

Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-05

Date: April 1, 2022

Case File: DEV REV 2022-05 AT&T equipment upgrade

Applicant: Phillip Kitzes, Project Manager
J5 Infrastructure Partners

Property Owner: Tower owner: New Cingular Wireless PCS, LLC (AT&T)
19801 SW 72nd Ave, Suite 200
Tualatin, OR 97602

Site owner: Episcopal Parish of St. James
In Trust FBO Diocese of Oregon
Attn: Kary Mathis
PO Box 789
Lincoln City, OR 97367

Situs Address: 2490 NE Hwy 101

Location: Cell tower approximately 360 feet east of Hwy 101 and 280 feet south of NW 25th St

Tax Map and Lot: 07-11-11-BC-00401-00

Comprehensive Plan Designation: High Density Residential (R-M)

Zoning District: Multiple-Unit Residential (RM) Zone

Site Size: 2.61 acres

Proposal: Remove and replace cabinets and antennas

Surrounding Land Uses and Zones: North: Undeveloped; RM
South: Businesses; GC
East: Kirtsis Park
West: Businesses, Hwy 101; GC

Authority: Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review an application for development review for compliance with all requirements of LCMC Title 17, and approve with conditions or disapprove the application.



Procedure: The application was received and deemed complete on March 29, 2022. On April 1, 2022, pursuant to LCMC 17.76.040.E, city staff mailed a notice of receipt of application to property owners within 250 feet of the subject property. No comments were received in the 14-day comment period.

Applicable Substantive Criteria: LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone
LCMC Section 17.76.040 Type II Procedure
LCMC Section 17.77.070 Development Review
LCMC Chapter 17.80.180 Wireless Communications Facilities

BACKGROUND

The subject property (site) is St. James Episcopal Church, a developed site and contains an existing wireless communications facility. The conditional use approval for the existing facility was granted in December 2001, via CUP 02-01, with conditions.

The applicant’s submitted narrative requests approval for the following items: removal of existing equipment and cabinets by others and replacement with AT&T equipment. There will be a backup generator in the event of a power outage and for emergency purposes.

There will be no change to the existing tower, its height or size, or any modifications to the compound itself. No new impervious surfaces will be added.

ANALYSIS

Chapter 17.20 Multiple-Unit Residential (R-M)
17.20.040 Conditional uses permitted

Finding: Wireless communications facilities are listed as a permitted conditional use (17.20.040.I), subject to the provisions of LCMC 17.80.180. The existing wireless communications facility received conditional use approval in 2001. No new wireless communications facilities are proposed.

17.20.050 Setback requirements.

- A. *Front Yard. 10 feet*
- B. *Side, Street Side and Rear Yard. 10 feet, 10 feet, 25 feet*

Finding: The request does not include any new buildings, so the setback requirements are not applicable.

17.20.050 Minimum lot width.

Finding: This requirement is not applicable since the request does not involve a partition, a subdivision, or any other form of lot creation.

17.20.050 Maximum building height.

Finding: No new buildings or structures are proposed as part of this request. The existing wireless communications facility will remain at its current height. This requirement is not applicable.

17.20.050 Maximum building coverage.

Finding: No new building or structures are proposed as part of this request, so this requirement is not applicable.

17.20.060 Landscaping.

Finding: Landscaping requirements are addressed later in this report under Chapter 17.55.

17.20.090 Off-street parking and loading

Finding: Off-street parking and loading requirements are addressed later in this report under Chapter 17.56.

17.20.100 Design standards

Finding: This request does not involve the development of an undeveloped site, the redevelopment of a previously-developed site, or new construction of any building or structure; therefore, the design standards are not applicable.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.060 Clear-vision area requirement.

Finding: This request involves the addition of antennas to an existing wireless communications facility. The submitted site plan shows that the existing facility is outside of any clear-vision areas.

17.52.120 Utilities.

Finding: The request does not involve new construction of any buildings or structures, so this requirement is not applicable.

17.52.150 Exterior lighting.

Finding: No exterior lighting is proposed as part of this application.

17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas.

Finding: This request does not involve the placement of any solid waste, garbage, trash, recycling, and composting receptacles, so this requirement is not applicable.

17.52.180 Placement and screening of mechanical equipment.

Finding: The request does not involve the placement of any new mechanical equipment, so this requirement is not applicable.

17.52.190 Building height limitations.

Finding: The request does not involve new construction or addition to existing construction, so this requirement is not applicable.

17.52.220 Tree protection and removal.

Finding: This request involves the addition of antennas to an existing wireless communications facility. No existing trees will need to be removed or protected as part of the request. This requirement does not apply.

17.52.230 Public infrastructure improvement requirements.

Finding: This request involves the addition of antennas to an existing wireless communications facility. This requirement does not apply.

17.52.300 Traffic impact study (TIS) requirements.

Finding: This request involves the addition of antennas to an existing wireless communications facility, which does not trigger the requirement for a traffic impact study.

Chapter 17.55 Landscaping Standards

Finding: This request involves the addition of antennas to an existing wireless communications facility. The approved CUP 02-01 required landscaping as part of the approval. Staff inspected the site for continued compliance with the landscaping conditions of approval from CUP 02-01 and found the site to be in compliance with the previous conditions of approval. This requirement is satisfied with continued compliance with CUP 02-01 conditions of approval.

Chapter 17.56 Off-Street Parking and Loading

Finding: This request does not involve the erection of a new building, or the enlargement of an existing building; therefore, the off-street parking and loading requirements are not applicable.

Chapter 17.74 Design Standards

Finding: This request does not involve the development of an undeveloped site, the redevelopment of a previously-developed site, or new construction of any building or structure; therefore, the design standard requirements are not applicable.

Chapter 17.77 Applications

17.77.070 Development review.

B. Exemptions. The activities, development and construction projects listed below are exempt from development review:

9. Development meeting all of the following criteria:

Finding: The project proposes no new structures, no expansion of existing structures, no changes to existing on-site traffic circulation patterns, and no addition of any parking spaces. Accordingly, the development review criteria do not apply to this application.

Chapter 17.80 Provisions Applying to Special Uses

17.80.180 Wireless communications facilities.

A. Review Authority Action. In addition to the findings required by LCMC 17.77.060, in order to grant approval, or approval with conditions of a conditional use permit for a wireless communications facility, the planning commission must find, based upon evidence provided by the applicant, that:

Finding: The conditional use permit approval for the wireless communications facility was granted in December 2001, via CUP 02-01. Final Order 2001-17 was signed in January 2002, approving the wireless

communications facility with conditions. Planning reviews have been conducted in association with the subsequent building permits, as follows:

Application Date	Building Permit Number	Project Description	Planning Review	Permit Status
8/18/2020	521-20-000345-STR	T-Mobile proposes to replace equipment on existing tower	NA	Expired
3/9/2018	521-18-000110-STR	Verizon proposes replacing 12 existing antennas with 6 new antennas and replacing 18 remote radio units with 12 new RRUs	NA	Expired
12/29/2017	521-17-000630-STR	Sprint proposes installing 3 RRU's, a Battery String and a 2.5 Kit within existing cabinets within existing compound	Approved	Finaled 5/11/2018
11/27/2016	521-16-000195 STR	Verizon proposes temporary microwave	None	Issued 12/8/2016
8/4/2016	521-S16-154	Sabre Communications proposes structural reinforcements to existing cell tower	None	Finaled 6/22/2017
5/12/2016	521-S16-092	Verizon proposes to install wireless communications to existing pole	Approved	Finaled 1/10/2017
10/2/2012	521-S12-150	Sprint proposes to install replacement antennas and ground equipment at Spring Spectrum's existing wireless communication facility	Approved	Finaled 8/5/2016

6. *Administrative Approval of Co-Location Application. If an applicant wishes to co-locate by placing antennas or other transmission and reception devices on an existing tower, building, or other structure, the director may approve the co-location application, or approve it with conditions.*

Finding: The request is to co-locate by placing antennas on an existing tower. Outdated equipment and cables will also be removed and replaced with updated items, which is considered routine repairs and maintenance and does not require approval. All conditions of approval from CUP 2002-01 remain in force. Pursuant to 47 USC 1455 and the rules adopted by the Federal Communications Commission, 47 CFR 1.16100, the request qualifies as an Eligible Facilities Request. Federal law provides that a local jurisdiction has 60 days from the date that an Eligible Facilities Request is filed to approve the application. If more than 60 days elapse from the date this Eligible Facilities Request permit application is filed, and the local government does not act on this application, the application will be deemed granted under federal law.

DECISION

Based upon an analysis of the request against applicable criteria, staff concludes all criteria have or will be met, and thus **APPROVES** the request to co-locate by placing antennas or other transmission and reception devices on the existing tower at 2490 NE Hwy 101, subject to the following conditions:

1. Full compliance with all conditions of approval from CUP 02-01 shall continue.

Approved by:



Anne Marie Skinner
Director, Planning & Community Development

April 20, 2022
Date