

City of Klamath Falls Planning Department
Administrative Review

In the matter of an
Administrative Review for:

Final Decision and Conditions: **14-CUP-08**

New Cingular Wireless PCS LLC
AT&T Mobility
650 S.W. Columbia St.
Bend, OR 97702

South Central Enterprises, LLC
2100 NE Wyatt Court
Bend, OR 97701

RYKA Communications
ATTN: Josh Hawes
10015 Lake City Way NE, Suite 435
Seattle, WA 98125

January 29th, 2009

In accordance with the provisions of Section 10.805 and 11.100 - 11.120 of the Community Development Ordinance (CDO), the City of Klamath Falls Planning Department has reviewed this request for a Conditional Use Permit.

NATURE OF THE PROPOSAL

The applicant, New Cingular Wireless PCS, LLC (AT&T Mobility), proposes to erect a 60' steel monopole telecommunications tower with a three-sector antenna array with four antennas per sector at the top of the steel monopole. The proposed AT&T leased area would be 50' by 50' and have the capacity for multiple users as encouraged by CDO Section 14.972. In addition, the proposal includes the installation of a 9' by 26' concrete slab that will accommodate 7 equipment cabinets, a 50' by 50' six feet high chain link fence, 19 privacy hedges, a gravel access road, and an approximately 48' long by 2' wide covered walkway for wires (ice bridge) from the proposed equipment cabinets to the antenna tower. The property is zoned Campus Planned Unit Development: Apartments and Medical Professional. CDO 12.367(2) states that telecommunication facilities are conditional uses permitted in all Planned Unit Developments. The property is addressed as 2701 Clover Street and can be found on Assessor's Map R-3809-020BD – Tax lot 400 (North east of Tract 1163: Campus View). The tower is located at the top of the hill at the south west corner of said tax lot.

AGENCY COMMENTS

Planning:

1. **Landscaping:** The applicant mentions they will provide 19 privacy hedges as required by CDO Section 14.982. If the hedges are comprised of trees, new trees shall be provided pursuant to Sections 14.400 to 14.430, shall conform to the provisions of Section 14.425, and shall be a minimum of two (2) inch caliper sized, measured four feet above the ground, and shall be non-deciduous trees to provide screening the entire year. An irrigation method shall be identified and installed to maintain the landscaped improvements.
2. **Access:** Roads and parking areas serving only telecommunication facilities shall be served by the minimum necessary conforming to CDO Section 14.978: Roads & Parking. Specifically, subsection (1) which states, "Access roads shall be limited to eight feet (8') in width except where safety considerations demonstrated to the satisfaction of the Director demand a greater width with turnouts as required by the Fire Marshall." CDO Section 14.978(4) states that any new parking areas constructed shall be no larger than 400 sq ft. CDO Section 14.040(1) states that anywhere a vehicle is parked or maneuvered that area shall be paved with asphalt or concrete.

3. **Setbacks and Heights:** The proposed leased area has side yard setbacks of approximately 102' from the south property line and 355' from the north property line, a front yard setback of approximately 412' from the east property line, and a rear yard setback of approximately 20' from the west property line. The steel monopole tower is approximately 45' from the west property line, approximately 437' from the east property line, approximately 380' from the north property line, and approximately 127' from the south property line. These setbacks meet the requirements of the CDO and Campus PUD of 20' from the rear and side property lines, and 30' from the front property line. Per CDO 14.962: "Telecommunication towers shall be setback at least twenty percent (20%) of the tower height from all property lines and at least one hundred feet (100') from any residentially zoned property or public park." The proposed steel monopole tower is approximately 45' from the closest property line to the west, which meets the required 12' setback for a 60' high tower. This proposal also meets the requirement of no residential zoned property within a 100' radius of the tower. While the property is zoned PUD: Apartments and Medical Professional, the more intense use is commercial (Medical Professional) and therefore the property is permitted commercial uses.
4. **Fences:** The applicant proposes to install a 6' high chain link fence with 3 strands of barbwire. The fence height meets the CDO requirements, and the barbwire is allowed within this zone since it is commercial. Any new fence requires a fence permit prior to installation.
5. **Signs:** As CDO Section 14.980 requires: All telecommunication facilities shall have a permanent, weather proof, 16" by 32" facility identification sign which shall be placed on the gate of the fence. This sign shall identify the facility operator, provide his/her address, and specify a 24 hour emergency telephone contact number. Any new sign requires a sign permit prior to installation.

Streets: "The apron dimensions should be the width of the driveway cut and 10ft in depth. Our preference for type of material would be asphalt, although if the property north develops and this becomes an access, we may require more."

Engineering:

1. Based on the information provided by the applicant it has been determined a Site Construction Permit will be required for this project. Please refer to the attached flow charts and provide the necessary information to City Engineering Division to determine whether this will be a small or large site for grading and erosion control. See section 3 of the City of Klamath Falls Public Works Engineering Standards for more information.
2. Please submit 3 copies of the grading/erosion control plans to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th Street).
3. The applicant will be required to have a signed set of the Site Construction Permit set of drawings, from City Engineering office, prior to the issuance of the Site Construction Permit.
4. Engineering fees for City review/inspection are as follows:
 - Small site: \$250
 - Large site: \$450

Building Department:

1. Building permit submittals shall include a comprehensive code evaluation, drawings, calculations, and specifications for the project. All design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such.
2. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering Departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
3. No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
4. Phased construction and/or deferred submittals require approval of the Building Division and submittals for such work shall follow established policy for plan review. No work shall commence prior to review and approval of the associated project phase.

Fire District #1: “Klamath County Fire District #1 has no objections or conditions regarding the applicant’s land use application.”

Oregon Dept. of Fish & Wildlife: “No restrictions are necessary.”

City of Klamath Falls Airport: “The proposed installation does not appear to directly impact the Airport. However, your packet doesn’t provide sufficient detail as to site elevation and overall (build-out) height. The location may impact aviation other than the airport – in particular – its proximity to the hospital and OIT. Medical flights, mass casualty evacuation, or other emergency airlift capability should be considered. At minimum – even if not determined to be a Part 77 issue – I would recommend requiring day/night obstruction lighting due to proximity of the medical facilities & airlifts. The proponent should have filed (and is required by law) a FAA Form 7460-1, Notice of Proposed Construction. This starts a formal review for FAA Part 77 Obstruction standards as well as potential frequency interference. Reviews should also be done by Oregon Dept. of Aviation (again a result of the 7460 filing).

Sky Lakes Medical Center: “We’ve reviewed the site plan, and took a look at the site. The additional tower should not be a problem” (for the helipad).

Avista: No comments were received.
PP & L: No comments were received.
Qwest: No comments were received.
Charter: No comments were received.

Proponents: No comments were received.
Opponents: No comments were received.

REQUIRED FINDINGS

Criterion #1: The conditional use permit conforms to all provisions of Chapter 10 to 14 and any applicable street plan.

Applicant: The 2701 Clover Street site has been developed previously as a multi-user, communications site and is a very important communications position for several users. This site is essential to covering Hwy 97 to the north of Klamath Falls and entering the City on Hwy 97 and Hwy 97B and also covering these highways to the south and east respectively along with the areas in between. In addition, this location will cover the multiple Medical Center locations and the Oregon Institute of Technology to the North and East of the site. This location was selected by AT&T Mobility because it is largely undeveloped and in a primarily office-business area and because it has been previously developed as a multi-user communications site. This strategic location will fill an important gap in coverage for AT&T Mobility along Hwy 97 and Hwy 97B, the north part of the City of Klamath Falls and the Medical Center and Oregon Institute of Technology. The Klamath Falls North site will reduce the proliferation of towers in this area by lessening the need to develop several additional site locations as Wireless Communication Facilities (WCF's), which would include additional new towers, to meet the same coverage objective which can be met from the 2701 Clover St. location.

The existing Verizon Wireless WCF at this site is unable to meet the needs of AT&T Mobility. The Verizon Wireless site was thought to provide the needed height AT&T Mobility required during our initial investigation, however due to the approval and installation by U.S. Cellular, there are no remaining viable antenna heights for AT&T Mobility. The existing 60 ft monopole provides antenna space for the current Verizon Wireless while reserving additional capacity for their future expansion at the site and a second level for U.S. Cellular. The third level on this tower does not meet the needs of AT&T Mobility. With the option to collocate on other structures being investigated and eliminated, AT&T Mobility has proposed a new 60 ft monopole tower which will be designed for future collocation by others in order to meet future user needs and reduce an unnecessary proliferation of towers at this location. The proposed tower will be located adjacent and to the west of the existing Verizon Wireless site and fenced area. A set of drawings has been included which depicts the proposed tower and ancillary equipment cabinets and includes the future collocation level on the tower.

Staff Analysis: The applicant proposes to erect a 60' steel monopole telecommunications tower with a three-sector antenna array with four antennas per sector at 60'. The proposed AT&T leased area would be 50' by 50' and have the capacity for multiple users as encouraged by CDO Section 14.972. In addition, the proposal includes the installation of a 9' by 26' concrete slab that will accommodate 7 equipment cabinets, a 50' by 50' six feet high chain link fence, 19 privacy hedges, a gravel access road, and an approximately 48' long by 2' wide covered walkway for wires (ice bridge) from the proposed equipment cabinets to the antenna tower. The property is zoned Campus Planned Unit Development: Apartments and Medical Professional. CDO 12.367(2) states that telecommunication facilities are conditional uses permitted in all Planned Unit Developments. Wireless telecommunication towers are permitted within this zone with the approval of a Conditional Use Permit (CUP).

The applicant is responsible for the tower and antennas meeting all Federal, State and local communications, aviation and environmental codes and requirements. The

applicant shall provide notice to the FAA of the proposed 60' tower and installation of antennas prior to placement.

The project shall not interfere with any Airport facility. If any conflict or interference is determined, the applicant shall correct the situation by removal, relocation, or other means.

Access to the site is proposed via an unimproved (gravel) drive, privately maintained.

Finding: *The proposed conditional use permit will conform to all applicable provisions of chapters 10 – 14 of the Community Development Ordinance through conditions. **This criterion is met with conditions.***

Criterion #2: The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls, and fences, parking, loading, landscaping, and other features required to adjust said use with land and uses in the neighborhood.

Applicant: This proposal is for the installation, construction, and operation of a Wireless Communication Facility (WCF) situated within a 50 ft by 50 ft leased area and access easement located on a larger host parcel (7.12 acres), located on personal property owned by South Central Enterprises, LLC. The proposed tower will be located adjacent to the previously permitted WCF owned by Verizon Wireless and located on the same parcel (Assessor Parcel Number of R168927- site address of 2701 Clover St.), within the city limits of the City of Klamath Falls. The proposed installation will consist of placing a 60 ft monopole at the subject parcel and attaching 12 panel antennas to this monopole in a similar fashion to the adjacent 60 ft monopole and antennas previously permitted for Verizon Wireless. In addition, AT&T Mobility proposes to install equipment cabinets adjacent to the proposed tower to house its' ancillary equipment. AT&T Mobility has investigated collocation on the existing 60 ft Verizon Wireless monopole and found that the second level of the monopole is already occupied by U.S. Cellular and that the third level does not meet the needs of AT&T Mobility. Please see the 7 page set of zoning drawings depicting the monopole, the antennas and ancillary equipment location and details. The new 60 ft monopole at this location is designed to provide for collocation for additional wireless communication users which will reduce the future need for additional towers in this vicinity. This proposed site will be an unmanned facility and will be visited once monthly by a site technician for maintenance. The site is otherwise monitored remotely. The site area provides adequate space for the tower and site equipment and does not reduce, restrict or impair any current uses of the host property around or near the proposed site area. All setbacks from property lines and / or other structures can be met or exceed the applicable codes for this type of installation.

Staff Analysis: The proposed subject site is a 50' by 50' leased area and access easement located on a 7.12 acre parcel (tax lot 400); the same tax lot already has a 60' by 60' leased area for Verizon Wireless, a 60' 6" steel monopole tower, and various other communication facilities and equipment.

The applicant proposes to erect a 60' steel monopole telecommunications tower with a three-sector antenna array with four antennas per sector at 60' high. In addition, the proposal includes the installation of a 9' by 26' concrete slab that will accommodate 7 equipment cabinets, a 50' by 50' six feet high chain link fence, 19 privacy hedges, a gravel access road, and an approximately 48' long by 2' wide covered walkway for wires (ice bridge) from the proposed equipment cabinets to the antenna tower. The site has been, and will continue to be, adequate in size and shape for the proposed use.

Finding: *The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, fences, parking, loading, landscaping, and other features required to adjust said use with land and uses in the neighborhood. **This criterion is met.***

Criterion #3: **The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

Applicant: This proposed site area will gain access for ingress and egress from a gravel driveway which connects with Clover Street which is an improved maintained street. The existing driveway has been improved to the Verizon Wireless site and as such a short extension of this driveway (approximately 65') will be needed to connect with the proposed, adjacent AT&T Mobility site location with no additional road improvement necessary to accommodate the once monthly trip by a service technician to the site. (See attached site plans for details on access route) This site is an unmanned facility and therefore no increase in traffic in the general area of the site is expected.

Staff Analysis: The site is accessed by a gravel road that starts on the west side of Clover Street, just south of where Clover Street and Daggett Street intersect. Clover Street intersects Dahlia Street and Daggett Street intersects Campus Drive. The existing access road conditions for the Verizon Wireless site meet the design requirements listed in CDO Section 14.978 for telecommunications facilities. The proposed AT&T 65' gravel access road extension must meet road condition design requirements listed in CDO Section 14.978. The proposed facility will be unmanned and the proposal will not increase the level of traffic. The Streets Division requires the applicant to install a (concrete or asphalt) apron that is at least as wide as the curb cut by 10' long to prevent gravel and other debris from being pulled into the paved portion of the right-of-way.

Finding: *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. **This criterion is met with conditions.***

Criterion #4: **The proposed use will have no adverse effect on abutting property or the permitted uses thereof.**

Applicant: The proposed site is located on a larger host parcel (7.12 acres) and is located away from existing buildings and structures with the closest structures being the existing Verizon Wireless site which is approximately 32 ft (fence line to fence line). The proposed use will not interfere or disrupt traffic as this is an unmanned site.

Staff Analysis: The proposed subject site is a 50' by 50' leased area and access easement. The proposal includes the erection a 60' steel monopole telecommunications tower with a three-sector antenna array with four antennas per sector at 60' high. In addition, the proposal includes the installation of a 9' by 26' concrete slab that will accommodate 7 equipment cabinets, a 50' by 50' six feet high chain link fence, 19 privacy hedges, a gravel access road, and an approximately 48' long by 2' wide covered walkway for wires (ice bridge) from the proposed equipment cabinets to the antenna tower. Tax lot 400 currently has one other telecommunication facility that has a 60' by 60' leased area for Verizon Wireless, a 60'6" steel monopole tower, and various other communication facilities and equipment. The remainder of tax lot 400 is undeveloped and is partially covered with field brush. To minimize visual impact to adjacent properties; the color of the panels and concealments shall not be bright, shiny, or reflective. All properties within 250' of the subject property

were notified of the proposed expansion of this facility. No comments were received from notified parties.

Finding: *The proposed use will have no adverse effect on abutting property or the permitted uses thereof. **This criterion is met with conditions.***

Criterion #5: The adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage can and will be provided to and through the property.

Applicant: Adequate City facilities are available to the site area. The proposed site is unmanned and therefore no water or sewer service will be required. Electrical power is located near the site and will be provided from the power pedestal adjacent to the communication site, underground to the equipment area. Telephone service is also at the site area and will also be provided underground to the site.

Staff Analysis: The proposed site is an unmanned facility that does not require sewer services. CDO 14.425 (2) requires that the proposed site provide water for the landscaping hedges so there is permanent irrigation to maintain vegetation. The proposed site would access electricity from a proposed AT&T 150' buried power line from the south of the leased area. The proposed site would access telephone service from a proposed AT&T 240' buried Telco route from the east of the leased area. There is no need for sewer or storm drainage at this time for the site.

Finding: *The adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage can and will be provided to and through the property. **This criterion is met with conditions.***

Criterion #6: The proposed use is similar in scale, bulk, coverage and is architecturally compatible with other uses in the area.

Applicant: This location was selected by AT&T Mobility because it is largely undeveloped and in a primarily office-business area and because it has been previously developed as a multi-user communications site. The proposed use utilizes the smallest foot print possible. The proposed monopole and support structure is the minimum height needed for the site to operate efficiently within the designated coverage area. The site will be designed and installed in a similar fashion to the existing WCF at this site and is proposed to be the same height as the existing monopole. In addition, the site has been designed to accommodate future collocation of additional wireless communication users to reduce the proliferation of towers in this vicinity.

Staff Analysis: The proposed 50' by 50' leased AT&T area is smaller in coverage than the 60' by 60' area occupied by Verizon Wireless on the same lot. The 60' high steel monopole tower is shorter than the 60'6" steel monopole tower that is operated by Verizon Wireless on the same lot. The 7 equipment cabinets on the 234 sq ft concrete slab are of less bulk than the two equipment buildings on the Verizon Wireless site that contain appropriately 552 sq ft of building space. In addition, the proposed 19 privacy hedges surrounding the 2,500 sq ft AT&T leased area will provide better screening than the 14 privacy hedges surrounding the 3,600 sq ft Verizon leased area. If the hedges are comprised of trees, new trees shall be provided pursuant to Sections 14.400 to 14.430, shall conform to the provisions of Section 14.425, and shall be a minimum of two (2) inch caliper sized, measured four feet above the ground, and shall be non-deciduous trees to provide screening the entire year.

The applicant shall install panels and concealments that are not bright, shiny, or reflective. All properties within 250' of the subject property were notified of the proposed expansion of this facility. No comments were received from notified parties.

Finding: *The proposed use is similar in scale, bulk, coverage and is architecturally compatible with other uses in the area. **This criterion is met with conditions.***

Criterion #7: Provisions of public facilities and services to the site will not cause service delivery shortage to existing developments.

Applicant: The proposed use will not cause service outages or delivery delays of existing public services to existing developments. The proposed site is a passive use, is an unmanned facility, does not generate noise, excessive auto or foot traffic nor does it interfere with other existing uses on the host parcel and nearby parcels.

Staff Analysis: The proposed AT&T telecommunication site will be an unmanned facility that does not require sewer services. CDO 14.425 (2) requires that the proposed site provide water for the landscaping hedges so there is permanent irrigation to maintain vegetation. The proposed site would access electricity from a proposed AT&T 150' buried power line from the south of the leased area. The proposed site would access telephone service from a proposed AT&T 240' buried Telco route from the east of the leased area. There is no need for sewer or storm drainage at this time for the site. The proposed buried electricity power line and Telco line will connect to a proposed AT&T utility rack.

Finding: *Provisions of public facilities and services to the site will not cause service delivery shortage to existing developments. **This criterion is met.***

Criterion #8: The conditions stated in the decision are deemed necessary to protect the public safety and general welfare.

Staff Analysis: The conditions stated in the decision are necessary to insure that all applicable laws and standards are being met by the proposal. These laws and standards are necessary to protect the public safety and general welfare.

Finding: *The conditions stated in the decision are deemed necessary to protect the public safety and general welfare. **This criterion is met.***

CONDITIONS

General conditions:

- 1) The applicant shall obtain a Development Permit from City Planning prior to commencing work on the site.
- 2) The applicant shall submit a Site Construction Permit for this project. Please refer to the attached flow charts and provide the necessary information to City Engineering Division to determine whether this will be a small or large site for grading and erosion control. See section 3 of the City of Klamath Falls Public Works Engineering Standards for more information.
- 3) The applicant shall submit 3 copies of the grading/erosion control plans to the City Engineering Plans Examiner at the City Engineering Division office (upstairs at 226 South 5th Street).
- 4) The applicant shall have a signed set of the Site Construction Permit set of drawings, from the City Engineering office, prior to the issuance of the Site Construction Permit.

- 5) The project shall not interfere with any Airport or FAA facility or conflict with FAA Guidelines. If any conflict or interference is determined, the applicant shall immediately correct the situation by removal, relocation, or other means.
- 6) The applicant shall install panels and concealments that are not bright, shiny, or reflective.
- 7) The applicant shall submit a detailed landscaping plan, to City Planning for review and approval, showing the following details:
 - Name of plant material, the number of each species of plant that will be used, and the location of the different plant material
 - 19 privacy hedges
 - An irrigation plan
 - All required trees shall be a minimum of 2” caliper in size
 - All shrubs shall be planted from a 5 gallon container

To be completed prior to the issuance of a Development Permit:

- 8) All contractors and subcontractors working at this site must be licensed to do business in the City of Klamath Falls.
- 9) The applicant shall submit building permits, including a comprehensive code evaluation, drawings, calculations, and specifications for the project. All design documents shall be prepared and stamped by an Architect or Engineer licensed by the State of Oregon to practice as such. Building Permit application shall include site plan and development approvals from City of Klamath Falls Planning and Engineering departments. Any variations to the site plan require re-approval by the City of Klamath Falls prior to issuance of building permit(s).
 - No work shall commence prior to plan review and issuance of the appropriate building and trade permits.
- 10) The applicant shall submit for review and approval a fence permit (no fee) prior to installation of any fence.
- 11) The applicant shall submit for review and approval a sign permit (\$25.00) prior to installation of any sign, including the required facility identification sign.
- 12) The applicant shall plant at least 19 privacy hedges (trees) as shown on the site plan. If the hedges are comprised of trees, new trees shall be provided pursuant to Sections 14.400 to 14.430, shall conform to the provisions of Section 14.425, and shall be a minimum of two (2) inch caliper sized, measured four feet above the ground, and shall be non-deciduous trees to provide screening the entire year. Irrigation shall be installed as approved in the landscaping plan.
- 13) The applicant shall have asphalt or concrete placed in any parking area.
- 14) The applicant shall have an asphalt or concrete apron placed at the street curb cut that is at least as wide as the curb cut and at least 10 feet in length.
- 15) The applicant shall submit any changes to the submitted site plan for review and approval prior to construction.
- 16) The applicant shall file FAR form 7460 to ensure frequency & transmission power reviews are completed and not in conflict. The applicant is responsible for the antennas meeting all Federal, State and local communications, aviation and environmental codes and requirements. The applicant shall provide notice to the FAA of the proposed addition of antennas.
- 17) The applicant shall install day/night obstruction lighting due to proximity of the medical facilities & airlifts.

DECISION

After consideration of all staff, agency and citizen comments, and reviewing various data, the application is **approved** as presented based on the findings and subject to the above conditions.

This **Conditional Use Permit** does meet the condition and scope of the City of Klamath Falls Comprehensive Plan, acknowledged by the Oregon State Land and Conservation Development Commission on May 31, 1984. In doing so, this **Conditional Use Permit** does address the appropriate policies encompassed in the Comprehensive Plan.

APPLICANTS ARE ADVISED THAT THIS DECISION IS FINAL AS OF THE DATE OF MAILING THIS DECISION (JANUARY 29, 2009), UNLESS WRITTEN APPEAL AND A \$200 APPEAL FEE IS FILED WITH THE CITY PLANNING DEPARTMENT WITHIN 12 DAYS OF THE DATE OF MAILING.

DATED THIS 29TH DAY OF JANUARY, 2009.

KELLY O'NEILL,
PLANNER

cc: Rick Bowman, City Code Enforcement Officer
Tom Del Santo, City Development Coordinator
Bill Hancock, City Airport Operations Manager
Tom Drew, Sky Lakes Medical Center Director of Facilities Manager