CITY OF TUALATIN
Planning Division

Land Use Application

Project Information		
Project Title: ATT PD33 Boones & Ibach WCF Collocation		
Brief Description: The project involves collocating at an existing wireless facility by extending the pole 18 feet (18') for the antennas, radios and other ancillary equipment. The ground space for the operating equipment will be in the existing wireless compound and will encompass 150 square feet (10'x15').		
Estimated Construction Value: 80,000		
Property Information		
Address: 9000 SW Norwood Road, Tualatin, OR 97062		
Assessor's Map Number and Tax Lot(s): R2154937		
Applicant/Primary Contact		
Name: Phillip Kitzes (authorized agent)	Company Name: Centerline, on behalf of New Cingular Wireless PCS (AT&T)	
Address: 23035 SE 263rd Street (remote)		
City: Maple Valley	State: WA	ZIP: 98038
Phone: 206.227.7445	Email: pkitzes@clinellc.com	
Property Owner		
Name: City of Tualatin		
Address: 10699 SW Herman Road		
City: Tualatin	State: OR	ZIP: 97052
Phone: 503.691.3010	Email: brussell@tualatin.gov	
Property Owner's Signature: **See LOA from City of Tualatin (Bates Russell)**		Date:

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION IN AND INCLUDED WITH THIS APPLICATION IN ITS ENTIRETY IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.	
Applicant's Signature: Phil Kitzes	Date: 3.17.25

Land Use Application Type:

- ☐ Annexation (ANN)
- ☒ Architectural Review (AR)
- ☐ Architectural Review—Single Family (ARSF)
- ☐ Architectural Review—ADU (ARADU)
- ☐ Conditional Use (CUP)
- ☐ Historic Landmark (HIST)
- ☐ Industrial Master Plan (IMP)
- ☐ Plan Map Amendment (PMA)
- ☐ Plan Text Amendment (PTA)
- ☐ Tree Removal/Review (TCP)
- ☐ Minor Architectural Review (MAR)
- ☐ Minor Variance (MVAR)
- ☐ Sign Variance (SVAR)
- ☐ Variance (VAR)
- ☐ Other _____

Office Use		
Case No:	Date Received:	Received by:
Fee:	Receipt No:	

LETTER OF AUTHORIZATION

APPLICATION FOR ZONING/LAND USE ENTITLEMENTS

Property Address: 8930 SW Norwood Road, Tualatin, OR 97062

For APN/Parcel ID(s): R2154937 For Tax Map ID(s): 2S135DA00101

I/We, the owner(s) of the above described property, authorize **New Cingular Wireless, doing business as AT&T Mobility,** whose address is 19801 SW 72nd Ave., Tualatin, OR. 97062, its employees, representatives, agents, and/or consultants, to act as an agent on my/our behalf for the sole purpose of consummating any and all building and land-use permit applications, or any other entitlements necessary for the purpose of constructing and operating a wireless telecommunications facility. I/We understand that any application may be denied, modified, or approved with conditions, and that such conditions or modifications must be complied with prior to issuance of building permits, and at all times thereafter.

I/We further understand that signing of this authorization in no way creates an obligation of any kind.

OWNER(S):

Bates Russell	
Print Name	Print Name
Information Services Director	
Title	Title
Signature	Signature
Date: **2/20/2025**	Date:

Site Name: PD33 Boones & Ibach

Architectural Type II Review Application
Wireless Communications Facility Project Narrative
(AT&T: PD33 Boones & Ibach)

Submitted to City of Tualatin, Oregon
Community Development – Planning & Zoning Department

Submitted: March 17, 2025

Centerline Communications, on behalf of New Cingular Wireless PCS, LLC ("AT&T") 19801 SW 72nd Ave. Ste 200, Tualatin, OR 97062

Representative:	Centerline Communications, LLC 23035 SE 263rd Street (Remote) Maple Valley, WA 98038 **Contact:** Phillip Kitzes 206.227.7445 pkitzes@clinellc.com
Property-Owner:	City of Tualatin 10699 SW Herman Road Tualatin, OR 97062
Project Address:	9000 SW Norwood Road Tualatin, OR 97052
Description & Tax Lot:	GPS Coordinates: 45.35153, -122.76908 Parcel No. R2154937
Zoning Classification:	Institutional Zone (IN)

Centerline Communications, LLC, is submitting this application on behalf of New Cingular Wireless PCS, LLC ("AT&T").

1. PROJECT OVERVIEW

AT&T is proposing to construct a new 18-foot extension to the existing monopole ("WCF" or "facility"), PD33 Boones & Ibach site, at the abovementioned address. The objective is to provide outdoor, in vehicle, and in-building coverage within a geographic area in high demand. All ground equipment will be located within a 10'x15' (150 SF) secured lease area. (Note: This lease area is within the existing wireless compound between the two (2) water tanks.) The antennas and ancillary equipment on the pole will be in size and scale as the existing equipment and colored to match. There will be a backup generator for emergency purposes only.

AT&T intends for its application of the proposed Wireless Communication Facility (WCF) to include the following documents (collectively, "AT&T's Application"):

- **Attachment 1 Project Narrative (this document)**
- **Attachment 2 Statement of Code Compliance**
- **Attachment 3 Land Use Application (Architectural Review)**
- **Attachment 4 Letter of Authorization (landowners)**
- **Attachment 5 Fire TVF&R SPP (No Requirement Email)**
- **Attachment 6 Clean Water Services Approval**
- **Attachment 7 Neighborhood Meeting Information**
- **Attachment 8 Mailing Affidavit**
- **Attachment 9 Certification of Posting**
- **Attachment 10 WPC 6409 Justification Letter**
- **Attachment 11 Staff Response to WPC Letter (Agreement)**
- **Attachment 12 RF Justification Report**
- **Attachment 13 Statement of Safety Compliance (AT&T)**
- **Attachment 14 Noise Report**
- **Attachment 15 FCC License**
- **Attachment 16 RFSSRP Report**
- **Attachment 17 Photo-simulations**
- **Attachment 18 Title Report**
- **Attachment 19 Land Use Plan Set**

As shown in AT&T's Application, AT&T's proposal meets the city's criteria for siting new wireless communications facilities and complies with all other applicable municipal, state, and federal regulations. AT&T's proposal is also the least intrusive means of meeting AT&T's service objective. Accordingly, AT&T respectfully requests that the city approve this project as proposed and modify the approved conditional use permit to allow collocation.

Please Note: The responses and information included in **this document** are intended to support and supplement this application request. All references to "Attachments" in this Project Narrative and the Statement of Code Compliance are in reference to the attachments included as part of AT&T's Architectural Review Application.

2. PROPOSED PROJECT DETAILS

2.1. Subject Property. Detailed information regarding the subject property and proposed lease area is included in **Attachment 18, Land Use Plan Set.**

2.1.1. Proposed Location; Use; Zoning.

- The property is approximately 1.40 acres and zoned Institutional (IL). The existing wireless facility is located between the two (2) water tanks on the property. The property is relatively flat and there is very little vegetation. The primary us of the site is for the water tanks that serve the community. The existing 110-foot wireless facility is structurally designed to allow for other carriers.

The proposal is to extend the pole 18 feet (a total height of 128') to allow for the collocation of the new antennas without interfering with the existing carrier. The aerial equipment will be similar in size, scale, and color to the existing equipment.

Surrounding land uses include:

- North: Residences
- South: Residences
- East: Residences
- West: Open area; Ball field

2.1.2. Lease Area.

- Again, the lease area is a 10'x15' (150 SF) within an existing secured fence area (slated chain-link with razor wire) that will contain the ground equipment and the emergency backup generator. (the "Lease Area"). This is completely within the existing wireless compound.

2.1.3. Access and Parking.

- Access is from a private access tract (gated) from SW Tutelo Lane that serves both the water purveyor and wireless facility.
- There will be parking in front of the lease area. As the proposed Facility will be an unmanned wireless facility, after the initial construction, AT&T will only regularly access the Facility for maintenance and inspections, which will likely generate no more than one or two trips per month with a single vehicle.

2.1.4. Utilities.

- **Power.** Power will be provided by the local purveyor. AT&T's GC will install a new meter base and will run conduit from the new meter base to the new equipment. A bridge will be provided from the equipment to the antennas.
- **Fiber.** Fiber to the Facility will be provided via the local fiber purveyor.
- **Other.** Given this is an unmanned wireless communications facility, no water, sewer, or other utilities are required.

2.2. Wireless Facilities and Equipment. Specifications of the facilities outlined below, including a site plan, can be found in **Attachment 18, Land Use Plan Set.**

2.2.1. Antennas and accessory equipment.

- The Three (3) Sectors on the 18-foot monopole extension will contain the following AT&T equipment:
- Nine (9) panel antennas
- Twelve (12) remote radio head units (RRHs)
- Six (6) remote RRH mounts
- Two (2) surge protectors

- Three (3) Mounting Brackets
- All other associated and accessory equipment

2.2.2. Ground equipment.

- Ground equipment includes:
- Two (2) Equipment cabinets (one walk-up)
- One (1) Generator w/ concrete pad
- One (1) Cable Bridge
- One (1) GPS
- Fiber/power cable
- All associated and accessory equipment

3. NETWORK COVERAGE AND SERVICES.

3.1. Overview—AT&T LTE. AT&T is upgrading and expanding its wireless communications network throughout the Pacific Northwest, including the installation of the latest 4G technology at this proposed facility. LTE stands for "Long Term Evolution." This acronym refers to the ongoing process of improving wireless technology standards with speeds up to ten times faster than 3G. LTE technology is the next step in increasing broadband speeds to meet the demands of uses and the variety of content accessed over mobile networks.

Upon completion of this update, AT&T will operate a state-of-the-art digital network of wireless communications facilities throughout the proposed coverage area as part of its nationwide wireless communications network.

The new Facility will allow for uninterrupted wireless service in the targeted service area with fewer dropped calls, improved call quality, and improved access to additional wireless services that the public now demands. This includes emergency 911 calls within the area.

3.2. Network Service Objectives for Proposed Facility. The proposed new facility is a service coverage site., AT&T's existing coverage in the area is at or near its capacity and is insufficient for the volume of traffic. There are gaps in the coverage area in the immediate vicinity and north and south of the site

The proposed Facility meets AT&T's service objectives to provide sufficient continuous and uninterrupted outdoor, in-vehicle, and in-building wireless service within the Targeted Service Area, resulting in fewer dropped calls, improved call quality, and improved access to additional wireless services the public now demands (this includes emergency 911 calls).

4. SEARCH RING. AT&T's radio frequency ("RF") engineers performed an RF engineering study, considering multiple objectives, to determine the approximate site location and antenna height required to fulfill the noted network objectives for the Targeted Service Area.

From this study, AT&T's RF engineers identified a specific geographic area or "search ring" area, where a WTF may be located to provide effective service. The search ring established for this proposal is provided in **Attachment 12, RF Justification Report**.

5. APPLICABLE LAW

5.1. Local Codes. A pre-application meeting was held December 11, 2024, and it was determined that Architectural Review (Type II) and Variance applications were required to allow for the height extension and to ensure compatibility of the neighborhood. Subsequently, we argued that a variance was not necessary given this qualified under Section 6409 of the Federal Middle-Class Relief and Job Creation Act ("Section 6409"). The Wireless Policy Group, LLC prepared a letter that reviewed both state and local code requirements and concluded that the extension would be allowed (no variance) from the existing 110-foot height (see **Attachment 10**). Staff concluded that this was acceptable, and that Architectural Review was the proper application for this project (see **Attachment 11**). See **Attachment 2, Statement of Code Compliance** for AT&T's demonstration of compliance with the applicable code sections.

5.2. Federal Law. Federal law, primarily found in the Telecommunications Act of 1996 ("Telecom Act") acknowledges a local jurisdiction's zoning authority over proposed wireless facilities but limits the exercise of that authority in several important ways.

5.2.1. Local jurisdictions may not materially limit or inhibit. The Telecom Act prohibit a local jurisdiction from taking any action on a wireless siting permit that "prohibit[s] or [has] the effect of prohibiting the provision of personal wireless services." 47 U.S.C. §332(c)(7)(B)(i)(II). According to the Federal Communications Commission ("FCC") Order adopted in September 2018, a local jurisdiction's action has the effect of prohibiting the proviso of wireless service when it "materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment."[2] Under the FCC Order, an applicant need not prove it has a significant gap in coverage; it may demonstrate the need for a new wireless facility terms of adding capacity, updating to new technologies, and/or maintaining high quality service.[3] While an applicant is no longer required to show a significant gap in service coverage, in the Ninth Circuit, local jurisdiction clearly violates section 332(c)(7)(B)(i)(II) when it prevents a wireless carrier from using the least intrusive means to fill a significant gap in service coverage. *T-Mobile U.S.A., Inc. v. City of Anacortes*, 572 F.3d 987, 988 (9th Cir. 2009).

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[1] *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84 (rel. Sept. 27, 2018); 83 Fed. Reg. 51867 (Oct. 15,2018) ("FCC Order"). [2] Id. at ¶ 35. [3] Id. at ¶¶ 34-42.

- **Significant Gap**. Reliable in-building coverage is now a necessity and every community's expectation. Consistent with the abandonment of land line telephones and reliance on only wireless communications, federal courts now recognize that a "significant gap" can exist based on inadequate in-building coverage. See, e.g., *T-Mobile Central, LLC v. Unified Government of Wyandotte County/Kansas City,* 528 F. Supp. 2d 1128, 1168-69 (D.Kan. 2007*), affirmed in part,* 546 F.3d 1299 (10th Cir. 2008); *MetroPCS, Inc. v. City and County of San Francisco,* 2006 WL 1699580, *10-11 (N.D. Cal. 2006).

- **Least Intrusive** Means. The least intrusive means standard "requires that the provider 'show that the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.'" 572 F.3d at 995, *quoting MetroPCS, Inc. v. City of San Francisco*, 400 F.3d 715, 734 (9th Cir. 2005). These values are reflected by the local code's preferences and siting requirements.

5.2.2. Environmental and health effects prohibited from consideration. Also under the Telecom Act, a jurisdiction is prohibited from considering the environmental effects of RF emissions (including health effects) of the proposed site if the site will operate in compliance with federal regulations. 47 U.S.C. § 332(c)(7)(B)(iv). AT&T has included with this application a statement from its radio frequency engineers demonstrating that the proposed facility will operate in accordance with the Federal Communications Commission's RF emissions regulations. *See* **Attachment 12, RF Justification Report**. Accordingly, this issue is preempted under federal law and any testimony or documents introduced relating to the environmental or health effects of the proposed site should be disregarded in this proceeding.

5.2.3. No discrimination amongst providers. Local jurisdiction also may not discriminate amongst providers of functionally equivalent services. 47 U.S.C. § 332(c)(7)(B)(i)(I). A jurisdiction must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

5.2.4. Shot Clock. Finally, the Telecom Act requires local jurisdictions to act upon applications for wireless communications sites within a "reasonable" period of time. 47 U.S.C. § 332(c)(7)(B)(ii).

The FCC has issued a "Shot Clock" rule to establish a deadline for the issuance of land use permits for wireless facilities. 47 C.F.R. § 1.6001, *et seq*. According to the Shot Clock rule, a reasonable period for local government to act on wireless applications is 120 days for a collocation application, with "collocation" defined to include an attachment to any existing structure regardless of whether it already supports wireless, and 150 days for all other applications.

The Shot Clock applies to all authorizations required for siting a wireless facility, including the building permit, and all application notice and administrative appeal periods. Pursuant to federal law, the reasonable time period for review of this application is 120 days.

Thank you for your time and consideration in the review of this request. Please feel free to contact me by phone (206.227.7445) or email (pkitzes@clinellc.com) if there are any questions or comments.

CENTERLINE COMMUNICATIONS, LLC

Phil Kitzes

PHILLIP KITZES
Project Manager

STATEMENT OF CODE COMPLIANCE
Architectural Type II Review Application
Wireless Communications Facility Project
(AT&T: PD33 Boones & Ibach Collocation Project)

Submitted to the City of Tualatin
Community Development – Planning & Zoning Department

Submitted: March 17, 2025

AT&T's proposal complies with all requirements of City of Tualatin's codes, which are specified under the approval criteria for an Architectural Review. in this Statement of Code Compliance, the following development codes are addressed in this order:

(Note: Not all the Sections of the Development Code are applicable.)

Criteria Approval outlined in Architectural Review Application:
Chapter 33.110 Tree Removal (not applicable)
Chapter 73A: Site Design Standards
Chapter 73B: Landscaping
Chapter 73C: Parking
Chapter 73D: Waste Management (not applicable)
Chapter 74: Public Improvement Requirements
Chapter 75: Access Management

Other Pertinent Code Requirements:
Chapter 49 - Institutional Zone
Chapter 73F - Wireless Communications Facilities

PLEASE NOTE: AT&T's responses to the above referenced criteria are indicated below each applicable provision in ***italicized blue text.***

Criteria Approval outlined in Architectural Review Application:

Chapter 73A: Site Design Standards

TDC 73A.010. Site and Building Design Standards Purpose and Objectives (only applicable section)

(1) *Purpose.* The purpose of the site and building design objectives and standards found in TDC 73A through TDC 73G is to promote functional, safe, innovative, and attractive sites and buildings that are compatible with the surrounding environment, including, but not limited to:
   (a) The building form, articulation of walls, roof design, materials, and placement of elements such as windows, doors, and identification features; and

(b) The placement, design, and relationship of proposed site elements such as buildings, vehicular parking, circulation areas, bikeways and bike parking, accessways, walkways, buffer areas, and landscaping.

Response: *This project involves collocating onto an existing monopole by extending it 18 feet. In doing so, the applicant is reducing the proliferation of towers in the city which benefits the community. The project is compatible with the existing use of the property given it has the tower and there are two (2) water tanks that provide some screening. The new aerial equipment will be colored similarly and will be of scale to the existing wireless equipment.*

(2) *Objectives.* The objectives of site and building design standards in TDC 73A through TDC 73G are to:
(a) Enhance Tualatin through the creation of attractively designed development and streetscapes;
(b) Encourage originality, flexibility, and innovation in building design;
(c) Create opportunities for, or areas of, visual and aesthetic interest for occupants and visitors to the site;
(d) Provide a composition of building elements which responds to function, land form, identity and image, accessibility, orientation and climatic factors;
(e) Conserve, protect, and restore fish and wildlife habitat areas, and maintain or create visual and physical corridors to adjacent fish and wildlife habitat areas;
(f) Enhance energy efficiency through the use of landscape and architectural elements; and
(g) Minimize disruption of natural site features such as topography, trees, and water features.

Response: *The project is located away from streetscapes and on an existing wireless facility. This preserves the neighborhood while reducing the need for additional facilities throughout the city.*

Chapter 73B: Landscaping Standards

TDC 73B.010. - Landscape Standards Purpose and Objectives. (only applicable sections)

(1) *Purpose.* The purpose of this Chapter is to establish standards for landscaping within Tualatin in order to enhance the environmental and aesthetic quality of the City.
(2) *Objectives.* The objectives of this Chapter are to:
(a) Encourage the retention and protection of existing trees and requiring the planting of trees in new developments;
(b) Use trees and other landscaping materials to temper the effects of the sun, wind, noise, and air pollution.
(c) Use trees and other landscaping materials to define spaces and the uses of specific areas; and
(d) Use trees and other landscaping materials as a unifying element within the urban environment.

Response: *The site the project is located on has no landscaping and is surrounded by a fence to secure the water tank facility. The existing wireless compound also has no landscaping surrounding it. This project will go inside the existing compound; thus, no landscaping is being proposed.*

TDC 73B.020. - Landscape Area Standards Minimum Areas by Use and Zone. (Table 73B-1)

Response: *There are no requirements listed for property zoned Institutional (IN).*

TDC 73B.040. - Additional Minimum Landscaping Requirements for Nonresidential Uses (applicable sections)

(a) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas, or undisturbed natural areas must be landscaped.

Response: *The existing property and wireless facility are not landscaped presumedly because there needs to be full access to the water tanks and there is existing perimeter fencing to screen from the residences.*

(b) Minimum 5-foot-wide landscaped area must be located along all building perimeters viewable by the general public from parking lots or the public right-of-way…

Response: *The ground equipment will not be viewable by the public, and again, there is existing perimeter fencing to screen the project.*

(c) Five-foot wide landscaped area requirement does not apply to:
(i) Loading areas;
(ii) Bicycle parking areas;
(iii) Pedestrian egress/ingress locations; and
(iv) Where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than eight feet.

Response: *Not applicable.*

(d) Development that abuts an RL or MP Zone must have landscaping approved through Architectural Review and must provide and perpetually maintain dense, evergreen landscaped buffers between allowed uses and the adjacent RL and MP zones.

Response: *As stated, the entire property has very little landscaping and this project will be within the existing wireless compound (no landscaping) on the premises.*

(e) Landscape screening provisions are superseded by the vision clearance requirements of Figure 73B-4.

Response: *Not Applicable.*

Chapter 73C: Parking Standards

Response: *There is sufficient space to park a vehicle(s) onsite for maintenance and emergency visits.*

Chapter 74 - Public Improvement Requirements

TDC 74.660. – Underground (only applicable section)

(1) All utility lines including, but not limited to, those required for gas, electric, communication, lighting and cable television services and related facilities must be placed underground. Surface-mounted transformers, surface-mounted connection boxes and meter cabinets may be placed above ground. Temporary utility service facilities, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above may be placed above ground. The applicant must make all necessary arrangements with all utility companies to provide the underground services. The City reserves the right to approve the location of all surface-mounted transformers.

Response: *The proponent will be compliant, and place all required utilities (fiber and power) underground.*

Chapter 74 - Public Improvement Requirements

TDC 75.010. - Purpose. (only applicable section)

The purpose of this chapter is to promote the development of safe, convenient and economic transportation systems and to preserve the safety and capacity of the street system by limiting conflicts resulting from uncontrolled driveway access, street intersections, and turning movements while providing for appropriate access for all properties.

Response: *The proposed project will use the existing access driveway serving the water tanks and existing wireless facility.*

Other Pertinent Code Requirements:

Chapter 49 - Institutional Zone

TDC 49.200. - Use Categories. (Table 49-1)

Wireless Communication Facility are a permitted (limited) use allowed subject to the maximum height and minimum setback standards in TDC Chapter 73F.

Response: *Agreed.*

TDC 49.300. – Development Standards. (Table 49-2)

- Minimum Lot Size: 1.5 Acres
- Minimum Lot Width: 100 Feet
- Front Setback: 25 Feet
- Side Setback: 0-25 Feet (Architecture Review Process)
- Rear Setback: 25 Feet
- Maximum Height: 50 Feet

Response: *The project is in conformance with these requirements. The original monopole was approved in Washington County for 100 feet in height. In 2008, the City of Tualatin annexed the land and approved CUP-08-04 to make the "water reservoir" and wireless facility legally conforming uses for the zone; however, the height of the pole remained legally non-conforming.*

In 2014, another carrier requested additional height (the present 110 feet) to accommodate the aerial equipment, and it was approved through VAR-14-01 and AR-14-05.

This request for additional height falls under Section 6409 of the Federal Middle-Class Relief and Job Creation Act ("Section 6409"). It is not a substantial change given the following:

- *Height: The height is not being increased by more than 10% of the pole height, or not more than 20 feet total of the existing pole/equipment. (The proposal shows the new pole at 128'—18' increase)*

In addition to meeting this requirement, other pertinent findings must be true for no substantial change:

- *Width: The aerial equipment must not protrude more than 20 feet from the pole (The proposal shows the new antennas no more than 5 feet from the pole)*
- *Equipment Cabinets: Installation of new cabinets may not exceed 4. (The proposal has 2.)*
- *Concealment: Project must not defeat concealment elements of the eligible (existing) facility. (The pole extension and aerial equipment will match the existing color, style, and scale.)*
- *Expansion: No expansion of the existing premises/easement.*

This project meets all these objectives. Following our pre-application meeting, Wireless Policy Group, LLC prepared a letter in review of the existing conditions, code, and our proposal to extend the pole 20 feet higher than the current height (110'). It was concluded by staff that the new height will be allowed as it is in substantial conformance with Section 6409. Architectural Review is still necessary for the project to be approved. (Please ***Attachment 11, WPC 6409 Justification*** *Letter* ***and Attachment 12, Staff Response WPC 6409*** *(email).)*

Chapter 73F - Wireless Communications Facilities (applicable Sections)

TDC 73F.010. - Purpose and Objectives

(1) *Purpose.* The purpose of wireless communication facility design objectives and standards is to implement the purpose and objectives of TDC 73A.010 by focusing on the placement, design and relationship of proposed site elements such as support structure location, lighting, screening, fencing and landscaping.

Response: *Agreed. This is a collocation project to reduce impacts to the community by not building another structure. There is no lighting, and the new ground equipment is confined to the existing wireless compound that is screened (fencing) from the adjacent properties.*

(2) Objectives. All wireless communication facilities and attached facilities should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new development. In the case of conflicts between objectives, the proposal must provide a desirable balance between the objectives. Site elements must be placed and designed, to the maximum extent practicable, to: Be aesthetically and architecturally designed and located to be compatible with the surrounding environment and analyze co-location before seeking new sites.

(a) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role, e.g., aesthetic reasons.
(b) Select platform and antenna designs which minimize their size and visual appearance to surrounding development.
(c) Provide a composition of structural material elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, and climatic factors.
(d) Select materials which contribute to the project's form and function, as well as to the surrounding environment.
(e) Minimize disruption of natural site features such as topography, trees, and water features.
(f) Take into consideration the existing topography of the site and surrounding vicinity.
(g) Reduce the visual impact of the support structure by locating within stands of existing vegetation and trees.
(h) Screen elements such as mechanical and electrical equipment from view.
(i) Locate a wireless communication facility attached to existing rooftop mechanical equipment before placement on the exterior wall of a building.
(j) Co-locate wireless communication facility or attached facility.
(k) Construct wireless communication support structures at the minimum height necessary to serve the operational requirements of the system.
(l) Separate wireless communication support structures from each other.

Response: *The new pole extension and aerial equipment will match the color, size, and scale of the existing facility. The site is flat with minimal vegetation; thus, there will be disturbance of natural or existing features detrimental to the environment. The equipment will be contained within the existing compound that is fenced and secured, and there is perimeter fencing around the property to provide screening from public view. This is a proposed collocation project and the proposed height is the minimum necessary to provide maximum service in a residential community. By locating here, no additional towers are required.*

TDC 73F.020. – Maximum Height. (Table)

(6) Institutional Zone (IN):	100 feet / 120 feet (including antennas) if structure is within 300 feet of the centerline of I-5

Response: *The project is not 300 feet of I-5 and the pole has been approved for over this requirement—110' via a variance and architectural review. As stated, the FCC guidelines for an eligible facility without substantial change are as follows:*

- *Height: The height is not being increased by more than 10% of the pole height, or not more than 20 feet total of the existing pole. (The existing pole 110' and the proposal is for 128'—18-foot increase)*
- *Width: The aerial equipment must not protrude more than 20 feet from the pole (The proposal shows the new antennas no more than 5 feet from the pole)*
- *Equipment Cabinets: Installation of new cabinets may not exceed 4. (The proposal has 2.)*
- *Concealment: Project must not defeat concealment elements of the eligible (existing) facility. (The pole extension and aerial equipment will match the existing in color, style, and scale.)*

- *Expansion: No expansion of the existing premises/easement. (New equipment is going inside existing compound).*

*Therefore, this project is in compliance with the Section 6409—staff agreed. The additional height allows for necessary separation between carriers and consolidation of wireless carriers. (See **Attachments 11 & 12.**)*

TDC 73F.030. - Site Design Standards.

(1) All Wireless Communication Facilities must comply with the following minimum design standards:
  (a) A wireless communication facility attached must not be attached to buildings which are designed solely for single family residential use;
  (b) Mechanical and electrical equipment and the bottom six feet of the support structure for a wireless communication facility must be screened from the public right-of-way and abutting property by the use of a minimum six foot tall security fence or wall consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick;
  (c) Equipment shelters, buildings or cabinets to house radio electronics equipment must be concealed, camouflaged, screened by vegetative, or placed underground.
  (d) A wireless communication facility must utilize existing site conditions such as surrounding vegetation and trees;
  (e) A wireless communication facility support structure must be constructed to the minimum height necessary to serve the operational requirements of the facility;
  (f) A wireless communication facility must be designed to allow co-location of facilities;
  (g) Wireless communication support structure towers must be used in all zones, except when co-locating on an existing structure.
  (h) Antennas and platforms must be designed to minimize their size and appearance to surrounding development;
  (i) Obsolete or unused wireless communication support structures and associated equipment and antennas must be removed within 12 months of cessation of operations at a site;
  (j) No new wireless communication support structure is permitted unless the applicant submits a co-location report showing whether or not any existing tower or support structure within one-half mile of the proposed site can accommodate the applicant's proposed antennae. The report must address the following:
    (i) Do existing towers or support structures, or approved but not yet constructed towers or support structures, located within the geographic area meet the applicant engineering requirements;
    (ii) Are existing towers or support structures of sufficient height to meet the applicant's engineering requirements;
    (iii) Do existing towers or support structures have sufficient structural strength to support the applicants proposed antennae and related equipment;
    (iv) Would the applicant's proposed antennae cause electromagnetic interference with the antennae on the existing tower or support structure, or would existing antennae cause interference with the applicant's proposed antennae; and

(v) Are there other limiting factors that render existing towers and support structures unsuitable or unavailable.

(k) The minimum distance between wireless communication support structure tower is 1,500 feet. Separation must be measured by following a straight line from one wireless communication support structure tower to the next. For purposes of this section, a wireless communication support structure tower includes wireless communication support structure tower for which the City has issued a development permit, or for which an application has been filed and not denied.

Response: *The project is a collocation onto an existing monopole; thus, does not attach to any residential structure. The existing compound is enclosed with security fencing; of which, the proposed equipment is to be located inside. There is perimeter fencing around the property for security and screening of the water tanks and ground equipment. There is no vegetation on the premises that would serve as additional screening of the equipment. The proposed is the minimum height necessary to provide service to the network customers and provide sufficient RF separation between the two carriers. The new aerial equipment will be comparable to the existing antennas and radios in size, color, appearance, etc. The proponent agrees to take down obsolete equipment in a timely manner outlined in Code.*

(2) In addition to complying with subsection (1), all Wireless Communication Facilities Attached must comply with the following:

(a) Wireless communication facility attached antennas must use existing rooftop mechanical equipment, and only if not practicable be placed on the exterior wall of a building; and

(b) Wireless communication facility attached antennas must be painted to match the color of the mechanical screen wall or building to which it is attached.

Response: *Not applicable.*

TDC 73F.040. - Setback Requirements.

Setbacks for all Wireless Communication Facilities are determined through the Architectural Review process, and must be consistent with the following:

(1) The minimum setback must be five feet, except as otherwise specified in (2), below;

(2) The minimum setback from an RL zone or from an RML zone with an approved small lot subdivision must be determined as follows:

(a) The setback must be no less than 175 feet for a monopole that is no more than 35 feet in height;

(b) The setback must increase five feet for each one foot increase in height up to 80 feet in height; and

(c) The setback must increase ten feet for each one foot increase in height above 80 feet.

(3) In making a determination of compliance with the setback requirements, the City Manager must consider the following factors:

(a) If the abutting property is in the Low Density Residential (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and if natural vegetation, such as evergreen trees, does not exist to act as a screen, then a greater setback than the minimum required may be appropriate. If such natural vegetation exists, then the minimum required setback may be appropriate;

(b) If the abutting property is in the Low Density Residential (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and it is vacant or its use is a single family dwelling, then a greater setback than the minimum required may be appropriate. If the use is not a single family dwelling, then the minimum required setback may be appropriate; and

(c) If the abutting property is in the Low Residential Density (RL) Zone or in the Medium-Low Density Residential (RML) Zone with an approved small lot subdivision, and it is vacant or its use is a single family dwelling and it is at a lower elevation than the subject property, then a greater setback than the minimum required may be appropriate.

Response: *The existing water storage tanks and wireless facility were installed prior to the subdivision (RL zone) that surrounds the property. The existing setbacks (monopole) are as follows:*

- *North 95'*
- *South 105'*
- *East 150'*
- *West 156'*

There will be no change in the above distances.