



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
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Date: August 26, 2020
To: Interested Person
From: Rodney Jennings, Land Use Services
503-823-5088 / Rodney.Jennings@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 20-139501 AD

GENERAL INFORMATION

Applicant: Zach Phillips
Crown Castle
5111 N Bowdoin St
Portland, OR 97203

Owner: Alex Lindquist
Lindquist Development Inc
PO Box 42135
Portland, OR 97242

Site Address: 2711 SE MILWAUKIE AVE

Legal Description: TL 11900 0.15 ACRES LAND ONLY SEE R328019 (R991111191) FOR BILLBOARD, SECTION 11 1S 1E

Tax Account No.: R991111190

State ID No.: 1S1E11BA 11900

Quarter Section: 3331

Neighborhood: Hosford-Abernethy, contact Michael Wade at wade.michael@comcast.net.

Business District: Central Eastside Industrial Council, contact at ceic@ceic.cc.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

Plan District: Central City - Central Eastside

Other Designations: None

Zoning: IG1 – General Industrial 1

Case Type: AD – Adjustment

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant has applied for permits to replace accessory equipment on an existing Radio Frequency (RF) Transmission Facility, also known as a cell tower. There is an existing chain link fence with sight-obscuring wood slats around the perimeter of the ground level accessory equipment area at the base of the cell tower. The applicant proposes to place a 6' high fully sight-obscuring painted corrugated metal fence on the north and east sides of the equipment enclosure at the base of the existing cell tower. Section 33.274.040.C.8.a of the Portland Zoning Code requires that there be a minimum 5' wide landscape area meeting the L3 landscape standard around the base of the tower and all accessory equipment. The L3 standard is described in Zoning Code Section 33.248.020.C and requires trees, groundcover, and enough high shrubs to form a screen 6' high. The applicant requests Adjustments to the standard in Section 33.274.040.C.8.a to allow the sight-obscuring corrugated metal fence instead of the L3 landscaping.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The site is a 6,544 square foot lot that is utilized primarily for parking and outdoor storage of vehicles associated with the industrial use located in the one-story building on the abutting lot north of the site. A two-story industrial building built to the lot line is located west of the site. The lots south of the site are used for outdoor storage of vehicles. The lots directly east of the site across SE Milwaukie Ave are developed with one- and two-story industrial buildings built to the street lot line. A railroad and light rail transit corridor are located northeast of the site across SE Milwaukie Ave.

Zoning: IG1 – General Industrial 1. The IG1 zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. IG1 areas generally have smaller lots and a grid block pattern.

Central City Plan District – The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. There are provisions of the Central City Plan District that apply to this request.

Land Use History: City records indicate the following prior land use review for this site:

LUR 01-00598 AD - Approval of an adjustment to reduce the perimeter landscaping of a Radio Frequency Transmission Facility and to mitigate by landscaping on an adjacent lot under identical ownership.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **August 6, 2020**.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the mailed Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The regulation to be Adjusted, 33.274.040.C.9.a., is one of the development standards for wireless facilities. The purpose for these standards are found at 33.274.040 A, Purpose, which states:

The development standards:

- *Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;*
- *Reduce the visual impact of towers and accessory equipment in residential and open space zones whenever possible;*
- *Protect adjacent populated areas from excessive radio frequency emission levels; and*
- *Protect adjacent property from tower failure, falling ice, and other safety hazards.*

Wireless facilities in the IG1 zone are allowed by right, and therefore are considered compatible with the adjacent uses found in the IG1 zone. The landscaping and screening standard in Section 33.274.040.C.8.a. is intended to reduce the visual impact of towers and accessory equipment located at grade. The other purposes are addressed via other standards in Chapter 33.274, such as RF emission level documentation to demonstrate there is not excessive emission levels, and structural review of tower strength at time of building permit review.

The proposal to provide a fully sight-obscuring corrugated metal fence in lieu of landscaping to block views of the ground level accessory equipment area meets the purpose of being compatible with adjacent uses because:

- Lots surrounding the site are all zoned IG1 and the lots north and west of the site are developed with buildings that block views of the equipment area from neighboring streets; and
- The view from SE Milwaukie Ave. of the corrugated metal fence in front of the ground level accessory equipment area will be similar to the view of the IG1 lot south of the site, which is used as an open storage yard for disabled motor vehicles and which is surrounded by a slatted wood chain link fence that also separates the yard from SE Milwaukie Ave.

Unlike vegetative landscaping, a metal fence can be marred by graffiti that will reduce the visual compatibility of the fence with the surroundings. To address this, a condition is necessary that the sight-obscuring corrugated metal fence be painted with an anti-graffiti coating.

The purpose of reducing the visual impact of the ground accessory equipment area from Residential and Open Space zones is met because the enclosure housing the ground level accessory equipment is not visible from any Residential or Open Space zones as there are no Residential or Open Space zoned properties within 350' of the site and the intervening area is developed with buildings that block any views of the enclosure.

With the above described condition requiring anti-graffiti coating on the sight-obscuring corrugated metal fence, this criterion will be met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is in the IG1 zone. SE Milwaukie Ave. is classified as a Traffic Access Street, a Major Transit Priority Street, a City Bikeway, a Major City Walkway, a Major Truck Street, and a Major Emergency Response Street. There will be no impact on vehicle transit, emergency vehicle, bicycle, pedestrian traffic from the proposal, as the facility is unmanned and will generate limited routine maintenance trips. Furthermore, the 6' high fully sight-obscuring painted corrugated metal fence will screen views of the ground level equipment from bicyclists and pedestrians who may pass by the site on SE Milwaukie Ave.

The desired character of the area is based on the character statement of the IG1 zone, on the purpose statement of the Central City Plan District and also of the envisioned character of adopted Central City 2035 plan. The character statement of the IG1 zone is in Zoning Code Section 33.140.030.C and states that IG1 areas generally have smaller lots and a grid block pattern and mostly developed with sites having high building coverages and buildings which are usually close to the street. The site is an open parking and storage area south and east of associated buildings that are built close to the street and cover most of their respective lots. The proposal is consistent with the intended character of the IG2 zone as the proposal will not alter this pattern of buildings that are close to streets and cover the majority of their respective lots. The addition of the 6' high fully sight-obscuring painted corrugated metal fence between the ground level RF equipment and SE Milwaukie Ave will enhance the appearance of the site as viewed from this street.

As stated in Zoning Code Section 33.510.010, the purpose of the Central City Plan District is *“to implement the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.”* The site is in an industrially zoned area of the Central City Plan District that is not near the Willamette River, and the proposal is consistent with the other purposes of the Central City Plan District because the addition of the fence will not impact employment opportunities on the site, and the proposed fully sight-obscuring fence will enhance the appearance of the site when viewed by pedestrians and bicyclists from the public realm on SE Milwaukie Ave. The proposal is also consistent with the applicable policy of the Central City 2035 Plan:

*POLICY 1.CE-1 Next generation industrial/employment sanctuaries.
a. Industrial center. Protect the Central Eastside as a centralized hub of industrial businesses and services that support the regional economy by serving other industrial districts and businesses located throughout the Portland metropolitan area.*

The site is developed with industrial uses and is in the Central Eastside Subdistrict of the Central City 2035 Plan, and the addition of the fully sight-obscuring metal fence between the ground level equipment and SE Milwaukie Ave will enhance the appearance of the site as viewed from this street which will support the continued industrial use of the area.

This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal to provide a fully sight-obscuring painted corrugated metal fence in lieu of 5' of L3 landscaping around the ground level accessory equipment of an RF facility is compatible with the industrial character the IG1 zoned site and vicinity. Because the sight-obscuring corrugated metal fence may be subject to vandalism which would reduce the compatibility of the fence with the surroundings, a condition is necessary that the fence be painted with an anti-graffiti coating. The site is not visible from any Residential or Open Space zones. The proposal will have no impact on the movement of pedestrian, bicycle, transit, or vehicle traffic on SE Milwaukie Ave. The proposal is consistent with the desired character of the area as envisioned in the character statement of the IG1 zone, the purpose of the Central City Plan District and the goals and policies of the adopted Central City 2035 Plan.

ADMINISTRATIVE DECISION

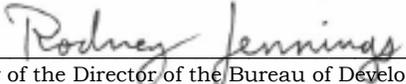
Approval of an Adjustment to waive the requirement to provide a 5' wide L3 landscape area around the ground accessory equipment area of an existing Radio Frequency Transmission facility (Section 33.274.040.C.8.a), per the approved site plans, Exhibits C.1 and C.2, and subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related condition B must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 20-139501 AD." All requirements

must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The new sight-obscuring corrugated metal fence will be painted with an anti-graffiti coating.

Staff Planner: Rodney Jennings

Decision rendered by:  **on August 24, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 26, 2020

Procedural Information. The application for this land use review was submitted on April 23, 2020, and was determined to be complete on August 3, 2020.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 23, 2020.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: December 1, 2020.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to paper files, only digital copies of

material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 26, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires unless a building permit has been issued, or the approved activity has begun by January 1, 2024.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

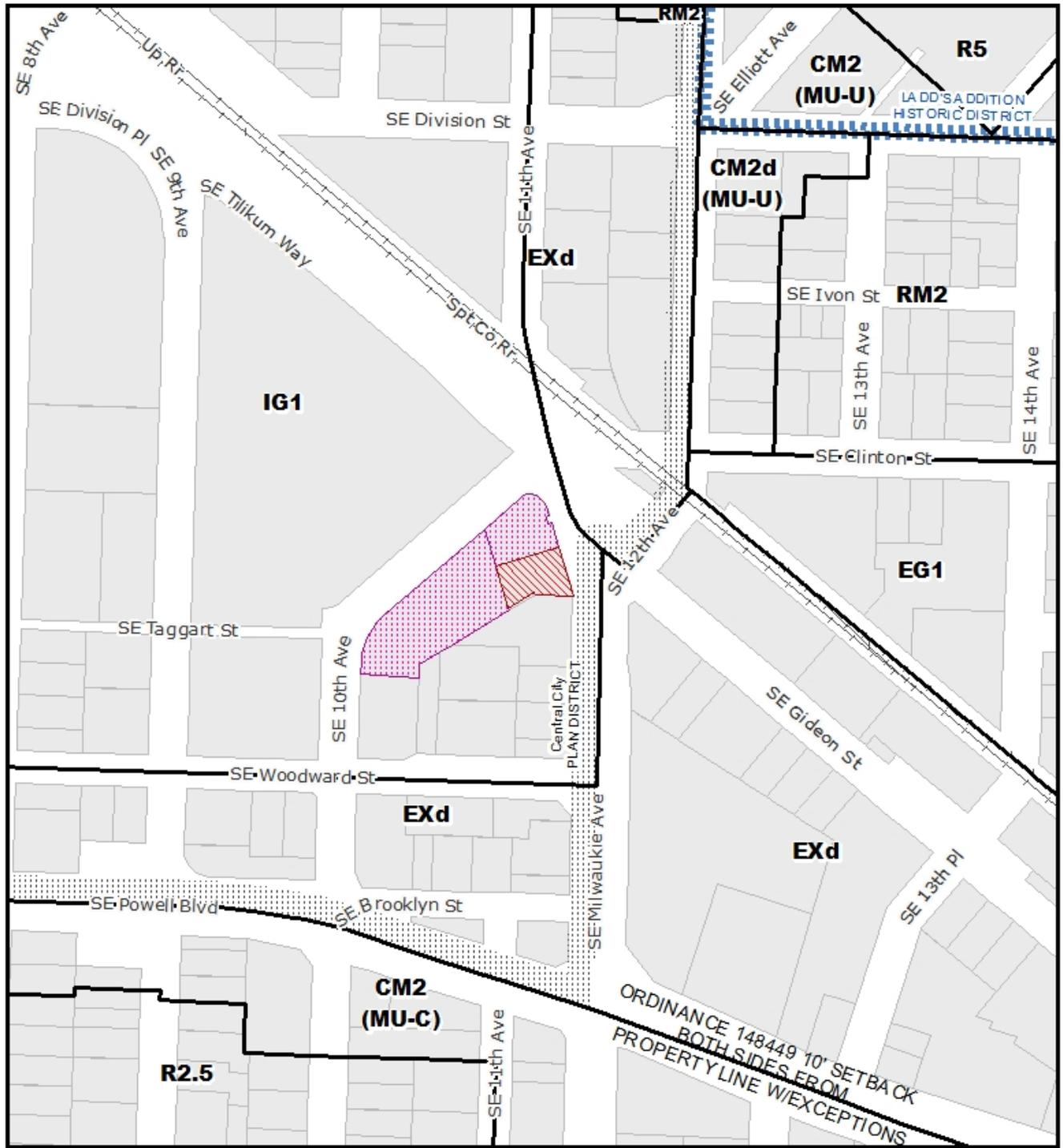
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements and Plans
 1. Original Statement and Plans, received April 23, 2020
 2. Revised Statement and Plans, received May 13, 2020
 3. Revised Statement and Plans, received July 16, 2020
 4. Revised Statement, received July 31, 2020
 5. Revised Site and Landscape Plans, received August 24, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Landscape and Elevation Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received
- F. Correspondence (none)
- G. Other:
 1. Original LU Application
 2. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING


 NORTH
 CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUB DISTRICT

-  Site
-  Also Owned Parcels

File No.	LU 20 - 139501 AD
1/4 Section	3331
Scale	1 inch = 200 feet
State ID	1S1E11BA 11900
Exhibit	B Apr 28, 2020

T-Mobile
 1290 SE SITE STREET
 BELLEVUE, WA 98005

CROWN CASTLE
 1800 WHEELER AVENUE NORTH, SUITE 800
 SEATTLE, WA 98109

T-MOBILE SITE NUMBER:
PO01207C
 BU #: 822800
BROOKLYN PARK
 2711 SE MILWAUKIE AVENUE
 PORTLAND, OR 97202
 EXISTING 100'-0" MONOPOLE

ISSUED FOR:

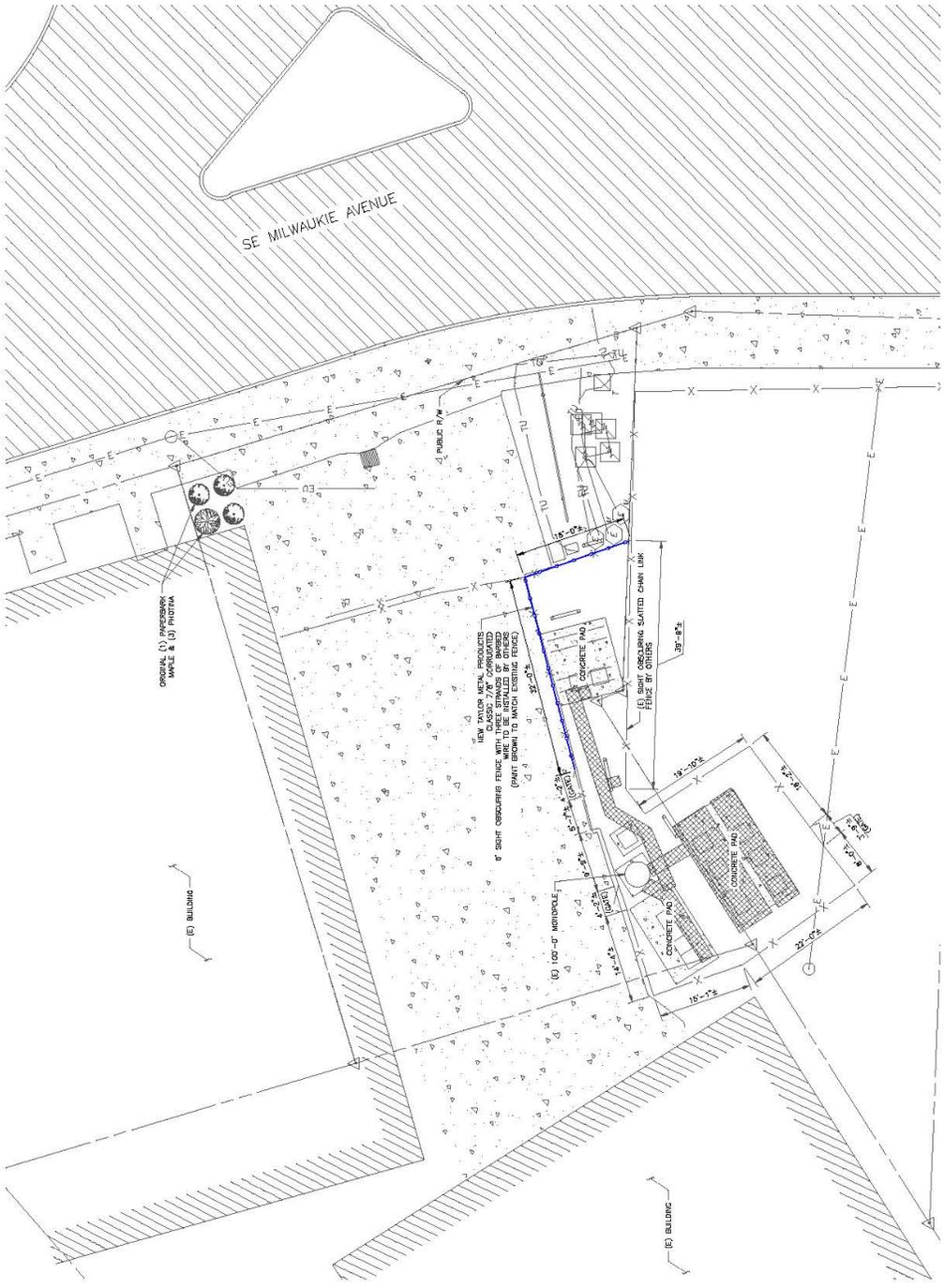
NO.	DATE	BY	DESCRIPTION	CHK. BY
A	06/17/08	M	PRELIMINARY	SM
B	06/17/08	SM	PRELIMINARY	M
C	06/17/08	M	PRELIMINARY	M

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

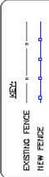
Andres Jarama, P.E.
 Professional Engineer License: 70494905

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PROJECT NUMBER: **C-1** **C**



LANDSCAPE PLAN
 1
 SCALE: 1/8" = 1'-0" (1/4" = 1'-0")



LU 20-139501 AD
 Exhibit C.1



1000 3RD AVENUE SUITE 200
SEATTLE, WA 98104



1905 WESTLAKE AVENUE NORTH, SUITE 800
SEATTLE, WA 98108

T-MOBILE SITE NUMBER:
FO06L2W7C

BU #: 822800
BROOKLYN PARK

2711 SE MILWAUKIE AVENUE
PORTLAND, OR 97202

EXISTING 100'-0" MONOPOLE

ISSUED FOR:

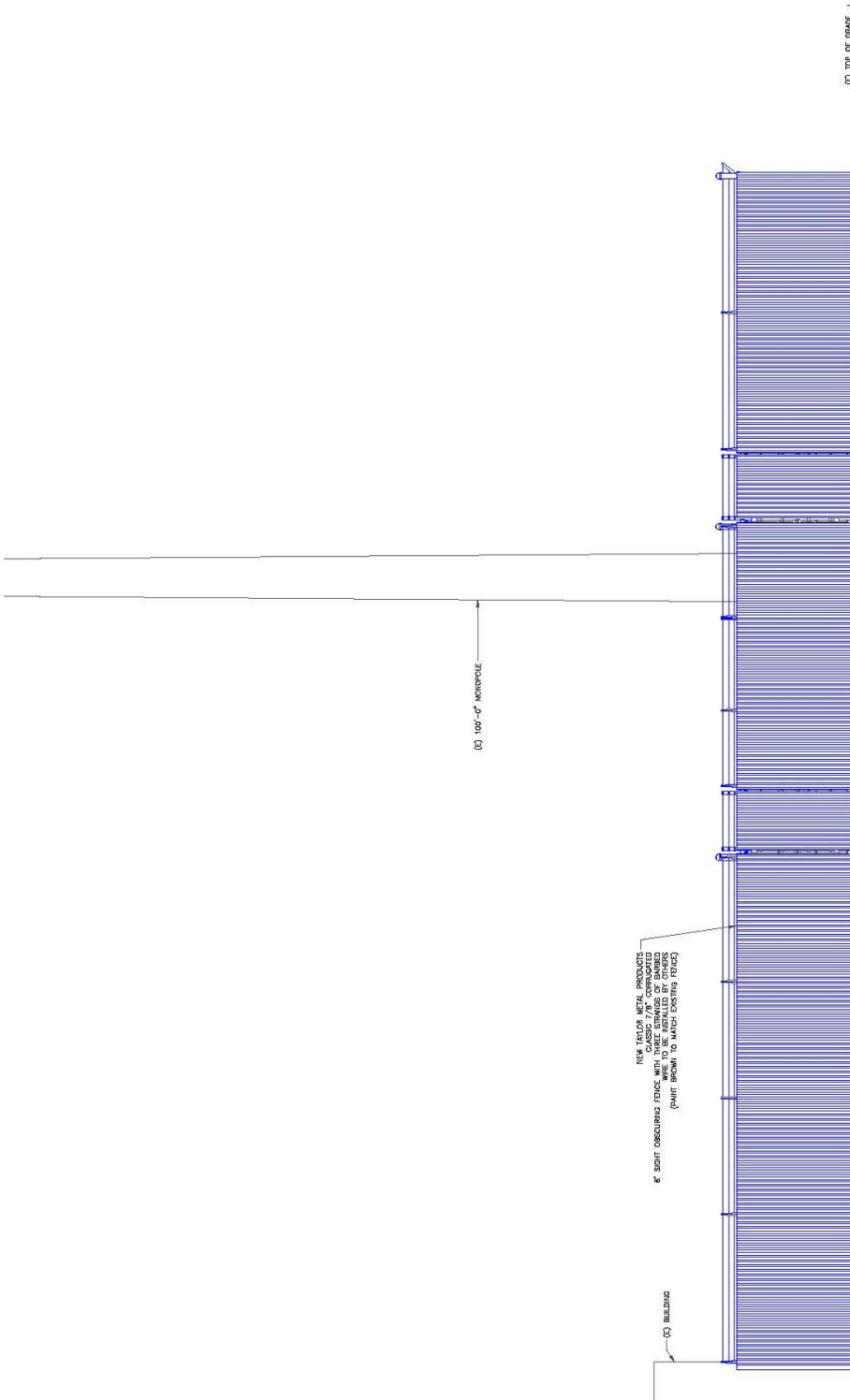
REV	DATE	ISSUED	DESCRIPTION	DATE
A	06/21/09	M	PRELIMINARY	M
B	06/25/09	DM	PRELIMINARY	DM
C	06/25/09	M	PRELIMINARY	M

**THIS DOCUMENT IS
PRELIMINARY IN
NATURE AND IS NOT A
FINAL, SIGNED AND
SEALED DOCUMENT**

Author: Joseph Paulsen, S.E.P.E.
Publisher: Joseph Paulsen, S.E.P.E.

IT IS A VIOLATION OF LAW FOR ANY PERSON,
ORGANIZATION OR BUSINESS CONCERN
TO REPRODUCE OR TRANSMIT IN ANY MANNER
OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,
TO ATTEMPT THIS DOCUMENT.

SHEET NUMBER: **C-2** SECTION: **C**



1 ELEVATION LANDSCAPE PLAN
SCALE: 3/8" = 1'-0" (1/8" = 1'-0")

LU 20-139501 AD
Exhibit C.2