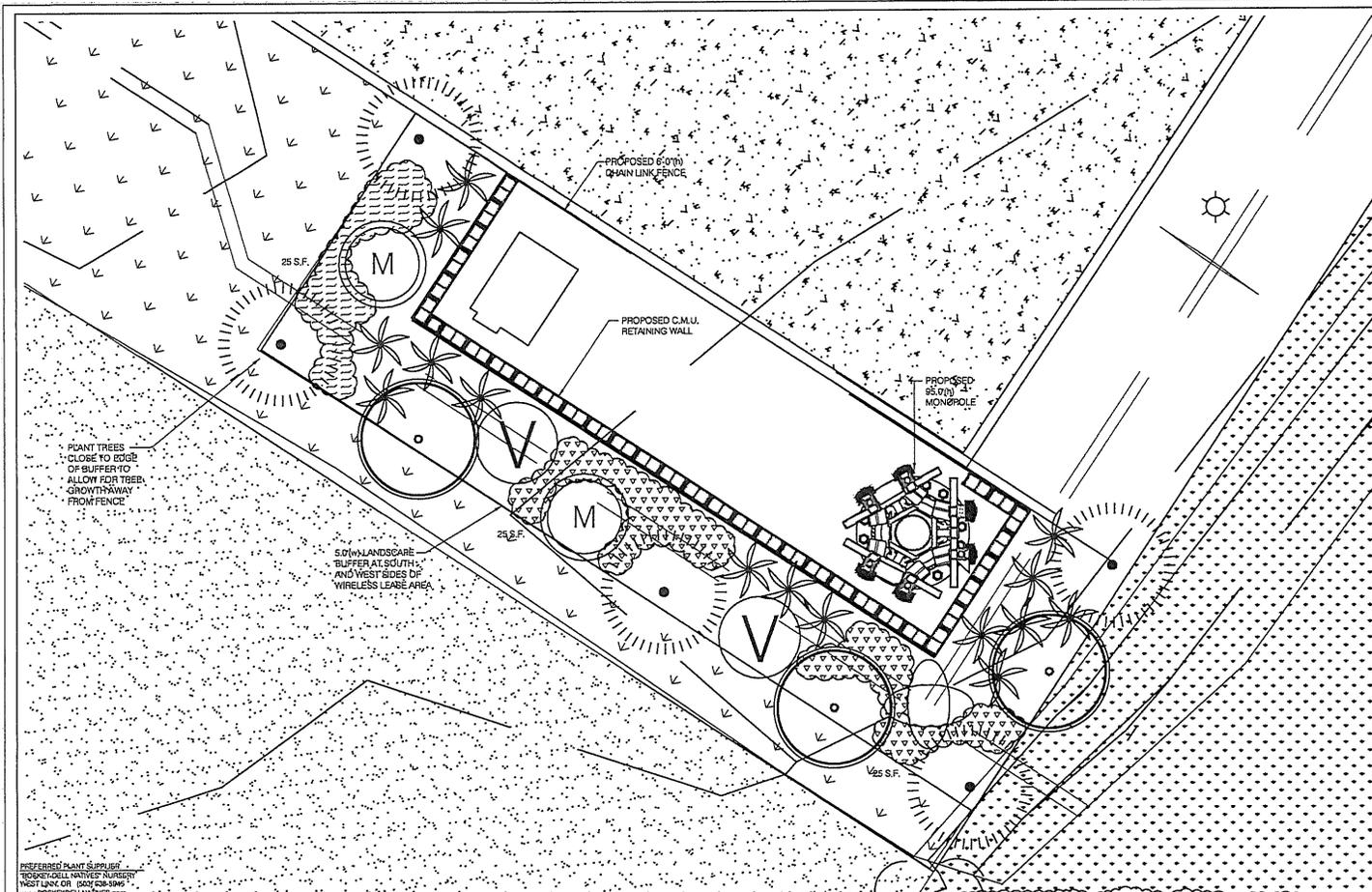


NOTES:
 1. EXCAVATE TO REQUIRED DEPTH
 2. VERIFY ALL TRENCHING REQUIREMENTS PER LOCAL UTILITIES.
 3. CONTRACTOR TO PROVIDE (1) 300 POUND NYLON PULL CORD AND CONDUCTORS AS REQUIRED PER CONDUIT.

2 TRENCH SECTION
 N.T.S.

GENERAL NOTE:
 CONTRACTOR TO VERIFY INVERTS ON STORM SYSTEM AND REPORT BACK TO ENGINEER PRIOR TO CONSTRUCTION





LANDSCAPE NOTES

1. Plant material shall conform to guidelines established by the American Nurseryman's Association by the American Standard for Nursery Stock.
2. Delivered/stock plants shall be replaced within 6 months after notification from City within plants of equal size to original plant. Plants are under a 1 year warranty from date of Substantial Completion. Contractor shall maintain landscape under this contract for entire 1-year period to ensure proper maintenance. Provide a written maintenance manual for a complete calendar year to the Owner to ensure proper long-term maintenance of landscape and assist in transition of maintenance from Contractor to Owner and to assure landscape is continually maintained.
3. The landscape contractor shall locate all utility lines prior to the commencement of work. The use of on-site utility plans as a part of this contract are available for review.
4. All plants shall be balled & burlapped or container grown as specified. No container grown stock will be accepted if it is deemed to be root bound. All plastic root wrapping material shall be removed. No bare root stock will be accepted unless submitted in writing for approval.
5. Plants shall originate from established nurseries located within region of project. Plants that are not available in sizes specified or quantity may be sourced from outside the region if substituted for review and approval.
6. All plants shall meet the minimum size specified on the plan. One plant from each grouping shall be labeled, indicating the plant name and size. Tags shall not be removed after review.
7. All plants shall be sprayed with anti-pesticide within the first 24 hours.
8. All plants shall be installed per the planting details. Alternate stocking methods may be proposed for review and approval.
9. Stockpile plant material upon delivery to the site in a shady location, irrigated if feasible or misted. Stockpile all plants near a source of water - water at least once a day to maintain healthy plant stock.
10. All pre & post-arrangement herbicide shall be applied to all planter beds. Herbicide shall be Surflan/A.C. (use mixed with Roundup) at a rate of 4 quarts per acre. Adhere to all product manufacturers directions and recommendations. Adhere to all environmental regulations. Do not apply in areas that drain directly into an environmentally sensitive area. Do not apply when wind speed is greater than 5 m.p.h.
11. An insecticide and fungicide application shall be performed with the type to be selected by the contractor and submitted in writing for review and approval. Proof of purchase receipts shall be submitted.
12. Planting beds shall have a mix of 3/16" layer of medium-ground bark or ground bark mixture where indicated. Fine bark products, Tamp-down areas, etc. to compact pastures to compact, then apply additional bark to 1/4"-1/2" below high grade of concrete surface. (where occurring).
13. Install all plant material during favorable weather and within seasonal planting limitations. Do not install plants when daily high temperatures exceed 90°F (degrees) or low temperatures are below 32°F (degrees). Flowering trees may need to be dug after 3 consecutive nights of temperatures less than 45 (degrees) in the Fall or as determined by local nursery. Weather data will be from the nearest airport location to project site (McKinnon Municipal Airport).
14. Any fertilizer tablets as indicated in the following table:
 1 gallon Shrub = 2 tablets
 2.5 gallon Shrub = 3 tablets
 1.5" cal. - 2.0" cal. Deciduous tree = 4 tablets
 2.0" cal. - 4.0" cal. Deciduous tree = 8 tablets
 4.0" - 6.0" High Evergreen tree = 7 tablets
15. A lack of maintenance shall constitute a violation of the local Municipal Development Code.
16. Landscaped areas on private property shall be reasonably maintained by Owner or Lessee of the property as to pruning, watering or other requirements to create an attractive, safe landscape to be developed.
17. All tree locations that are 4" or less to a utility structure, pipe, curb, sidewalk or sagittal, a root barrier panel shall be added on the side of the root that is in contact with it to be protected. Barriers shall be Deep Root UB-24-24" (1/2" x 24") ribbed panels with interlocking panel breaks as needed to allow groundwater to flow freely and not over-saturate soil. Place root barrier panels in trench with vertical slots facing toward root and align in a straight fashion. Keep top of root barrier's outside-top edge at least 1/2" above finish grade.
18. Landscape Contractor shall provide watering of plants every other day after installation for 2 weeks. Thereafter, Landscape Contractor shall water once a week for one year between April 15th-September 15th to coincide with the warranty period, new plant installation needs to be fully established. A nearby water source is not available, use water truck.
19. Container water sources at each large shrub & tree location to assist in capturing rainwater toward root zone. Add Soil-Moist polymers at plant site if a site recommended by manufacturer. At steep slope locations, stake trees & provide water catchment (low berm) at low side of slope.

DO NOT SCALE DIMENSIONS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ASSESS CONSEQUENCES OF ANY DISCREPANCY. NO DIMENSIONS OR LOCATIONS TO BE MODIFIED OR INTERFERED TO WORK. WORK SHALL BE SUPERVISED WITHOUT PRESENT WRITTEN APPROVAL. ALL PRODUCTS SHOWN ON THIS DRAWING ARE SUPERSEDED BY THE LATEST SPECIFICATIONS AND CHANGE ORDERS REMAIN THE PROPERTY OF ACMI CORPORATION.



No.	Date	Revision
A	06.12.17	Locate Area Shift
B	01-11-18	Reduced enclosure (Eas)
C	05-11-18	Site Landscape Area
D	-	-
E	-	-



Design Consultant:
ASPEN
 LANDSCAPE ARCHITECTURE
 SITE PLANNING

ASPEN DESIGN GROUP
 P.O. BOX 2394
 SEASIDE, WA 98027
 (425) 292-9845 (P)
 CONTACT: PAUL J. BICE

Project Info:
OR1 DUNDEE
 750 N. HWY 90W
 DUNDEE, OR 97115

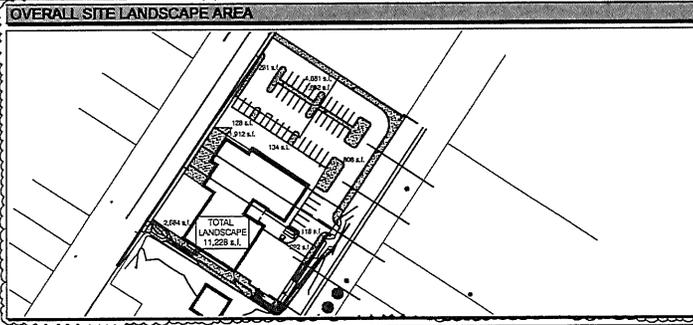
Drawing Title:
PROPOSED LANDSCAPE PLAN

Project Number: _____ Date: 03/29/17
 Drafter: _____ Designer: _____
 PD: _____ PD: _____
 Project Manager: _____ Professional of Record: _____
 PD: _____ PD: _____
 Revision No: _____ Sheet No: _____

LANDSCAPE SCHEDULE

PREFERRED PLANT S.P. LIST
 BOSKEY-DELL NATIVES NURSERY
 1801 LANE DR. (503) 258-9896
 WWW.BOSKEYDELLNATIVES.COM

TREES	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	DROUGHT	NATIVE	COMMENTS
	(M)	AMELANCHIER ALNIFOLIA	SERVICEBERRY	1.5 Cal.	3	●●●	YES	FULL DENSE
	(P)	PNUS CONTORTA	SHORE PINE	6' / 7' (P)	5	●●●	YES	FULL DENSE, FUTURE MAINTENANCE PRACTICE MUST PLANT TREE TO ALLOW FENCE CLEARANCE AS TREE MATURES.
SHRUBS	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	DROUGHT	NATIVE	COMMENTS
	(W)	MAHONIA AQUIFOLIUM	TALL OREGON GRAPE	30"(H) 12"-15"(W)	2	●●●●	YES	IF NEED TO SUBSTITUTE, ASSURE HEIGHT WILL ACHIEVE 6'0" AND IS NARROW IN WIDTH, NOT WIDE SPREADING
	(V)	PHILAEDELPHUS LEYBII	MOCK ORANGE	30"(H) 12"-15"(W)	1	●●●	YES	WELL-SHAPED SHRUB FORM
	(V)	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	30"(H) 12"-15"(W)	2	●●●	YES	WELL-SHAPED SHRUB FORM
GROUND COVER	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	DROUGHT	NATIVE	COMMENTS
	(S)	ARCTOSTAPHYLOS UVA-URS	MINKINNICK	1 Gal. 50 s.l.	4	●●●●	YES	SPACE @ 18" O.C., TRIANGULAR SPACING
	(S)	POLYSTICHUM MUNITZUM	WESTERN SWORD FERN	1 Gal. 15	15	●●●	YES	EVERGREEN, FULL-TIRED FORM, WELL PLANT, NOT INTENDED FOR SCREENING PURPOSES.
	(S)	SEDUM CHRISANTHEMUM	OREGON STONEDROP	4" Pot 25 s.l.	4	●●●●	YES	SPACE @ 12" O.C., PLANT HIGH IN 2" (9) GRAVEL TOP MULCH.



SOIL / COMPOST / MULCH ZONES

PLANTING BEDS
 * IMPORTED 3" MAX TOPSOIL (LOCAL SOURCE) ROTO-TILLED INTO SOIL LAYER BELOW TO PREVENT SOIL LAYERING.
 * COMPOST (LOCAL SOURCE) ROTO-TILLED 6" INTO UNDERLYING EXISTING SOIL.
 ADD FERTILIZER / SOIL AMENDMENTS FOR ORNAMENTAL PLANTS.

TOP MULCH
 3" (6) FINE TO MEDIUM FIR CEDAR BARK MULCH.

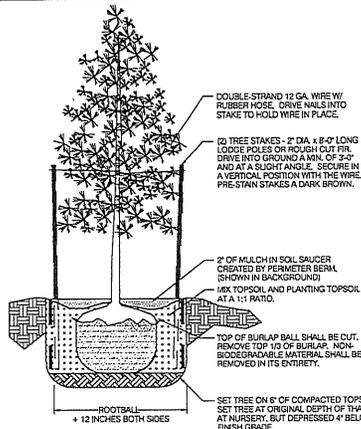
PROJECT DATA

ADDRESS: 750 NORTH HIGHWAY 90W
 DUNDEE, OR 97115
 JURISDICTION: CITY OF DUNDEE
 CURRENT ZONING: PUBLIC FIRE STATION)
 OCCUPANCY GROUP: UTILITY
 PROPOSED BUILDING USE: TELECOMM

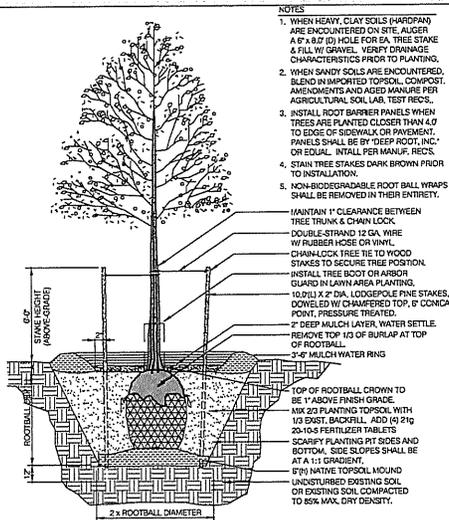
TAX PARCEL ID: R232000000
 INE 1987-01-12-14-2005 04-23-04-R-5
 NEW LANDSCAPE AREA: 277 S.F. + 11,228 S.F. = 11,505 S.F.
 PERCENT LANDSCAPE AREA: 20.8% +/-

22"x34" SCALE: 3/8" = 1'-0"
 11"x17" SCALE: 3/16" = 1'-0"

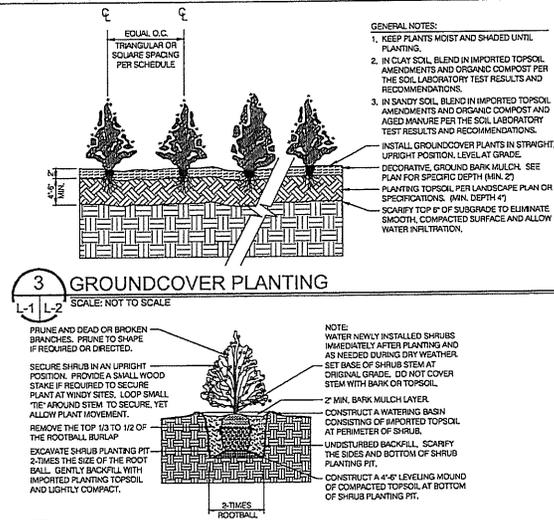
PROPOSED LANDSCAPE PLAN



1 CONIFEROUS TREE PLANTING
SCALE: NOT TO SCALE



2 DECIDUOUS TREE PLANTING
SCALE: NOT TO SCALE



3 SHRUB PLANTING
SCALE: NOT TO SCALE

- NOTES**
- WHEN HEAVY CLAY SOILS (HARDPAN) ARE ENCOUNTERED ON SITE, AUGER A 6" x 8" (8") HOLE FOR EA. TREE STAKE & FILL W/ GRAVEL. VERIFY DRAINAGE CHARACTERISTICS PRIOR TO PLANTING.
 - WHEN SANDY SOILS ARE ENCOUNTERED, BLEND IN IMPORTED TOPSOIL, COMPOST, AMENDMENTS AND AGED MANURE PER AGRICULTURAL SOIL LAB. TEST RESULTS.
 - INSTALL ROOT BARRIER PANELS WHEN TREES ARE PLANTED CLOSER THAN 4' TO EDGES OF SIDEWALK OR PAVEMENT. PANELS SHALL BE 8" DEEP, 100% INCL. OR EQUAL. INSTALL PER MANUF. RECS.
 - STAIN TREE STAKES DARK BROWN PRIOR TO INSTALLATION.
 - NON-BIODEGRADABLE ROOT BALL WRAPS SHALL BE REMOVED IN THEIR ENTIRETY.

- GENERAL NOTES:**
- KEEP PLANTS MOIST AND SHADED UNTIL PLANTING.
 - IN CLAY SOIL BLEND IN IMPORTED TOPSOIL, AMENDMENTS AND ORGANIC COMPOST PER THE SOIL LABORATORY TEST RESULTS AND RECOMMENDATIONS.
 - IN SANDY SOIL BLEND IN IMPORTED TOPSOIL, AMENDMENTS AND ORGANIC COMPOST AND AGED MANURE PER THE SOIL LABORATORY TEST RESULTS AND RECOMMENDATIONS.

DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND ADJUST CONTINGENTS OF ANY GROUND OR CONDITIONS. IN LANDSCAPING OR MODIFICATIONS TO WORK CONDITIONS, BE ADVISED THAT ANY CHANGES FROM THESE APPROVALS. ALL PROPOSED ISSUES OF THE DRAWING ARE SUPERSEDED BY THE LATEST REVISION. ALL DIMENSIONS AND SPECIFICATIONS REMAIN THE PROPERTY OF AECM CORPORATION.



No.	Date	Revision
A	06.12.17	Re-issue only
B	-	-
D	-	-
1	-	-
2	-	-

Client:

Design Consultant:

ASPEN DESIGN GROUP
P.O. BOX 2284
DUNDEE, OR 97007
(425) 282-8848 (O)
CONTACT: PAUL J. ACO

LANDSCAPE ARCHITECTURE SITE PLANNING

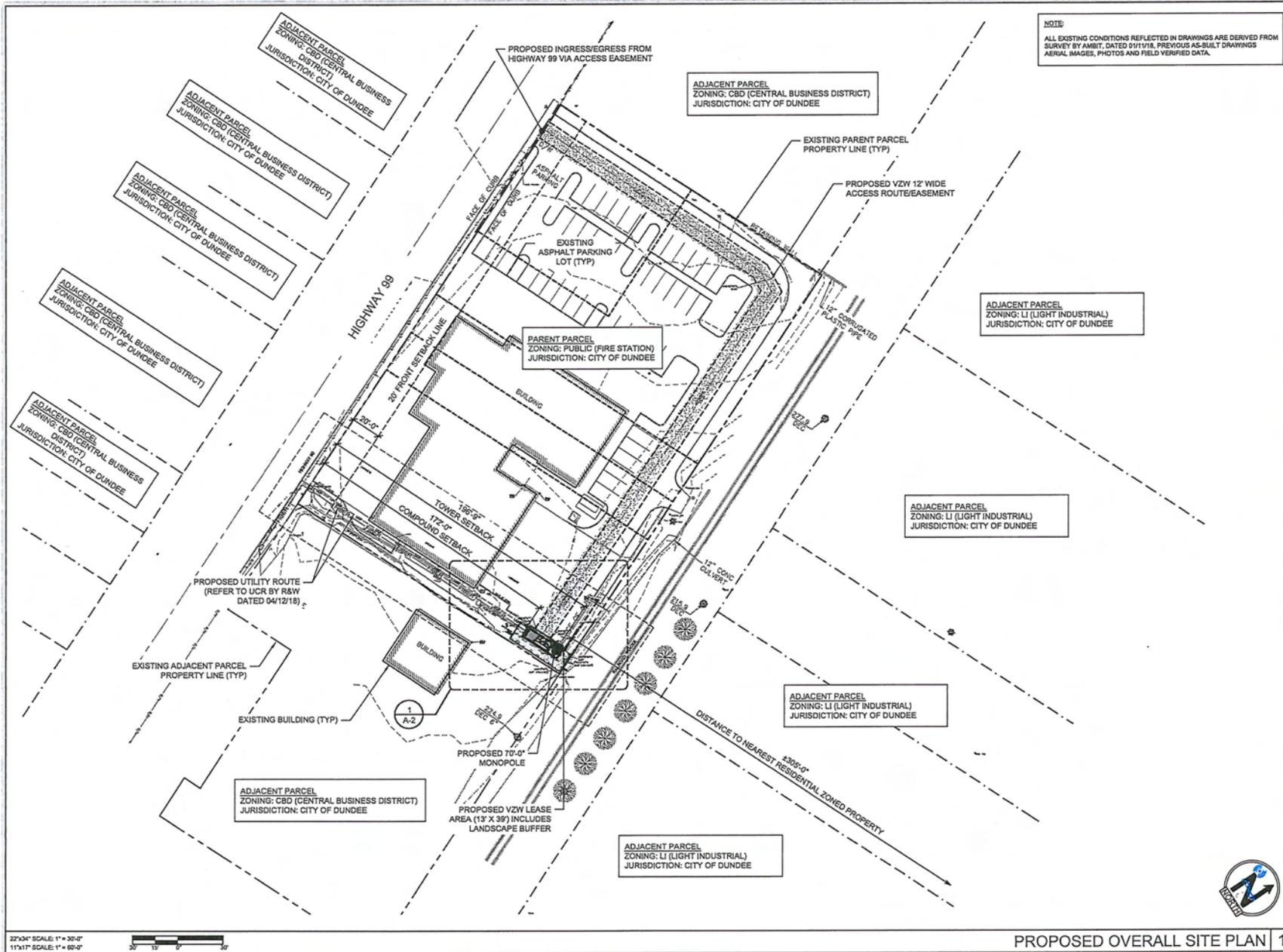
Project Info:

OR1
DUNDEE
759 N. HWY 99W
DUNDEE, OR 97115

Drawing Title:

LANDSCAPE DETAILS

Project Number:	Date:
03/29/17	
Drafter:	Designer:
PD	
Project Manager:	Professional of Record:
PD	
Revision No:	Sheet No:
0	L-2



NOTE:
ALL EXISTING CONDITIONS REFLECTED IN DRAWINGS ARE DERIVED FROM SURVEY BY AMBIT, DATED 01/11/18, PREVIOUS AS-BUILT DRAWINGS, AERIAL IMAGES, PHOTOS AND FIELD VERIFIED DATA.

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	DRAWN	REVISION
A	07/20/20	RM	80% ZD REVIEW (MONOPOLE)



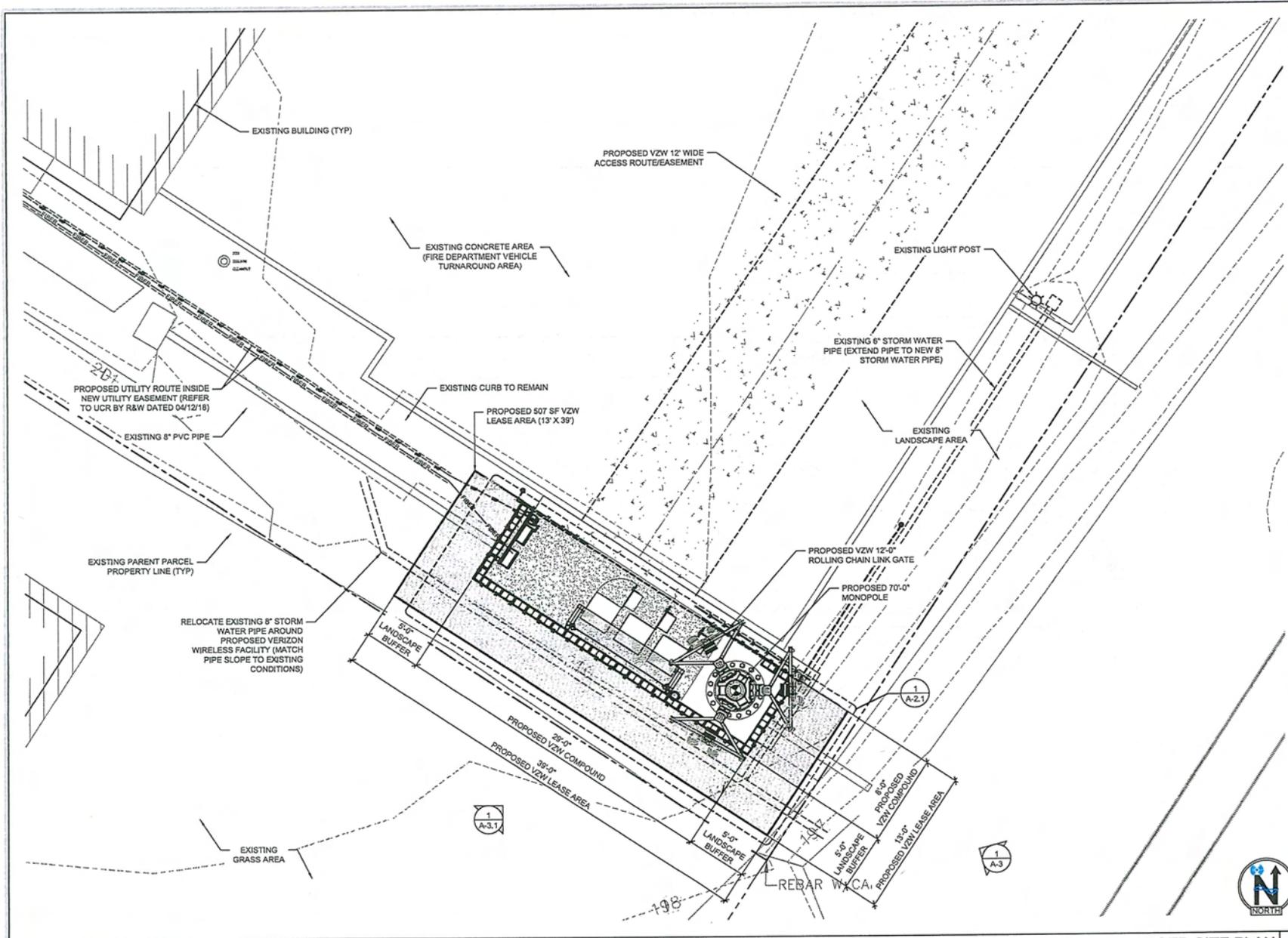
**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

**PROPOSED
OVERALL
SITE PLAN**

A-1

227'x34" SCALE: 1" = 30'-0"
117x117" SCALE: 1" = 60'-0"

PROPOSED OVERALL SITE PLAN | 1



PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	DRAWN	REVISION
A	01/20/20	RM	90% 2D REVIEW (MONOPOLE)

CLIENT:
verizon

ALL CONSULTANT, SITE ACQUISITION AND PERMITTING:
Acom CONSULTING, INC

**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

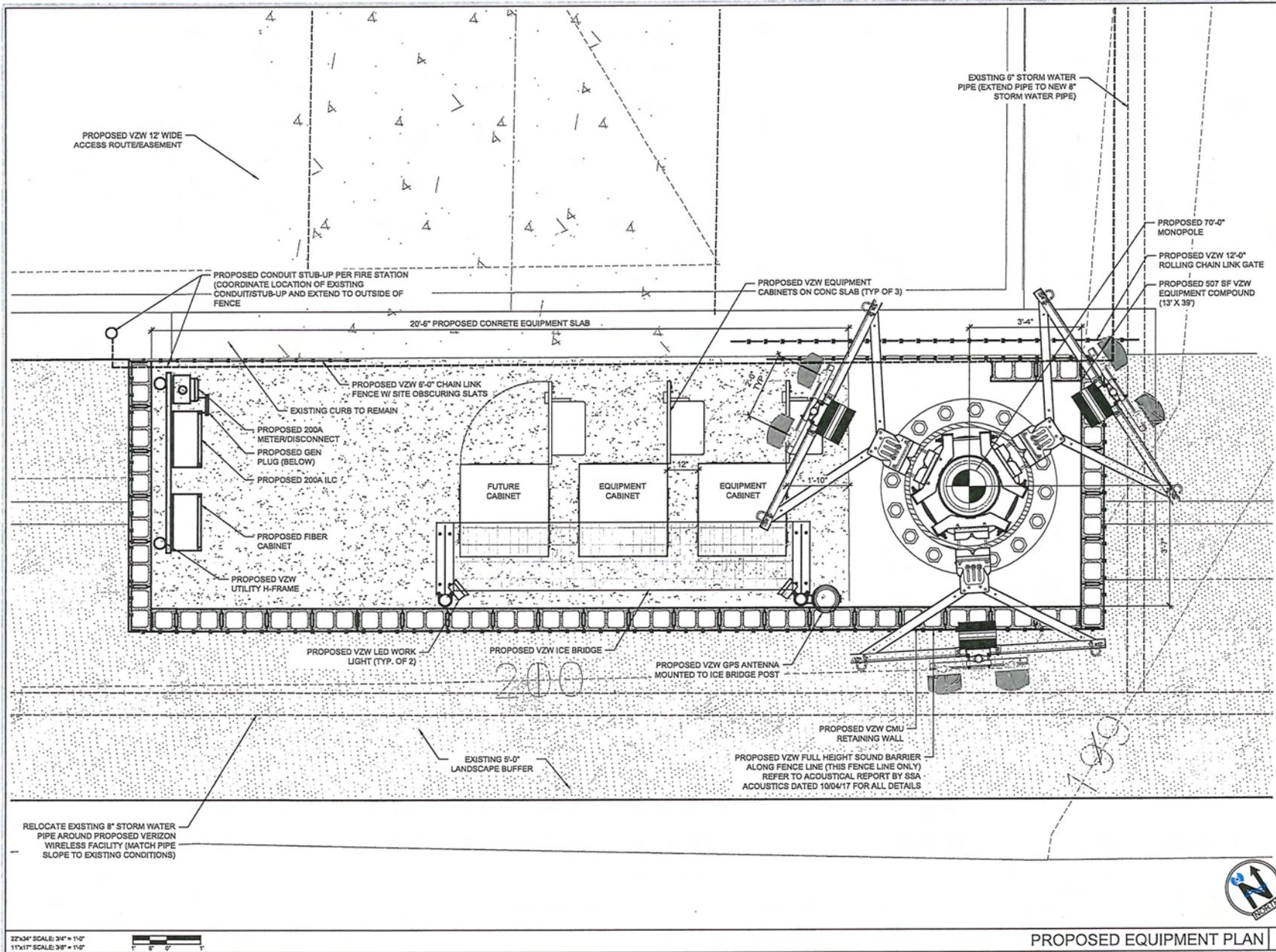
**PROPOSED
ENLARGED
SITE PLAN**

A-2

22'x24' SCALE: 1/4" = 1'-0"
11'x17' SCALE: 1/8" = 1'-0"



PROPOSED ENLARGED SITE PLAN | 1



PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	DRAWN	REVISION
A	07/2020	RM	80% 2D REVIEW (MONOPOLE)

CLIENT:

AAE CONSULTANT, SITE ACQUISITION AND PERMITTING:

OR1
DUNDEE
801 N HWY 99W
DUNDEE, OR 97115

PROPOSED
EQUIPMENT PLAN

A-2.1

22'-0" SCALE: 3/4" = 1'-0"
17'-0" SCALE: 3/8" = 1'-0"

PROPOSED EQUIPMENT PLAN | 1

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

NO.	DATE	DRAWN	REVISION
A	07/29/20	RM	90% 2D REVIEW (MONOPOLE)

CLIENT:
verizon

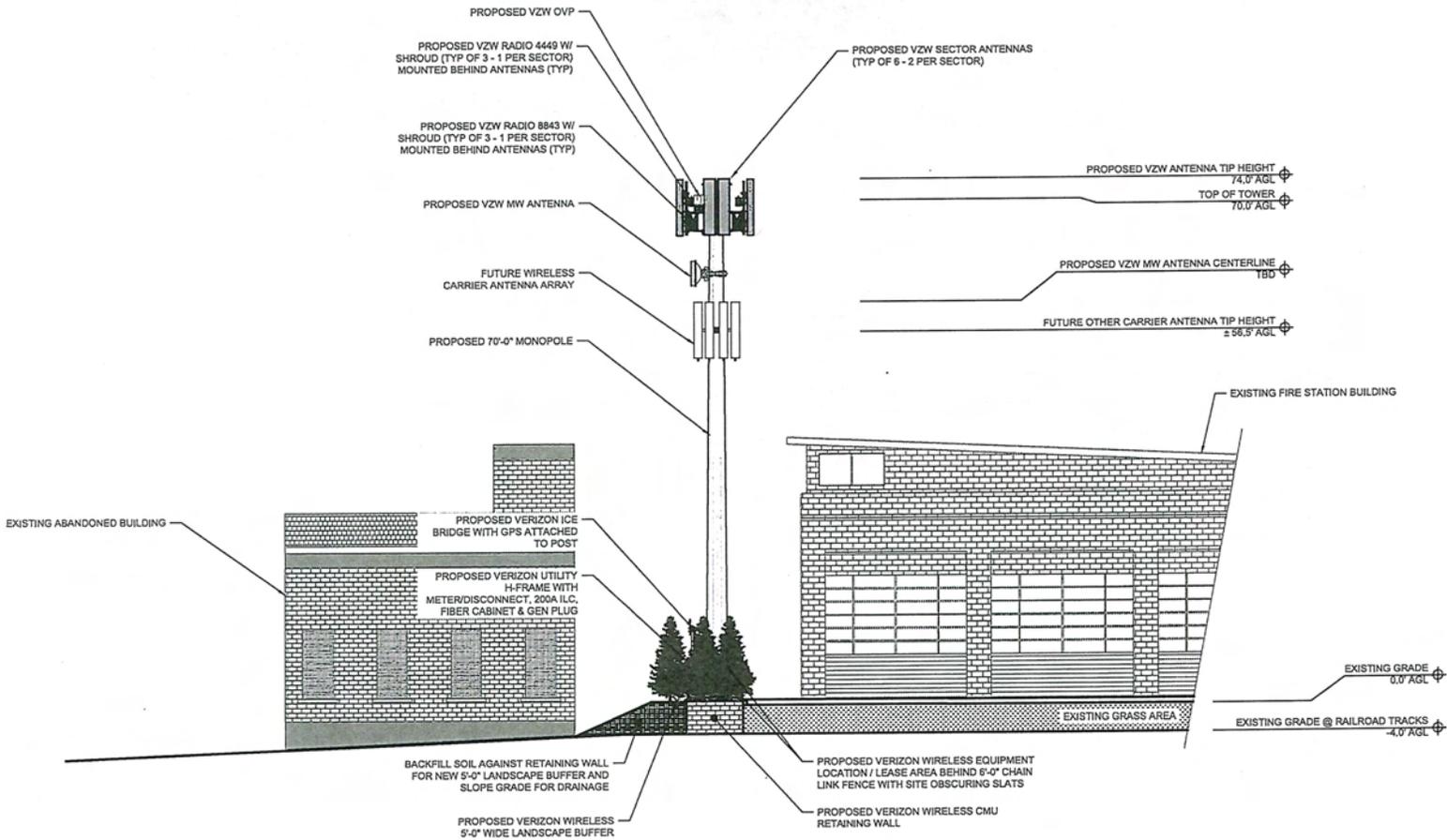
AAE CONSULTANT, SITE ACQUISITION AND PERMITTING
Acom
CONSULTING, INC.



**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

**PROPOSED
SOUTHEAST
ELEVATION**

A-3



22"x34" SCALE: 1/8" = 1'-0"
11"x17" SCALE: 1/16" = 1'-0"



PROPOSED SOUTHEAST ELEVATION 1

PRELIMINARY DRAWINGS
NOT FOR CONSTRUCTION

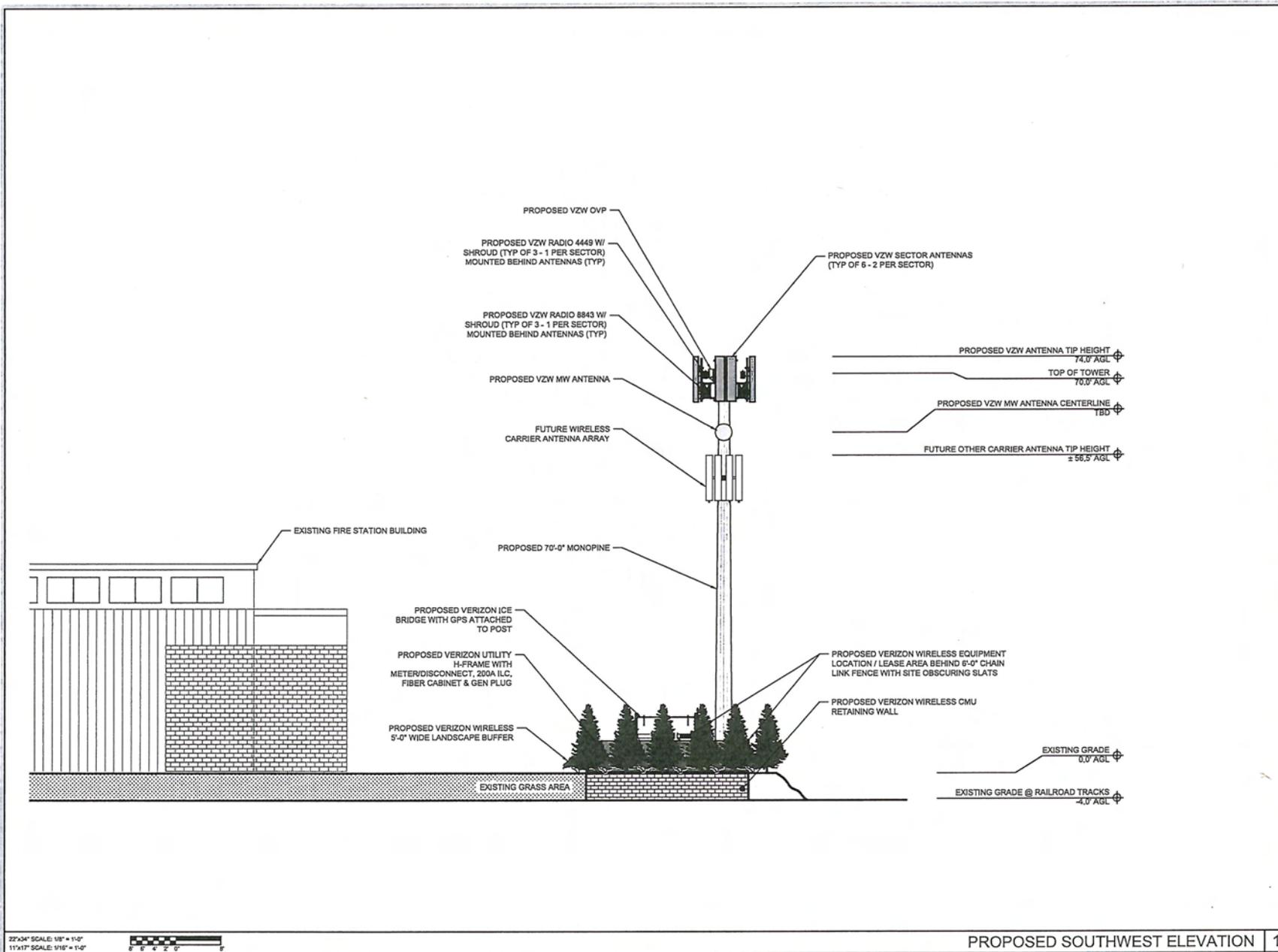
NO.	DATE	DRAWN	REVISION
A	07/20/20	RM	50% ZD REVIEW (MONOPOLE)



**OR1
DUNDEE**
801 N HWY 99W
DUNDEE, OR 97115

**PROPOSED
SOUTHWEST
ELEVATION**

A-3.1





HATHAWAY LARSON

Koback · Connors · Heth

June 29, 2020

VIA EMAIL (Melody.Osborne@dundeecity.org & JJacks@mwvcog.org)

Planning Commission
City of Dundee
PO Box 220
620 SW Fifth Street
Dundee, OR 97115

Re: Verizon Wireless – Wireless Communications Facility
Application No. CU 20-06/SDR 20-07
Property: 801 N Highway 99W

Dear Chair Howland & Commissioners:

As you know, this firm represents Verizon Wireless (VAW) LLC (“Verizon”) with respect to the above-referenced Conditional Use and Site Design Review applications for a wireless communications facility consisting of a monopine stealth tower with antennas and related equipment (the “Application”). We are submitting this letter to provide additional information and responses to issues raised by the public at the June 17, 2020 Planning Commission hearing.

1. Height of the Monopine Tower.

Several people argued that the Application should be denied because the height of the monopine tower exceeds the maximum height of 45 feet allowed in the Public (“P”) zone and Verizon is not entitled to a variance. This argument is flawed for multiple reasons.

As Verizon explained in the Application and at the June 17 hearing, the tower is the minimum height necessary to achieve Verizon’s coverage and capacity objectives for this site. Staff Report, dated June 17, 2020, p.50 & 66. The minimum antenna tip height necessary to achieve Verizon’s coverage and capacity objectives is 74 feet. The monopine tower includes an additional 6 feet to provide a crown on the top of the tower to make it look like a more realistic tree. This height is significantly lower than the 95-foot height tower Verizon originally proposed in 2017/2018 and was reduced to the minimum height necessary in response to community concerns.

The tower is also significantly shorter than a typical Verizon wireless communications tower for this area. The other three existing Verizon towers in this area (Newberg, Dayton and Lafayette) range in height from 154 to 170 feet.

E. Michael Connors
1331 NW Lovejoy Street, Suite 950
Portland, OR 97209
mike@hathawaylarson.com
(503) 303-3111 direct
(503) 303-3101 main

The tower does not exceed the maximum height in the P zone nor does it require a variance. Wireless communication towers are exempt from the maximum height limits. Dundee Municipal Code (“DMC”) 17.202.040(B) provides: “Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.” (Emphasis added). The tower is clearly a “tower” that is “not used for human occupancy,” and therefore is not subject to the height limitation in the P zone. Wireless communication towers that exceed 45 feet require conditional use approval under DMC 17.202.030(C)(m), but conditional use approval is very different from a variance.

Nor is the City granting an exception or favor to Verizon by allowing it to exceed 45 feet. Verizon is relying on the general exception in DMC 17.202.040(B). This same general exception is available to all property owners. None of the other types of projections subject to this height exception require a conditional use approval. Therefore, Verizon’s tower is subject to more requirements than similar projections that are allowed to exceed the maximum height in the base zone.

2. Proximity to the Central Business District.

Several people argued that the Application should be denied because the wireless communication facility is too close to the Central Business District (“CBD”) and Verizon is supposedly using a loophole by proposing the Dundee Fire Station property. There are multiple flaws with this argument.

Verizon did not zone the Dundee Fire Station property or any of the surrounding properties. Verizon identified the property as a candidate because it was within Verizon’s search ring, the City’s P zoning allows wireless communication towers as a special use and the City Council was willing to lease this property for the facility.

Wireless communication towers are allowed as a conditional use in the CBD zone. DMC Table 17.202.020. Therefore, there is nothing improper about proposing a wireless communication facility on a property that is adjacent to CBD zoned properties. It is also worth noting that there are Light Industrial (“LI”) zoned properties to the east.

To the extent the DMC attempts to protect certain zones from proximity to wireless communication towers, it does so for residential zoned properties and dwellings, not CBD zoned properties or commercial uses.¹ The DMC does not contain any similar restrictions or protections for CBD zoned property.

¹ DMC 17.203.170(B)(3) requires an applicant to provide an “[a]nalysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site * * *.” (Emphasis added). DMC 17.203.170(C)(3) requires an applicant to “minimize visual impacts from residential areas.” (Emphasis added). DMC 17.203.170(C)(5) requires wireless communication “[s]tructures greater than 35 feet in height shall be at least 300 feet from any residentially (R) zoned property.” (Emphasis added).

3. Colocation on existing tower(s) or alternative sites.

Several people argued that Verizon should collocate on the existing AT&T tower located 1.3 miles away. As I noted at the June 17 hearing, it would be significantly faster, cheaper and easier for Verizon to collocate on an existing tower than site a new tower. Unfortunately, the existing AT&T tower is too far from the search ring and will not accomplish the coverage and capacity objectives for this site. Verizon's RF engineer analyzed the existing AT&T tower and showed why it will not satisfy either the coverage or capacity objectives for this site. Staff Report, dated June 17, 2020, p.65. No contrary evidence has been submitted. Verizon is entitled to a considerable amount of discretion in defining the coverage and/or capacity objectives for the facility and determining how to address those coverage and/or capacity objectives. *Sprint PCS v. Washington County*, 42 Or LUBA 512 (2002), *aff'd in part and modified in part*, 186 Or App 470 (2003).

Additionally, Evan Karp claimed that Verizon failed to consider collocating on an existing tower that is 0.53 miles from the proposed site but that tower does not exist. Mr. Karp does not identify where this alleged tower is located, but he may be referring to a misstatement from an earlier application for a tower on this site. In the previous application process, the City staff clarified that there is no such tower: "The closet facility was noted .53 miles away near the intersection of SE 10th Street and Hwy 99W; however there is no known facility in this location. Staff also visited the site and did not observe any facility." Staff Report, July 18, 2018, p.7. There is no existing tower within 0.53 miles of the site.

Some people argued that Verizon should locate the wireless communications tower on an alternative site outside of town. There is no basis for requiring Verizon to find an alternative site. Wireless communication towers are allowed as a special use in the P zone. None of the applicable approval criteria require Verizon to consider or give preference to a different location or zone. The wireless communication facility satisfies all of the approval criteria. The alternative sites noted by these parties are well outside the search ring and therefore cannot satisfy the coverage and capacity objectives. Moving the tower to another location will simply bring out a different set of neighbors whom are closer to the alternative location.

4. Wireless communication towers are allowed in the P zone.

Susan Baird argued that the wireless communication facility is not allowed in the P zone because it is inconsistent with the P zone purpose statement set forth in DMC 17.203.010(I). Mr. Baird claims that wireless communications towers are not allowed in the P zone because they are unreasonably disruptive and alter other areas of the community. This argument is flawed for two reasons.

Ms. Baird's position is inconsistent with the express language of DMC 17.202.020 and Table 17.202.020. Table 17.202.020 identifies "Wireless Communication Facilities" as "Public and Institutional Uses." (Emphasis added). Wireless communication facilities are listed as a special use in the P zone. Most of the zones require a conditional use approval (regardless of height). The only other zones that allow them without a conditional use are the LI and Exclusive Farm Use ("EFU") zones. Table 17.202.020.

DMC 17.203.010(I) is a purpose statement, not an approval criterion. Purpose statements are not applied as approval criteria unless there is specific language stating that they are intended to be

mandatory approval criterion. *Jones v. City of Grants Pass*, 64 Or LUBA 103, 110 (2011); *SEIU v. City of Happy Valley*, 58 Or LUBA 261, 271-72, *aff'd*, 228 Or App 367, 208 P3d 1057, *rev den*, 347 Or 42 (2009). Neither DMC 17.203.010 nor subsection (I) state that the purpose statements are intended to be approval criteria.

5. Impact on property values.

Several people argued that the Application should be denied because the wireless communication facility will reduce property values in the surrounding area and the City as a whole. There are several problems with this argument.

The impacts on property values is not relevant under the City's approval criteria. A local government cannot consider a wireless communication facility's impact on property values unless there is a specific requirement in the City code to do so. *Hill v. City of Portland*, 66 Or LUBA 250, 258-59 (2012). The DMC does not require or allow impacts on property values to be considered.

Even if the impact on property values could be considered, no specific evidence supporting the claim that the wireless communication facility will negatively impact property values has been provided. A wireless communications tower cannot be denied on the grounds that it will negatively impact property values unless there is evidence demonstrating that the tower will have a negative impact on the property values in that specific instance. *Johnson v. City of Eugene*, 42 Or LUBA 353, 366-67 (2002). Generalized claims of impacts on property values are insufficient. *Id.* None of the parties submitted specific evidence demonstrating a negative impact on property values and relied instead on personal opinions, anecdotal evidence and newspaper articles.

Finally, this argument would make it impossible to site any wireless communication facilities because it is based on the presence of a wireless communications tower in general, not this specific proposal. If the Planning Commission accepted this argument, all wireless communication towers would run afoul of this argument and could never be approved even though it is allowed as a special use or conditional use in almost every zone.

6. Noise Study.

At the June 17 hearing, I misspoke about one issue related to SSA Acoustics' revised Noise Study, dated June 16, 2020 (the "June 16 Noise Study"), which Verizon submitted to the City prior to the June 17 hearing. The June 16 Noise Study re-evaluated the noise impact of the wireless communication facility given the removal of the emergency generator and concluded that the facility complies with the applicable noise standards. Since the June 16 Noise Study did not identify the need for a noise barrier, unlike the original noise study dated October 17, 2017, I assumed a noise barrier was not required and therefore requested that the City remove condition of approval no. 1 because a noise barrier is not necessary.

After the June 17 hearing, Verizon's noise consultant SSA Acoustics clarified that a noise barrier would still be required. Verizon requested that SSA Acoustics provide a new report that clarifies this issue. We attached the updated Noise Study from SSA Acoustics, dated June 19, 2020 (the

“June 19 Noise Study”), for the Planning Commission’s consideration. The June 19 Noise Study was performed consistent with the noise standards set forth in Oregon Administrative Rules 340-035-0035(3)(b) and DMC Chapter 8.28. June 19 Noise Study, p.1. The June 19 Noise Study demonstrates that the facility complies with the applicable noise standards with a noise barrier as the noise levels will be 53 dBA at the nearest receiving property. June 19 Noise Study, p.5. The June 19 Noise Study also demonstrates that the noise barrier can be accommodated within the project area, including the proposed fencing and landscaping. June 19 Noise Study, p.4.

7. Distance to residential properties.

Mr. Karp raised an issue regarding Verizon’s compliance with DMC 17.203.170(C)(5), which requires that “Structures greater than 35 feet in height shall be at least 300 feet from any residentially (R) zoned property.” Mr. Karp argued that Verizon failed to provide adequate evidence that the monopine tower is more than 300 feet from residential property in the form of a survey and the measurement must include City right-of-way adjacent to the residential properties. Mr. Karp is wrong in both respects.

Verizon provided substantial evidence in the Application that the monopine tower is more than 300 feet from the closest residentially zoned property. Staff Report, dated June 17, 2020, p.84. The City staff independently confirmed Verizon’s evidence: “The applicant has provided a plan showing this but staff also used GIS maps and Yamhill County assessor’s maps to verify the distance.” Staff Report, dated June 17, 2020, p.12. Although Verizon was not required to obtain a survey to confirm this distance, Verizon did so after the June 17 hearing to put this issue to rest. We attached a site survey, dated June 24, 2020, which demonstrates that the monopine tower is more than 328 from the nearest residentially zoned property based on a new survey conducted on June 24, 2020.

DMC 17.203.170(C)(5) does not require the measurement to include City right-of-way adjacent to the residential properties. DMC 17.203.170(C)(5) applies to “residentially (R) zoned property,” not public rights-of-way. DMC 17.201.020 distinguishes between “Rights-of-way” and “parcel, lots and tracts.” DMC 17.201.020(A) & (B). Nor would it make sense to include City right-of-way because DMC 17.203.170(C)(5) is intended to minimize the impacts of towers on residential property owners, not the City right-of-way.

8. Aesthetic considerations.

Ms. Baird argued that Verizon failed to satisfy the “aesthetic considerations” element of DMC 17.404.030(A)(1) “on the basis of its unattractive and unpleasant aesthetics.” Ms. Baird does not explain what Verizon would be required to do to make the tower more aesthetically pleasing in order to satisfy this standard. Instead, Ms. Baird argued that wireless communication towers are inherently unattractive and unpleasant and therefore they should be prohibited like other uses the City has prohibited. There are several problems with this assertion.

DMC 17.404.030(A)(1) focuses on the adequacy of the subject property to accommodate the needs of the proposed use, not the surrounding area. DMC 17.404.030(A)(1) provides: “The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.” (Emphasis added). Ms.

Baird's argument is based on the aesthetic considerations of the surrounding area, not the adequacy of the subject property or needs of the proposed use.

The City code specifically allows wireless communication towers as a special use or conditional use in every zone except for the Parks and Open Space Zone ("PO") zone. DMC Table 17.202.020. If wireless communication towers are allowed in almost every zone, the City cannot prohibit them on the grounds that they are not aesthetically pleasing.

Ms. Baird's suggestion that the City should prohibit all wireless communication towers on aesthetic grounds would violate the Federal Telecommunications Act. The Federal Telecommunications Act expressly prohibits a city from adopting decisions that "prohibit or have the effect of prohibiting" wireless communication facilities within the city. 47 U.S.C. § 253(a); 47 U.S.C. § 332(c)(7)(B)(i)(II).

The conditional use criteria require that the impacts be reasonably mitigated or minimized, not avoided or eliminated. DMC 17.404.030(A)(2) & (B).² Verizon satisfied and exceeded the approval criteria applicable to wireless communication towers and did everything reasonably possible to minimize the impacts. Verizon was not required to limit the tower to the minimum height necessary to achieve its objectives, but Verizon agreed to do so. Verizon was not required to use a stealth design to minimize visual impacts, but it agreed to do so. Verizon was not required to locate it behind the Fire Station to provide an additional visual buffer, but it agreed to do so. Verizon was not required to double the amount of required landscaping to provide an additional visual buffer, but it agreed to do so. Verizon did everything reasonably possible to minimize the impacts and that is sufficient to satisfy DMC 17.404.030(A)(1).

9. Emissions.

Several people raised concerns about the health and safety impacts of the RF emissions from the wireless communications facility. The Planning Commission is legally prohibited from considering RF emissions, but the community need not be concerned about this issue because the wireless communications facility will emit a fraction of the legally allowed RF emissions.

The Federal Telecommunications Act prohibits local governments from adopting any decision based even partially on the health effects of RF emissions. 47 U.S.C. §332(c)(7)(B)(iv). Any decision based on RF emissions, even if other legitimate reasons were listed as well, violates Section 332(c)(7)(B)(iv). *T-Mobile Ne. LLC v. Inc. Vill. of E. Hills*, 779 F.Supp.2d 256, 265 (E.D.N.Y.2011); *Firstenberg v. City of Santa Fe*, 782 F.Supp.2d 1262, 1271 (D.N.M. 2011); *T-Mobile Ne. LLC v. Town of Ramapo*, 701 F.Supp.2d 446, 460 (S.D.N.Y. 2009). Therefore, the Planning Commission cannot and should not base its decision on RF emissions.

² DMC 17.404.030(A)(2) provides: "The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval." (Emphasis added). DMC 17.404.030(B) provides: "The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized." (Emphasis added).

Additionally, the wireless communications facility will emit a fraction of the allowed RF emissions. As part of the Application, Verizon submitted a RF emissions study. Staff Report, p.67-70. The RF emissions study concluded that the wireless communications facility will emit less than 4% of the FCC outdoor RF emissions limit and less than 1% of the FCC indoor RF emissions limit. Staff Report, p.69.

Conclusion

For the reasons set forth in the Application, the Staff Report, our letters and the testimony at the June 17 public hearing, we respectfully request that the Planning Commission approve the Application. We appreciate your consideration of this letter and look forward to addressing these issues further at the July 1, 2020 hearing.

Very truly yours,

HATHAWAY LARSON LLP

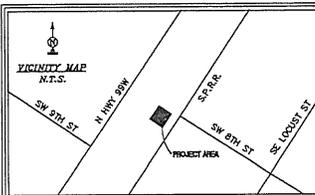
/s/

E. Michael Connors

Enclosures

EMC/ph

cc: Verizon Wireless
ACOM Consulting



UTILITY NOTES
SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE CORRECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT PUBLIC UTILITY LOCATING SERVICES AND ANY OTHER APPROPRIATE AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION, REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

FLOOD ZONE
THIS PROJECT APPEARS TO BE IN FLOOD ZONE X, NO BASE FLOOD ELEVATION DETERMINED, ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP PANEL 10101 OF 815, MAP NUMBER #1010102190, DATED MARCH 2, 2010.

BASIS OF BEARING
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM OREGON STATE PLANE COORDINATE NORTH ZONE, DETERMINED BY REAL TIME KINEMATIC (RTK) GPS DATA PROCESSED/CORRECTED ON THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) C.O.R.S. NETWORK. ALL ELEVATIONS SHOWN HEREON ARE IN FEET AND REFERENCED TO N.A.V.D.83.

BENCHMARK
PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF NGS 12000 124 MODELLED SEPARATIONS TO BILPS005 HEIGHTS DETERMINED BY REAL TIME KINEMATIC (RTK) GPS DATA PROCESSED/CORRECTED ON THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) C.O.R.S. NETWORK. ALL ELEVATIONS SHOWN HEREON ARE IN FEET AND REFERENCED TO N.A.V.D.83.

SURVEYOR'S NOTES
THE DESCRIPTION OF PROPERTY BOUNDARY SHOWN HEREON REPRESENT THAT INFORMATION PROVIDED AND MEASUREMENTS FOUND DURING THE COURSE OF THE SURVEY. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH OR DETERMINE LEASE AREAS & ASSOCIATED EASEMENTS. THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION PROVIDED BY RECORD/TITLE AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.

LEASE AREA LEGAL DESCRIPTION
THAT PORTION OF A TRACT OF LAND, BEING ALL OF LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE OAKHARD HOMES NO. 1, AND A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1993-28, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00800)
LOTS 10 AND 11, BLOCK 23, TOWN OF DUNDEE, YAMHILL COUNTY, OREGON.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #47181652971, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED AUGUST 16, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

UTILIZED NOTES:
ITEMS 1, 2 AND 3 ARE NOT A SURVEY MATTER.

ITEM 4: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)

THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PRESENTED SHOWN HEREON.

BEGINNING AT A 1/2 INCH IRON PIPE FOUND AT THE MOST EASTERLY CORNER OF SAID LOT 1, BLOCK 24 OF SAID TOWNSHIP OF DUNDEE, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SE 8TH STREET WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF THE S.P. RAILROAD RIGHT OF WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 30°28'31" WEST, ALONG SAID S.P. RAILROAD RIGHT OF WAY, A DISTANCE OF 106.53 FEET TO A POINT; THENCE NORTH 59°31'21" WEST, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SE 8TH STREET, A DISTANCE OF 207.25 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HIGHWAY 99; THENCE NORTH 30°28'31" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 106.53 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF SAID SE 8TH STREET; THENCE SOUTH 59°31'21" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.95 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00900)
LOTS 1, 2, 3 AND 12, BLOCK 23, IN THE TOWN (NOW CITY) OF DUNDEE, COUNTY OF YAMHILL, STATE OF OREGON.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #47181652921, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED JULY 14, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

UTILIZED NOTES:
ITEMS 1 AND 2 ARE NOT A SURVEY MATTER.

ITEM 3: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)

ITEM 4: DEED PRIOR TO CURRENT PROPERTY DESCRIPTION (DOES NOT AFFECT THE PROJECT AREA)

THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PRESENTED SHOWN HEREON.

COMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 33°13'58" EAST ALONG THE SOUTHEASTERLY LINE THEREOF, A DISTANCE OF 3.31 FEET TO THE POINT OF BEGINNING; THENCE NORTH 56°46'02" WEST, A DISTANCE OF 38.00 FEET; THENCE NORTH 33°13'58" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 56°46'02" EAST, A DISTANCE OF 38.00 FEET; THENCE SOUTH 33°13'58" WEST, A DISTANCE OF 13.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 507 SQ. FT.

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00900)
LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE OAKHARD HOMES NO. 1, AND A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1993-28, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

ACCESS EASEMENT LEGAL DESCRIPTION
THAT PORTION OF A TRACT OF LAND, BEING ALL OF LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24, OF THE TOWNSHIP OF DUNDEE AND DUNDEE OAKHARD HOMES NO. 1, AND A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1993-28, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 3 WEST, OF THE WILAMETTE MERIDIAN, IN THE CITY OF DUNDEE, YAMHILL COUNTY, OREGON, SAID TRACT OF LAND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00900)
LOTS 1, 2, 3 AND 4, AND A PORTION OF LOT 5, BLOCK 24 OF SAID TOWNSHIP OF DUNDEE, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SE 8TH STREET WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF THE S.P. RAILROAD RIGHT OF WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE SOUTH 30°28'31" WEST, ALONG SAID S.P. RAILROAD RIGHT OF WAY, A DISTANCE OF 106.53 FEET TO A POINT; THENCE NORTH 59°31'21" WEST, PARALLEL WITH SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SAID SE 8TH STREET, A DISTANCE OF 207.25 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HIGHWAY 99; THENCE NORTH 30°28'31" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 106.53 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY OF SAID SE 8TH STREET; THENCE SOUTH 59°31'21" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 206.95 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, BEING A 12.00 FOOT WIDE STRIP OF LAND, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE NORTH 33°13'58" EAST ALONG THE SOUTHEASTERLY LINE THEREOF, A DISTANCE OF 3.31 FEET; THENCE LEAVING SAID LINE NORTH 56°46'02" WEST, A DISTANCE OF 38.00 FEET; THENCE NORTH 33°13'58" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 56°46'02" EAST, A DISTANCE OF 38.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 34°12'09" EAST, A DISTANCE OF 34.36 FEET; THENCE NORTH 33°23'53" EAST, A DISTANCE OF 17.83 FEET; THENCE NORTH 28°22'55" WEST, A DISTANCE OF 15.63 FEET; THENCE NORTH 56°33'25" WEST, A DISTANCE OF 17.14 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY OF HIGHWAY 99 AND BEING THE POINT OF BEGINNING.

CONTAINING 5,514 SQ. FT. MORE OR LESS

LESSOR'S LEGAL DESCRIPTION (PARCEL R3325CC00900)
LOTS 10 AND 11, BLOCK 23, TOWN OF DUNDEE, YAMHILL COUNTY, OREGON.

RECORDED INFORMATION
REFERENCE IS MADE TO THE RECORD TITLE REPORT ORDER #47181652942, ISSUED BY TICOR TITLE COMPANY OF OREGON, DATED SEPTEMBER 20, 2016. ALL EASEMENTS CONTAINED WITHIN SAID RECORD TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

UTILIZED NOTES:
ITEMS 1, 2 AND 3 ARE NOT A SURVEY MATTER.

ITEMS 4 AND 5: ZONE CHANGE FOR VACATED 8TH STREET (ADOPTED 8TH STREET VACATION AND ZONE CHANGE)

ITEMS 6 AND 7 ARE BLANKET IN NATURE - NOTHING TO PLOT

THE SURVEYOR'S OPINION IS THAT NO RECORDED INFORMATION ITEMS PROVIDED BY SAID REPORT AFFECT THE PROPOSED WIRELESS FACILITY PRESENTED SHOWN HEREON.

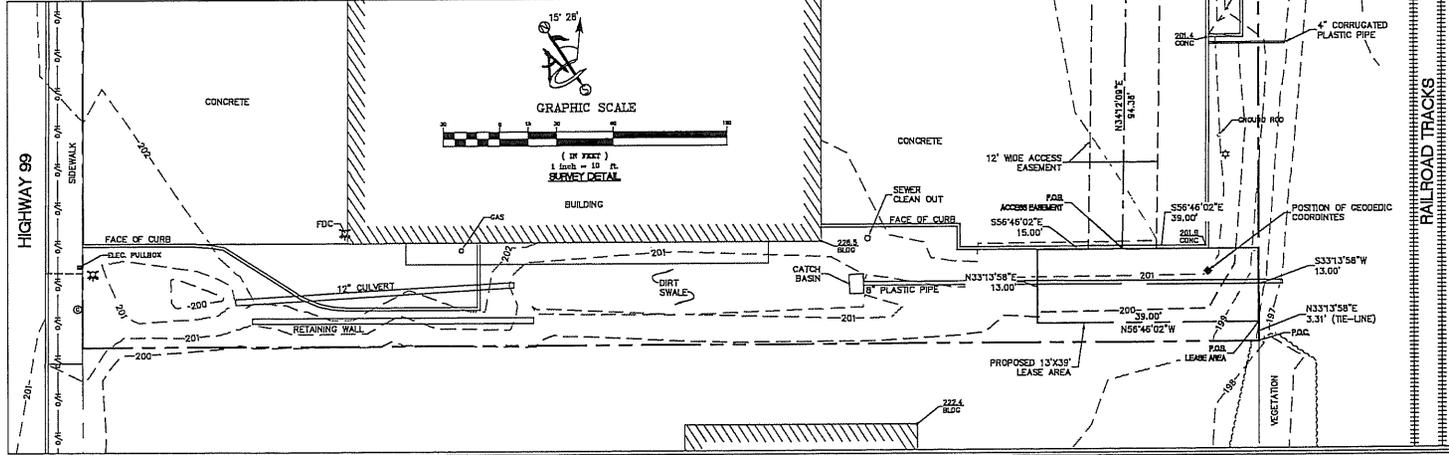
POSITION OF GEODETIC COORDINATE
LATITUDE 45° 10' 33.21" (45-276447) NORTH (NAD83)
LONGITUDE 123° 00' 40.27" (-123.011185) WEST (NAD83)
ELEVATION = 201.0' (NAVB85)

SURVEY DATE
JULY 20, 2016

REVISIT SURVEY DATE
JUNE 24, 2020

LEGEND

BLDG	TOP OF BUILDING
D/W	ACCESS DRIVEWAY
NG	NATURAL GROUND
EP	EDGE OF PAVING
EG	EDGE OF GRAVEL
CONC	CONCRETE
BLDG	BUILDING
○	POWER POLE
○	GUY ANCHOR
○	POSITION OF GEODETIC COORDINATES
○	SPOT ELEVATION
---	LIMITS OF LESSOR'S PROPERTY
---	ADJOINING PROPERTY LINE
---	LEASE AREA
---	STREET CENTERLINE
---	TREE/SLASH LINE
---	OVERHEAD UTILITY
---	RAILROAD TRACKS
---	CURB LINE
○	DECIDUOUS TREE
○	CONIFEROUS TREE



verizon
5430 NE 122ND AVE.
PORTLAND, OR 97230

PROJECT INFORMATION:
OR1 DUNDEE
759 N. HWY. 99W
DUNDEE, OR 97115
YAMHILL COUNTY

ORIGINAL ISSUE DATE:
08/04/2016

REV.	DATE	DESCRIPTION	BY
9	6/24/20	UPDATE	PD
1	8/04/16	GEO COORD AC	AC
2	8/23/16	ADD TITLES AC	AC
3	1/28/17	ADD LEASE AC	AC
4	6/12/17	REV. LEASE AREA RC	RC
5	7/26/17	REV. ACCESS DH	DH
6	1/11/18	REV. LEASE AREA SR	SR
7	11/11/19	REV. LEASE AREA PD	PD
8	11/18/19	TITLE UPDATE CK	CK

PLANS PREPARED BY:
Acom
CONSULTING INC.

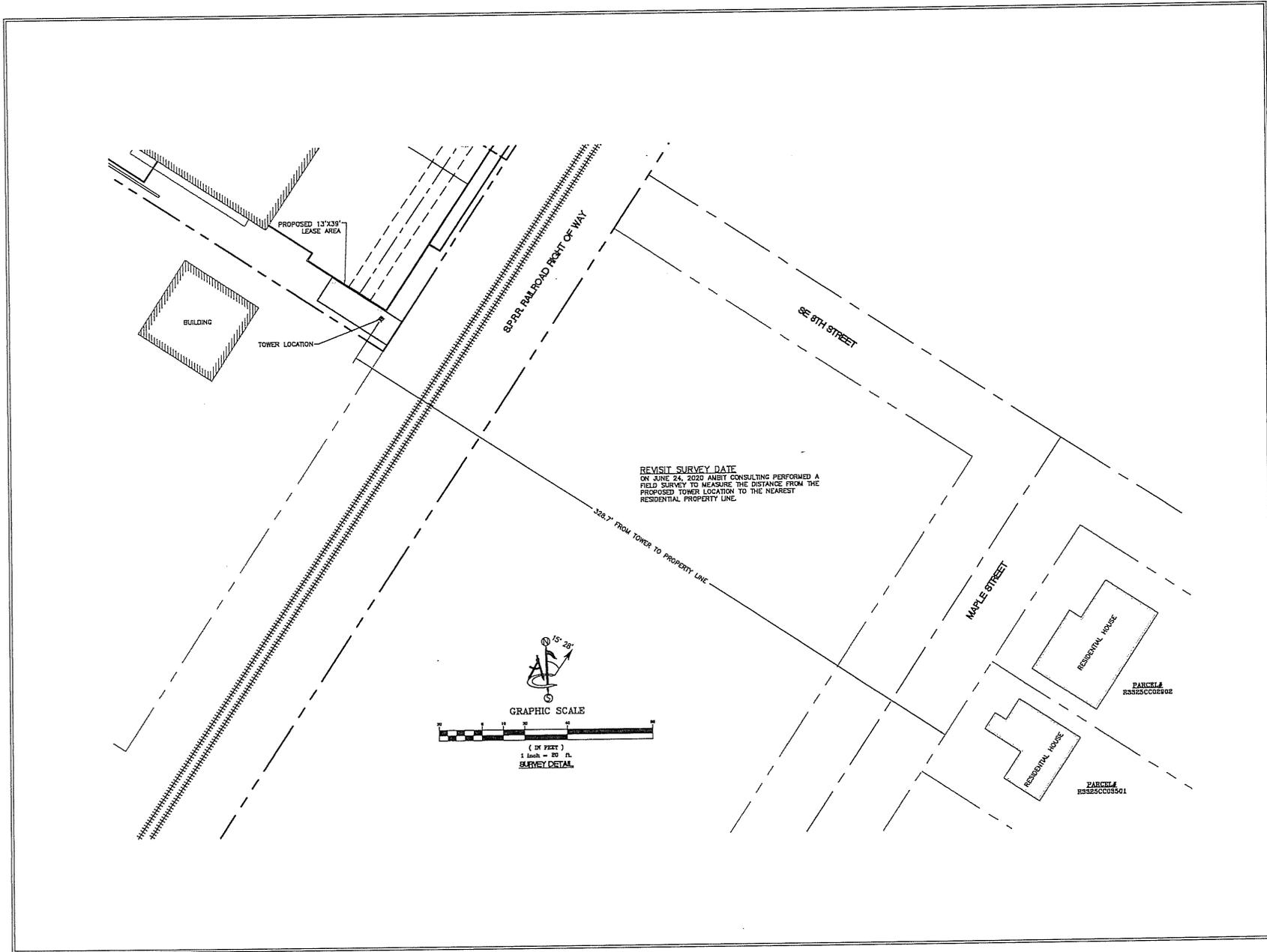
CONSULTANT:
Ambit
245 SAINT HELENS AVE. SUITE 3A
TACOMA, WA 98402 (253)872-3181

DRAWN BY: _____ CHK. BY: _____ APV. BY: _____
AC SR DC

LICENSER:
REGISTERED PROFESSIONAL LAND SURVEYOR
JULY 11, 2000
DUN. L. CERT. 0021
2016-020-21

SHEET TITLE:
SITE SURVEY

SHEET NUMBER:
SV-1



verizon

5430 NE 122ND AVE.
PORTLAND, OR 97230

PROJECT INFORMATION:

OR1 DUNDEE
759 N. HWY. 99W
DUNDEE, OR 97115
YAMHILL COUNTY

ORIGINAL ISSUE DATE:

08/04/2016

REV. DATE DESCRIPTION BY:

REV. DATE	DESCRIPTION	BY
9 6/24/20	UPDATE	PD
1 8/04/16	GEO COORD	AC
2 8/23/16	ADD TITLES	AC
3 1/26/17	ADD LEASE	AC
4 6/12/17	REV. LEASE AREA	RC
5 7/26/17	REV. ACCESS	DH
6 1/11/18	REV. LEASE AREA	SR
7 11/11/19	REV. LEASE AREA	PD
8 11/18/19	TITLE UPDATE	CK

PLANS PREPARED BY:

Acom
CONSULTING INC.

CONSULTANT:

Ambit
CONSULTING INC.
243 SAINT HELENS AVE. SUITE 3A
TACOMA, WA 98402 (253)572-9181

DRAWN BY: AC SR DG

CHK.:

APV.:

LICENSER:

REGISTERED
PROFESSIONAL
LAND SURVEYOR
JAMES T. GIBERT
JULY 11, 2000
CAN. L. GIBERT
6022
SV 6-20-21

SHEET TITLE:

SITE SURVEY

SHEET NUMBER:

SV-2



June 19, 2020

Melinda Allhands
Acom Consulting
5200 SW Meadows Road, Suite 150
Lake Oswego, OR 97035

Re: Acoustical Report – Verizon OR1 Dundee
Site: 801 N Highway 99W, Dundee, OR, 97115

Dear Melinda,

The following report presents a noise study for the proposed Verizon Wireless telecommunications facility 801 N Highway 99W in Dundee, Oregon. This noise study extends from the proposed equipment to the nearest properties. The purpose of this report is to document the existing conditions and the impacts of the acoustical changes due to the proposed equipment. This report contains data on the existing and predicted noise environments, impact criteria and an evaluation of the predicted sound levels as they relate to the criteria.

Ambient Conditions

Existing ambient sound levels of the site were measured on June 13, 2020 with a Svantek 971 Type 1 sound level meter. Measurements were conducted in accordance with Oregon Administrative Rules (OAR) 340-35-035 subsection (3)(b). The average ambient noise level was 50 dBA primarily due to noise from local automotive traffic on Hwy 99W.

Code Requirements

The site is located within the City of Dundee Zoning jurisdiction on property with a "Public" zoning designation. The nearest receiving property is zoned Central Business District. For the purposes of Dundee Municipal Code 8.28.040 both of these zonings are considered Commercial.

The proposed new equipment includes equipment support cabinets which are expected to run 24 hours a day.

Dundee Municipal Code limits noise to a Commercial property as follows:

Noise is limited to 60 dBA during daytime hours. During nighttime, defined as the hours between 10 p.m. and 7 a.m., maximum sound levels are reduced to 55 dBA. Since the support cabinets are expected to operate 24 hours a day, they must meet the 55 dBA nighttime limit.

Predicted Equipment Sound Levels

24-Hour Operation Equipment

The following table presents a summary of the equipment and their associated noise levels:

Table 1: Equipment Noise Levels

Equipment	dBA (each)	Quantity	Combined dBA @ 5 ft
Charlers CUBE BB48E2XV1	61 dBA @ 5 ft	2	64
Charles CUBE SS4B228LX1	65 dBA @ 5 ft	1	65
Total dBA (All cabinets combined)			68

Methods established by ARI Standard 275-2010 and ASHRAE were used in predicting equipment noise levels to the receiving properties. Application factors such as location, height, and reflective surfaces are accounted for in the calculations.

The equipment will be located at grade surrounded by a 6'-0" chain-link fence with privacy slats. The nearest receiving property to the southwest is approximately 12 feet from the equipment. The following table presents the predicted sound level at the nearest receiving property:

Table 2: Predicted Noise Levels: Proposed Equipment Cabinets

Line	Application Factor	SW
1	Sound Pressure Level at 5 ft (dBA), Lp1	68
2	Distance Factor (DF) Inverse-Square Law (Free Field): $DF = 20 \cdot \log(d1/d2)$	-8 (12 ft)
3	New Equipment Sound Pressure Level at Receiver, Lpr (Add lines 1 and 2)	60

As shown in Table 2, the sound pressure level from the proposed equipment is predicted to be 60 dBA at the nearest receiving property, which exceeds the 55 dBA nighttime code limit. In order for the equipment to meet code, the following noise mitigation measures must be implemented.

Noise Mitigation

Noise levels will need to be reduced by 5 dB for the cabinets to meet the code limit at the southwest receiving property. To provide the noise reduction, a noise barrier will need to be installed between the equipment and the receiving property as follows:

Noise Barrier

- Install a noise barrier along the southwest side of the equipment as indicated by the bold red line in Figure 2.
- The top of the noise barrier shall be minimum 5'-0" above grade.
- Construct the noise barrier with a solid material that has a surface mass of at least 2.5 lbs/sq ft. The following are common barrier materials that meet this requirement:
 - 3/4-inch exterior grade plywood
 - 16-gauge sheet metal
 - HardiPanel Vertical Siding or HardiBacker 1/2-inch
- Install sound absorbing material inside of the barrier with a minimum NRC rating of 0.80. The material should be installed between 1'-0" and 5'-0" above grade. Recommended products for this application include minimum 1" thick [F-Sorb](#).
- A detail of the barrier construction is presented in the following figure.

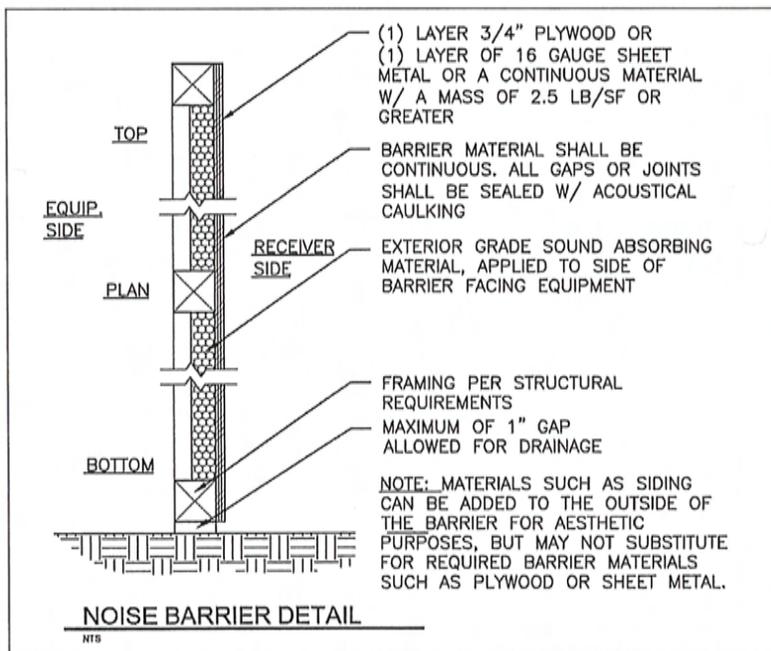


Figure 1: Noise Barrier Detail

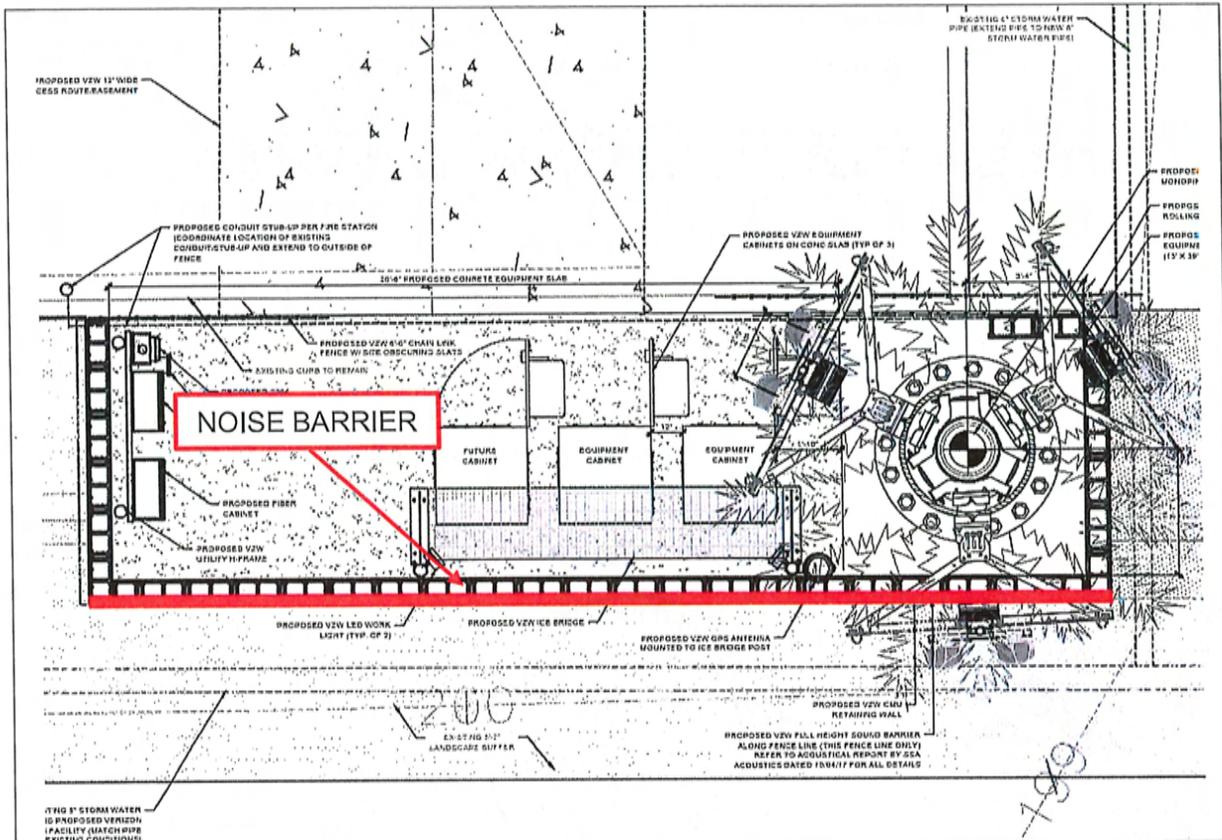


Figure 2: Noise Barrier - Plan

Predicted Noise Levels - with Mitigation

The following tables present the predicted noise levels with the noise mitigation implemented.

Table 3: Predicted Noise Levels: Proposed Equipment Cabinets

Line	Application Factor	SW
1	Sound Pressure Level at 5 ft (dBA), Lp1	68
2	Noise reduction – noise barrier	-7
3	Distance Factor (DF) Inverse-Square Law (Free Field): $DF = 20 \cdot \log(d1/d2)$ (12 ft)	-8
4	New Equipment Sound Pressure Level at Receiver, Lpr (Add lines 1 through 3)	53

As shown in Table 3, the sound pressure level from the proposed equipment with the proposed mitigation is predicted to be 53 dBA at the nearest receiving property, which is within the 55 dBA nighttime code limit.

Please contact us if you have any questions or require further information.

Sincerely,
SSA Acoustics, LLP



Alan Burt, P.E.
PARTNER



RENEWAL DATE: 12/31/21

This report has been prepared for the titled project or named part thereof and should not be used in whole or part and relied upon for any other project without the written authorization of SSA Acoustics, LLP. SSA Acoustics, LLP accepts no responsibility or liability for the consequences of this document if it is used for a purpose other than that for which it was commissioned. Persons wishing to use or rely upon this report for other purposes must seek written authority to do so from the owner of this report and/or SSA Acoustics, LLP and agree to indemnify SSA Acoustics, LLP for any and all resulting loss or damage. SSA Acoustics, LLP accepts no responsibility or liability for this document to any other party other than the person by whom it was commissioned. The findings and opinions expressed are relevant to the dates of the works and should not be relied upon to represent conditions at substantially later dates. Opinions included therein are based on information gathered during the study and from our experience. If additional information becomes available which may affect our comments, conclusions or recommendations SSA Acoustics, LLP reserves the right to review the information, reassess any new potential concerns and modify our opinions accordingly.