



Community Development Department
Current Planning Division
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Staff Report

HEARING DATE: February 10, 2016

TO: Planning Commission

STAFF: Jason T., Assistant Planner

PROPOSAL: **WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church**

LOCATION: The subject property is located at Cedar Hills Baptist Church, 2470 SW Roxbury Avenue. The site is also described as Tax Lot 100 on the Washington County Tax Assessor's Map 1S110AA.

SUMMARY: The applicant requests approval of a Wireless Facility 3 application to construct a new 80-foot steel monopole with antennas at the top and all associated ground equipment within a secure landscaped and fenced area near the southeast corner of the lot, behind Cedar Hills Baptist Church. The maximum height for wireless communication facilities in the R7 zone is eighty (80) feet. No tree removal is proposed in conjunction with the modifications described above.

PROPERTY OWNER: Cedar Hills Baptist Church
Attn: Curtis Buthe
2470 SW Roxbury Avenue
Portland, OR 97216

APPLICANT: Verizon Wireless
Attn: Noah Grodzin
5430 NE 122nd Avenue
Portland, OR 97230

APPLICANT'S REPRESENTATIVE: Lexcom Development
Attn: Reid Stewart
10570 SE Washington Street Suite 203
Portland, OR 97216

DECISION CRITERIA: Development Code Sections 40.96.15.3.C.1-13 *Wireless Facility Three*

RECOMMENDATION: **Approval of WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Submittal Complete	Final Written Decision Date	240-Day*
WF2015-0011	November 3, 2015	December 21, 2015	April 21, 2016	August 19, 2016

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	Urban Standard Density (R7)	
Current Development	Place of Worship	
Site Size	Approximately 2.42 Acres	
NAC	Central Beaverton NAC	
Land Use	Neighborhood Residential Standard Density (NR-SD)	
Surrounding Uses	Zoning: North: Unincorporated Washington County South: Urban Standard Density (R7) Right-of-Way (ROW) East: Urban Standard Density (R7) West: Unincorporated Washington County	Uses: North: Single Family Residential South: Right-of-Way / SR217 Tri-Met/Light Rail ROW East: Roxbury Park West: Single Family Residential

Staff refers to the **Federal Telecommunications Act of 1996**. One provision of the Telecommunications Act prohibits state and local governments from denying permit applications for cellular towers based upon the environmental effects. Of significance is a rule from the Telecommunications Act shown below:

“No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the regulations contained in this chapter concerning the environmental effects of such emissions”

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

	PAGE
Attachment A: WF2015-0011 Facts, Findings, Recommendation	WF1 – WF10
Attachment B: Conditions of Approval	COA1 – COA2

EXHIBITS

Exhibit 1. Zoning Map and Aerial Photo SR4 – SR5

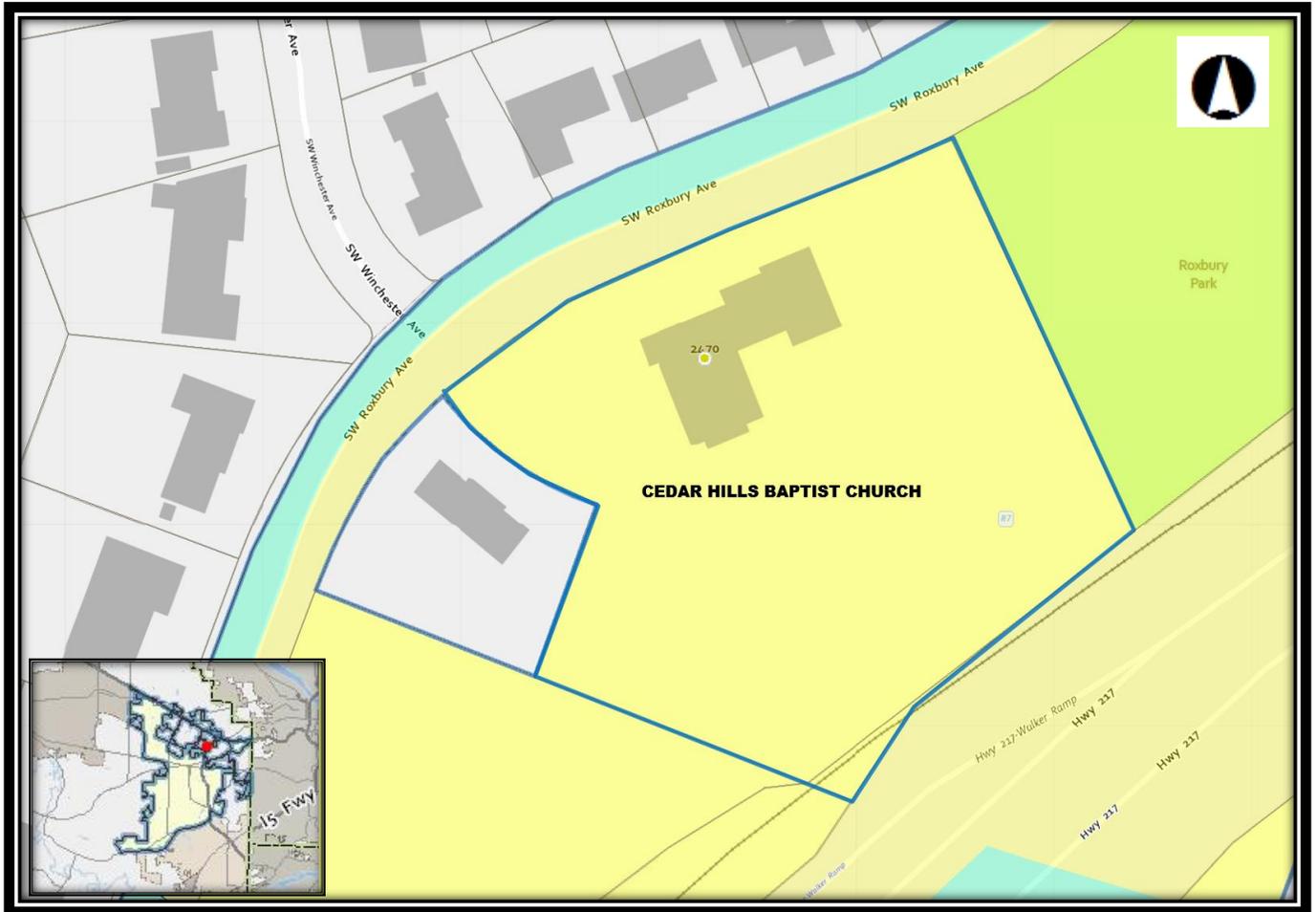
Exhibit 2. Materials Submitted by Applicant

Exhibit 3. Comments Received

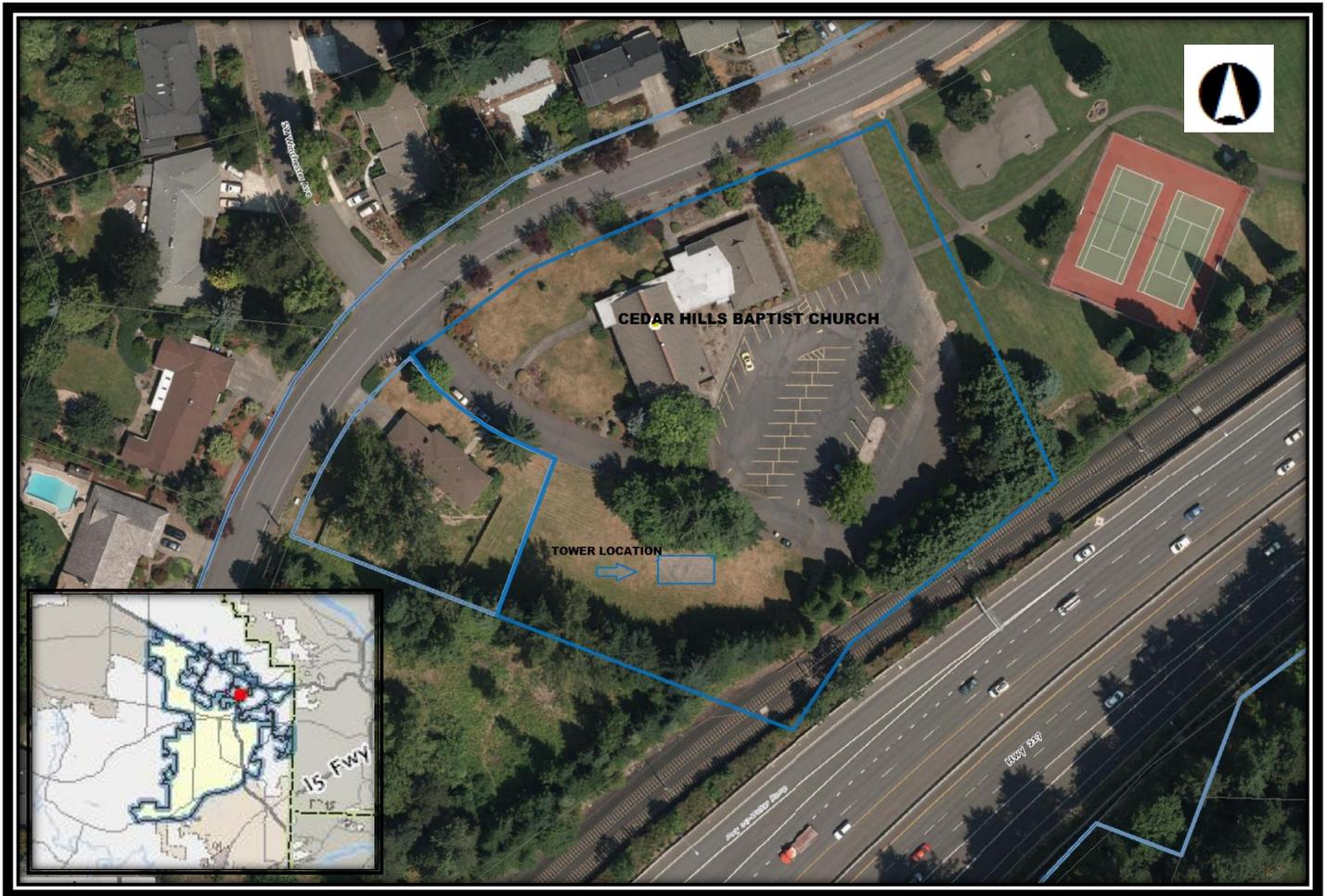
- **3.1 Combined letter received from Bruce and Barbara Whisnant residing at 11160 SW Waverly Place, Vicki Zidell residing at 11155 SW Waverly Place and Sandra Apperson residing at 11130 SW Waverly Place.**

ZONING MAP

WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church



AERIAL PHOTO
WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church



**WIRELESS COMMUNICATION FACILITY-THREE
WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church**

Section 40.96.15.3.C Approval Criteria:

in order to approve a Wireless Facility Three application; the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Wireless Facility Three application.**

Facts and Findings:

The subject site is within the City of Beaverton and has an R7-Urban Standard Density Residential zoning designation. The applicant proposes to construct a new 80-foot tall wireless communication facility.

The applicant meets Threshold #1 for a Wireless Facility Three application:

“In all zoning districts, except industrial, construction of a wireless communication facility tower.”

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.**

Facts and Findings:

The City of Beaverton received the appropriate fee for a Wireless Facility Three application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. In relationship to the existing surroundings and future allowed uses, the location, size, shape, height, spatial and visual arrangement of the use and structure is compatible.**

Facts and Findings:

The applicant proposes to locate the monopole near the southeast corner of the church site, behind a stand of existing mature trees. The base of the monopole and associated ground equipment will be placed within an enclosed fenced and landscaped area which is currently a grass field. The proposed location of the monopole is screened from the rights-of-way by numerous existing trees. It is also located approximately:

- 250-feet from the northern property line which abuts SW Roxbury Avenue.
- Approximately 86-feet from the nearest residential property line to the southwest.
- 230-feet from the nearest residential property line to the east which is Roxbury Park owned by THPRD.
- Approximately 86-feet from the property line to the south, which abuts TriMet's Max right-of-way and Highway 217.

Size, Shape, and Height:

The applicant proposes an 80-foot tall WCF which does not utilize stealth design. The applicant proposes the use of davit arms with 5-foot antenna mount bars in which the cellular antennae will be attached. The maximum height of a WCF in the R7 zoning district is 80 feet. Any future collocation of antennae will be below the current proposed location of the antennae. The Development Code permits the use of davit arm antenna arrays so long as the surrounding antenna mount bars do not connect to form a "crow's nest" or "top hat" style array. As proposed, the antenna configuration conforms to the requirements of the Development Code.

Visual Arrangement:

The applicant's Visual Impact Summary show the proposed WCF from four different vantage points. The monopole will be visible from all directions, though obscured in part by existing mature trees. The WCF will be most prominently visible when viewed from the north looking south from the park district property and single family residential neighborhood. The WCF will also be seen looking east from the senior living center to the west of the proposed site.

The applicant does not propose a stealth design, which would significantly improve the visual impacts of the proposed monopole. Staff notes, however, that the Development Code does not require the use of stealth technologies in the siting and design of Wireless Communication Facilities. Staff recommends a condition of approval that the tower and all mounted equipment be painted a dark brown matte finish and that no reflective material be permitted on the tower. Staff finds that with the matte paint treatment that the visual impact of the tower is reasonably compatible with the adjacent area.

Therefore, staff finds that by meeting the conditions of approval the proposal meets the criterion for approval.

- 4. The size dimensions, configuration and topography of the site and natural and man-made features on the site can reasonably accommodate the proposal.**

Facts and Findings:

The subject site is approximately 2.42 acres in size and is owned and maintained by Cedar Hills Baptist Church. The proposal utilizes an area which is currently an existing grass field. The proposal would include paving, fencing and landscaping of the proposed area to accommodate the new pole and associated ground equipment.

Therefore, staff finds that the proposal meets the criterion for approval.

- 5. The proposal will not obstruct any existing or approved vehicular, pedestrian, or bicycle connection identified in the Comprehensive Plan.**

Facts and Findings:

The applicant proposes to locate the proposed WCF within a grass field, currently unused by the church. The applicant states this will not obstruct any existing or approved vehicular, pedestrian or bicycle connection identified in the Comprehensive Plan. Staff concurs with the applicant's findings.

Therefore, staff finds that the proposal meets the criterion for approval.

- 6. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant size and species.**

Facts and Findings:

The applicant is proposing the removal of 700 square feet of non-irrigated grass. No existing trees will be impacted by the proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

- 7. That grading of the site shall take place with particular attention to minimizing the possible adverse effect of grading on the natural vegetation and physical appearance of the site.**

Facts and Findings:

The proposed WCF tower is to be located on an undeveloped/unused grass field on the church property. The proposal will require minimal grading to accommodate the placement of the tower and ground equipment. Grading is not expected to impact the site beyond the fenced/leased footprint and will not adversely affect natural vegetation or the physical appearance of the site.

Therefore, staff finds that the proposal meets the criterion for approval.

8. **That the quality, location, size and aesthetic design of walls, fences, berms, hedges, screen planting and landscape areas have minimal adverse effects on existing or approved abutting land uses.**

Facts and Findings:

The applicant has not proposed any changes to existing walls, fences, berms, hedges, screen plantings or landscape area. The applicant proposes screening of the ground equipment and all appurtenances for the proposed WCF tower with an slatted, vinyl coated chain link fence and landscaping. The ground enclosure will further be screened by existing mature trees and vegetation.

Therefore, staff finds that the proposal meets the criterion for approval.

9. **All critical facilities and services related to the development have, or can be improved to have, adequate capacity to serve the proposal at the time of its completion.**

Facts and Findings:

The applicant states that only power and telephone service are necessary to serve the proposed WCF. Power and telephone service exist to the site and can accommodate the proposal. All utilities to the proposed tower shall be underground.

Therefore, staff finds that the proposal meets the criterion for approval.

10. **The proposal is consistent with all applicable Site Development Requirements of Sections 20.05, 20.10, 20.15, and 20.20 of the Development Code unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance which shall be already approved or considered concurrently with the subject proposal.**

Facts and Findings:

Staff cites the code conformance chart at the end of this report which shows compliance with the applicable standards of Chapter 20.

Therefore, staff finds that by meeting the conditions of approval, the criterion is met.

11. **The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.**

Facts and Findings:

Staff cites the Code Conformance Analysis chart at the end of this report, which evaluates the proposal as it related to the applicable Code requirements of Chapter 60, in addressing the above mentioned criteria.

Therefore, staff finds that by meeting the conditions of approval, the criterion is met.

- 12. The proposal does not conflict with any existing City approval, except the City may modify prior approvals through the WCF process to comply with federal laws.**

Facts and Findings:

The site was annexed in to the City of Beaverton in December of 1998. All land use approvals and building permits were obtained through Washington County prior to annexation, therefore there is no conditional use permit on file with the City of Beaverton. As such it is not typical for the City of Beaverton to receive past records from Washington County as part of the annexation process.

While past land use approvals have not been reviewed, most wireless facilities were constructed after 1998. For this reason, staff finds that there are no known conditions of approval from previously enacted land use approvals that would be in conflict with the proposed monopole.

Additionally, construction of new WCF towers do not require modification of existing conditional use or new conditional use permit approval, as a Wireless Facility is a permitted use in the R7 zone, subject to approval through this application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 13. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.**

Facts and Findings:

The applicant submitted the application on November 3, 2015 and was deemed complete on December 21, 2015. In review of the materials during the application review, staff finds that all applicable application submittal requirements, identified in Section 50.25.1 are contained within this proposal.

Therefore, staff finds that the proposal meets the criterion for approval.

- 14. Applicants and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.**

Facts and Findings:

The applicant has submitted the required application materials for review of a Wireless Facility Three application.

Therefore, staff finds that the proposal meets the criterion for approval.

**Code Conformance Analysis
Use and Site Development Requirements
Urban Standard Density (R7)**

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 20.05.20			
Maximum Height WCF	80-feet	80-feet	Yes
Maximum Height Equipment Shelters	12 feet maximum	12 feet maximum	Yes
Setbacks	Front: 17' Side: 5' Rear: 25' Height of Tower plus 5-feet	Front: 250' Side: 86' Side: 230' Rear: 86'	Yes
Development Code Section 20.05.20			
New WCF Tower Construction	Wireless Facility Type 3 approval	Wireless Facility Type 3	Yes

Chapter 60 – Special Requirements

CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL	MEETS CODE?
Development Code Section 60.65 Utility Undergrounding			
60.65 Utility Undergrounding	All existing overhead utilities and any new utility service lines within the project and along any existing street frontage, except high voltage lines (>57kV) must be placed underground.	The applicant states that all new utilities will be placed underground. Staff recommends a condition of approval requiring all new utility service be placed underground.	Yes with COA
Development Code Section 60.70.35 Development Standards for WCF			
60.70.35.1 General	Top Hat antenna arrays are prohibited.	The applicant proposes the use of davit arms with antenna support bars, not a top hat array.	Yes
60.70.35.2 Height	The max height of any new WCF tower, WCF antenna collocation or both shall conform to the maximum height standards specified in the Site Development Standards of Chapter 20.	Maximum height in the R7 zone for a wireless facility is 80 feet. The applicant proposes a tower with a maximum height including the equipment, of 80-feet. Staff recommends a condition of approval that no equipment be permitted to project above 80-feet in height.	Yes with COA
60.70.35.3 Lighting	The installation of light fixtures to a WCF tower is prohibited.	The applicant does not propose to install light fixtures on the WCF tower.	Yes
60.70.35.4 Signage	A. Specific identification signage requirements. B. No logos or advertising signage permitted.	The applicant states that the required emergency signage will be included and no other signage is permitted.	Yes
60.70.35.5 At-Grade Equipment Screening	At-Grade equipment must be screened by a site obscuring fence or an at grade equipment shelter...	The applicant proposes to locate the at-grade equipment within a fenced and landscaped area.	Yes

60.70.35.6 Evergreen Shrubs	The decision making authority may require evergreen shrubs at their discretion for properties abutting residential...	The applicant has shown evergreen shrubs on the proposed landscape plan.	Yes
60.35.7 Required Plantings	Required plantings shall be irrigated and maintained.	The applicant states on the submitted landscape plan, that all landscaping will be installed with water gel packs and will be inspected and maintained for a minimum of two (2) years from final inspection.	Yes with COA
60.35.8 Visual Impacts	Decision making authority decides if the tower must be painted or non-reflective metal.	The applicant proposes to paint the tower dark brown. Staff recommends a condition of approval that the tower be painted a dark brown to blend with the surrounding trees.	Yes with COA
60.35.9 Noise	Noise generating equipment shall be sound buffered to reduce sound levels at the property line.	The applicant has submitted a noise analysis that shows that noise levels will meet the DEQ requirement at the property line.	Yes
60.35.10 Stealth Design	Specific thresholds in Chapter 40 provide for stealth design ...	Stealth design is not proposed. The thresholds for a WCF Three in a residential zone do not require stealth design.	N/A
60.35.11-13 Building, Roof, Wall and Structure Mounted Antennas	Standards for antennas attached to buildings, roofs or structures, except WCF towers.	The applicant does not propose building, roof or structure mounted antennas.	N/A
60.70.35.14.A Setbacks	Setbacks shall comply with the underlying standards of the zoning district.	As demonstrated in the Chapter 20 Code Conformance Analysis the proposal meets the setbacks of the R7 zoning district.	Yes
60.70.35.14.B Setbacks	WCF Towers in Industrial or Commercially zoned properties shall be set back 50 feet...	The subject site is not located in an Industrial or Commercial zone. However, the nearest residential property line is approximately 150-feet to the west. This standard does not technically apply but meets the intent.	Yes

60.70.35.14.B Setbacks	New WCF towers shall be set back from all property lines by a distance equal to the height of the tower plus five (5) additional lineal feet	The applicant plans indicate that the proposed WCF tower will be setback further than 85-feet which is the height of the tower plus 5-feet.	Yes with COA
60.70.35.15 Parking	1 readily accessible parking space shall be provided to serve the WCF tower, parking may be shared with existing uses on the site.	The applicant proposes to utilize one existing parking space on the existing Church lot, for the infrequent maintenance trips to the wireless facility.	Yes
60.70.35.16 Clustering of Towers	Clustering of towers shall be prohibited in Residential and Multiple Use Zones.	The applicant does not propose to cluster towers. This is the only wireless facility on the subject site and allows for future collocation.	Yes
60.70.35.17 Collocation Capacity	Collocation Capacity. New WCF towers and associated site area shall be designed to accommodate a minimum of one (1) additional future service...	The applicant provides analysis that shows that the site and proposed WCF tower will have adequate space for future collocation of an additional wireless service on the site.	Yes with COA
60.70.35.18 Standards for Multiple Use Zones	Specific standards for WCF in Multiple Use Zoning Districts.	The subject site is zoned R7, a residential zoning designation.	N/A
60.70.35.19 Standards for WCF in Public ROW	Specific standards for WCF in the Public ROW	The proposed WCF is located on private property.	N/A
60.70.60 Collocation Protocol	The applicant shall show proof satisfactory to the City that it has made reasonable inquiries at potential sites for collocation that would otherwise meet the applicant's need for signal coverage.	The applicant stated that they conducted a collocation study for the area and found that there were no viable opportunities for collocation within the area of Verizon's coverage objective. See section III (three) on page two of the applicant's written statement, for further explanation of the applicant's collocation study criteria.	Yes

CONDITIONS OF APPROVAL**WF2015-0011 - Verizon Tower at Cedar Hills Baptist Church**

1. In accordance with Section 50.90.1 of the Development Code, Wireless Facility Three approval shall expire after two (2) years from the date of approval unless prior to that time a construction permit has been issued and substantial construction pursuant thereto has taken place, or an application for extension is filed pursuant to Section 50.93, or that authorized development has otherwise commenced in accordance with Section 50.90.3.B. (Planning/JST)
2. All construction shall be carried out in accordance with the site plan and elevations as approved by the Planning Director, on file at City Hall. (Planning/JST)
3. The WCF tower and all attached equipment, including antennas, shall be painted dark brown with a matte finish. (Planning/JST)
4. No reflective material shall be permitted on the tower. (Planning/JST)
5. Proposed chain link fence shall be vinyl coated and slatted. (Planning/JST)
6. All landscaping shall be planted with water gel packs and will be inspected and maintained monthly for a minimum of two (2) years from final inspection. (Planning/JST)
7. No portion of the WCF Facility, including antennas and support equipment may be placed above 80 feet in height. (Planning/JST)

Prior to Building Permit issuance, the applicant shall:

8. New WCF towers and associated site area shall be designed to accommodate a minimum of one (1) additional future service. (Planning/JST)
 - a. Show that the construction of the proposed tower shall have a foundation of adequate size and structural bearing capacity to accommodate a tower with a minimum of two (2) antenna arrays.
 - b. Show how the construction of the proposed tower shall have a fenced enclosure of sufficient size to accommodate the equipment shelters for a minimum of two (2) antenna arrays.

9. Submit to the City a certified impervious surface determination of the proposed project prepared by the applicant's engineer, architect, or surveyor (this can be with or shown on the submitted building plans). The certification shall consist of an analysis and calculations determining the square footage of all impervious surfaces as a total. In addition, specific types of impervious area totals, in square feet, shall be given for roofs, equipment pads parking lots and driveways, sidewalk and pedestrian areas, and any gravel or pervious pavement surfaces. Calculations shall also indicate the square footage of pre-existing impervious surfaces, the new impervious surface area created, and total final impervious surfaces areas on the entire site. (Site Development/JD)
10. Pay a storm water system development charge (storm water quality, quantity, and overall system conveyance) for any net new impervious area proposed. (Site Development/JD)
11. Submit plans to the City that include erosion control measures that are designed to meet the requirements of the Clean Water Services District and Oregon Department of Environmental Quality. (Site Development/JD)

Prior to Final Permit Inspection, the applicant shall:

12. Have all landscaping and irrigation measures installed. (Planning/JST)
13. Have placed underground any new utility service lines within the project limits. No overhead power or communication lines shall be installed with this project. (Site Development/JD)
14. Install or replace all sidewalks, curb, ramps, and bike paths which are missing, damaged, deteriorated, or removed by construction. (Site Development/JDD)

Prior to Release of Performance Security, the applicant shall:

15. There will be no security required unless code required. (Site Development/JDD)