WASHINGTON COUNTY
Dept. of Land Use & Transportation
Current Planning
155 N. 1st Avenue, #350-13
Hillsboro, OR 97124
Ph. (503) 846-8761 Fax (503) 846-2908
www.washingtoncountyor.gov

Notice of Decision & Staff Report

CASEFILE: L2600034-SU/D

APPLICANT:
The Towers LLC
22 West Atlantic Avenue Suite 310
Delray FL 33444

APPLICANT'S REPRESENTATIVE:
Capital Design Services
Trajan Smith
1910 4th Ave E, PMB 196
Olympia WA 98506

PROPERTY OWNER(S):
Wayne Casey Nutsch Revocable Trust
by Wayne Casey Nutsch, Tr
4901 Airport Road
Independence OR 97351

PROCEDURE TYPE: II

COMMUNITY PLAN:
Rural/Natural Resource Plan

LAND USE DISTRICT:
EFU District (Exclusive Farm Use)

PROPERTY LOCATION:

On the south and west side of SW Anderson Road, approximately 1000 feet of its intersection with SW Highway 47.

PROPERTY DESCRIPTION:
ASSESSOR MAP NO.: 1S4 13

TAX LOT NO: 600

SITE SIZE: 40.75 acres

SITE ADDRESS(ES): No address assigned

PROPOSED DEVELOPMENT ACTION: Special Use and Development Review for a Wireless Communication Facility in the EFU District

DECISION:

Approval ☐ **Approval with Conditions** ☑ **Denial** ☐

Signature _____ **Date Issued:** 04-24-2026
Ken Rencher, Interim Current Planning Section Manager

Staff: Maitreyee Sinha **Phone Number:** 503-846-3835

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is 4:00 p.m. on 05-06-2026 **. See enclosed appeal form for additional information.**

Attachments:

A. Vicinity Map

B. Conditions of Approval

C. Staff Report

WASHINGTON COUNTY
Department of Land Use & Transportation
Development Review/Current Planning
155 N First Ave., Suite 350, MS13
Hillsboro, OR 97124
Phone: 503-846-8761
lutdev@washingtoncountyor.gov
www.washingtoncountyor.gov

TYPE II

Appeal Information

Attached is a copy of the Land Use and Transportation Department's Review Authority decision on this request for a Development Action.

Any person who is adversely affected or aggrieved, or who is entitled to written notice pursuant to ORS 215.416(11) may appeal the decision by filing a written appeal.

Failure to file a petition for review with the Department of Land Use and Transportation by 4:00 p.m. on the due date, with the fee specified in the Notice of Decision, shall be a jurisdictional defect.

The decision, including conditions of approval, may be appealed and a public hearing held by filing a signed petition for review (appeal) within twelve (12) calendar days of date written notice is issued.

This decision will be final if an appeal is not filed by the due date.

The complete file is available at the County Department of Land Use and Transportation for review.

A petition for review (appeal) must contain the following:

1. The name and signature of each petitioner filing the petition for review (appeal). If a group consisting of more than one person is filing a single petition for review, one individual shall be designated as the group's representative for all contact with the Department. All Department communications regarding the petition, including correspondence, shall be with this representative;

2. A statement of the interest of each petitioner;

3. The date the Notice of Decision was issued as specified in the notice;

4. The nature of the decision and the specific ground for appeal. For applications with multiple requests, specify the particular request(s) and/or specific conditions of approval being appealed;

5. A statement listing the number of pages of the petition and that all pages are present;

6. A statement setting forth the appeal fee as specified in the Notice of Decision; and

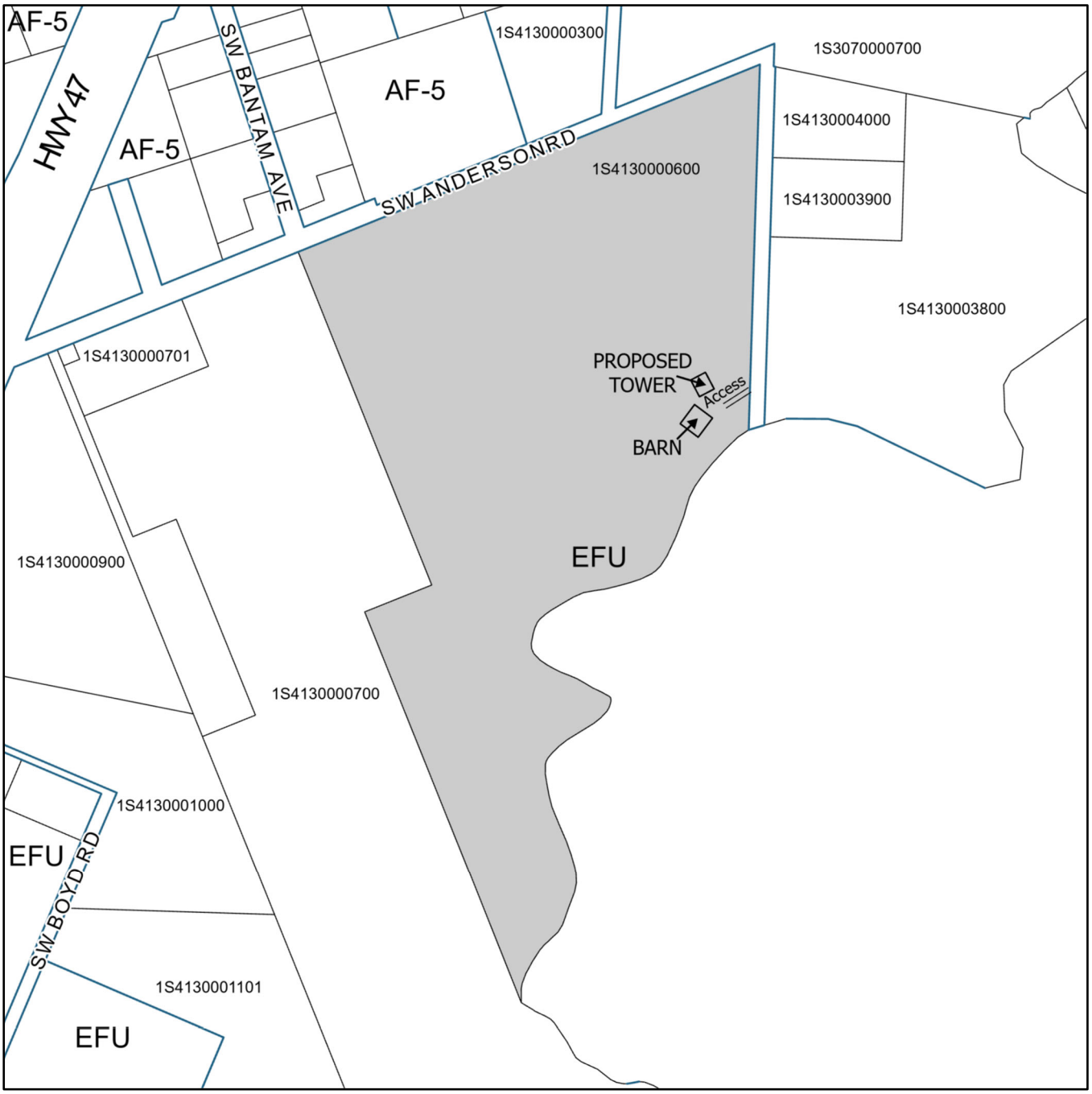
7. The appropriate appeal fee of **$250**.

For further appeal information, contact the Appeal Secretary at the Washington County Department of Land Use and Transportation — phone 503-846-8761 or cpadmin@washingtoncountyor.gov.

ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1S4 13 00 00600

CASEFILE: L2600034-SU/D



↑ NORTH **AREA OF CONSIDERATION**

NOT TO SCALE

SITE & SURROUNDING LAND USE DISTRICTS:

AF-20 District (Agriculture and Forest)

AF-5 District (Agriculture and Forest)

REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

A. Washington County Comprehensive Plan
B. Applicable Community Plan (See Front of Notice)
C. Transportation System Plan
D. Washington County Community Development Code:
   - ARTICLE I, Introduction & General Provisions
   - ARTICLE II, Procedures
   - ARTICLE III, Land Use Districts
   - ARTICLE IV, Development Standards
   - ARTICLE V, Public Facilities and Services
   - ARTICLE VI, Land Divisions & Lot Line Adjustments
   - ARTICLE VII, Public Transportation Facilities
E. R & O 86-95 Traffic Safety Improvements
F. ORD. NO. 738, Road Design and Construction Standards
G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax

Attachment B
CONDITIONS OF APPROVAL

I. <u>In Accordance with Section 201-4, A Building Permit Shall Be Issued Within Four (4) Years Of The Date Of This Decision Unless: The Permit Is Revoked As Provided By Section 201-7; An Application For A Permit Extension Is Filed Pursuant To Section 201-5; Or, Development Has Commenced As Provided In Section 201-6.</u>

II. <u>Prior To Any Ground Disturbing Activities, The Applicant Shall:</u>

A. Submit to the Building Services Division (503-846-3470) information as determined necessary under Sections 410 and 426 by the Building Engineer (Kofi Nelson-Owusu, 503-846-2846) which may include:

1. A site-specific geotechnical engineering report with recommendations for development of the site. The report should be stamped and signed by an Oregon-registered engineer.

2. A drainage analysis report stamped by a civil engineer that shows any additional impervious area as a result of this proposed work will not negatively impact surrounding properties per WCC 14.12.310.

3. All requirements of the Building Services Grading Permit application form.

4. A site plan showing the delineated extent of the 100-year flood plain on the subject site, certified by a registered engineer or surveyor. The site plan should show the proposed development (including the entire compound and associated improvements to driveways) to be completely outside the delineated extent of the flood plain. (Section 421)

5. Evidence of an issued Right-of-Way permit for the access approach (east) on to SW Anderson Road. The permit shall confirm sight distance at the access approach has been maximized. Contact the County's Operation Division for permit requirements at 503-846-7623. (Section 501-9)

III. <u>Prior To Submittal of A Building Permit, The Applicant Shall:</u>

A. Submit the following to Current Planning Services (503 846-8761):

1. A site plan showing the delineated extent of the 100-year flood plain on the subject site, certified by a registered engineer or surveyor. The site plan should show the proposed development (including the entire compound and associated improvements to driveways) to be completely outside the delineated extent of the flood plain. (Section 421-3)

2. Evidence of an issued Right-of-Way permit for the access approach (east) on to SW Anderson Road. The permit shall confirm sight distance at the access approach has been maximized. Contact the County's Operation Division for permit requirements at 503-846-7623. (Section 501-9)

3. Evidence of recordation of the waiver of the right of remonstrance against customarily accepted farm/forestry practices on surrounding properties. The waiver shall be a standard form which is available at the Current Planning Services front counter. The document shall be recorded with the Assessor's Office (recording fees apply). (Sections 207-5, 344)

IV. <u>Prior To Issuance of A Building Permit, The Applicant Shall:</u>

A. Submit to the Building Services Division (503-846-3470):

1. Plans consistent with the plan stamped "Preliminary Approval" in the casefile. (Section 207-5)

NOTE: New individual antennas attached to a tower, shall be concealed, minimally off-set, or mounted on davit arms extending a maximum of 5 feet from the tower. (Section 430-109)

2. Required grading, drainage, and sedimentation control plans for the proposed development, in conformance with applicable standards. (Sections 410 and 426)

3. Applicable System Development Charges (SDCs) including Transportation Development Tax (TDT) pursuant to Ordinance No. 793-A, as applicable.

4. Building plans, forms, and other items as required by Building Services. (Section 207-5)

V. Prior To Final Occupancy Approval of the Facility, The Applicant Shall:

A. Submit evidence of the following to Current Planning Services (503 846-8761):

1. Final inspection approval of the Right-of-Way permit for the access approach (east) on to SW Anderson Road. (Section 501-9)

2. Landscaping has been installed as proposed and approved in this casefile. Evidence may include photographs submitted to, or a request for a site visit by, the casefile planner, Maitreyee Sinha (503-846-3835). (Sections 407 and 430-109)

VI. Miscellaneous Conditions:

A. This development shall be constructed in accordance with the conditions of this decision, the approved plans, and the standards of the Community Development Code. Transferability of this development permit shall be in accord with Section 201-8. (Section 207-5)

B. The driveway which serves the facility shall be posted in accordance with the address requirements of the fire protection district (Forest Grove Rural Fire District) providing service to the area. (Section 207-5)

C. A notice of construction must be filed with FAA if cranes exceeding 200-feet in height above ground level (AGL) are used during construction. (Section 207-5)

D. Unless required by the ODA, FAA or other federal or state agency, no illumination is allowed on the tower. (Section 207-5)

E. The applicant is responsible for filing with the Federal Aviation Administration (FAA) Form 7460-1 at least 45 days prior to the construction, if required by the FAA. (Section 207-5).

F. The applicant is responsible for filing with the FAA Form 7460-2 within 5 days after the construction reaches its greatest height. (Section 207-5).

G. New individual antennas attached to a tower, shall be concealed, minimally off-set, or mounted on davit arms extending a maximum of 5 feet from the tower. (Section 430-109)

H. Abandonment (Section 430-109.11):

1. Should it be determined that the antennas or tower have been abandoned as defined in Section 430-109, the property owner shall remove all facilities from the site and restore the site to its previous condition within 90 days of abandonment. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.

2. If any abandoned wireless facilities have not been removed from the site, no new communication or broadcast facility shall be approved for that site.

I. Signage will be in compliance with the standards set forth in Section 414 of the Code. (Section 414)

J. The applicant is responsible for understanding and complying with the Washington County Noise Ordinance (Washington County Code of Ordinances Chapter 8.24 or as amended). Average noise measured at any point along the property line should no exceed ambient noise levels at the property line. (Section 423)

K. The applicant is responsible for implementing USFWS recommendations to reduce and prevent impacts to migratory birds. (Sections 422, 207-5)

L. Adequate sight distance shall be maintained at the access point to the public road. Maintenance may require trimming or removal of vegetation to ensure sight distance is maintained. (Section 501-9)

M. Excess soils from construction of the project (if any) must be placed in an approved location consistent with grading reviews and required permits. (Sections 410 and 426)

N. This approval is based on the site plan stamped “Preliminary/Final Approval”, in the casefile, and the uses described in the application. All uses and activities are limited to those described in this approval. Any changes to the approved plan or the approved uses may require subsequent land use review and approval through the development review process. (Section 207-5)

O. All development must comply with applicant federal, state and local regulations. (Section 207-5)

Attachment C
STAFF REPORT

I. APPLICABLE STANDARDS

A. Washington County Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

B. Washington County Community Development Code

1. Article II: PROCEDURES
- Section 202-2 Type II Procedure
- Section 207-5 Conditions of Approval

2. Article III: LAND USE DISTRICTS
- Section 340 Exclusive Farm Use (EFU)

3. Article IV: DEVELOPMENT STANDARDS
- Section 403 Applicability
- Section 407 Landscape Design
- Section 409 Private Streets
- Section 410 Grading and Drainage
- Section 411 Screening and Buffering
- Section 413 Parking and Loading
- Section 415 Lighting
- Section 422 Significant Natural Resources
- Section 423 Environmental Performance Standards
- Section 426 Erosion Control
- Section 430 Special Use Standards

4. Article V: PUBLIC FACILITIES AND SERVICES
- Section 501 Public Facility and Service Requirements

C. Washington County Transportation Plan

II. AFFECTED JURISDICTIONS

Forest Grove Rural Fire District
Washington County Sheriff's Office

III. FINDINGS

Background

1. The applicant requests approval to construct a wireless communications facility that includes a 150-foot-tall wireless telecommunication tower with a 10-foot-tall lighting rod extending from the top. The tower will be located in a 50-foot by 50-foot fenced compound, along with an emergency diesel generator and equipment cabinet, surrounded by a five-foot deep landscape buffer. The applicant states the fence will have sight obscuring slats and will not have barbed wire or razor attached to it.

2. The applicant notes in the submitted material that the proposed facility is intended to fill a gap in coverage range by Verizon Wireless in the Dilley area along Highway 47. The proposed facility is anticipated to improve the quality of voice, text and data services for Verizon customers in that area.

3. The applicant explains this will be an unoccupied facility and will not generate additional traffic or road trips beyond the occasional maintenance visit. The site will be accessed by an existing on-site private driveway. A gravel parking spot will be provided in front of the compound. The applicant states the generator will be activated only in the event of a power outage that extends beyond three or four hours.

4. The 40.75-acre site currently supports a barn that was permitted in 2001. The structure is situated in the southeastern segment of the site and is accessed via an existing driveway leading to SW Anderson Road. The wireless communications facility is proposed in the vicinity of this barn. Aerial photos indicate that the remainder of the property is farmed.

5. The Oregon Department of Aviation (ODAV) has not submitted any comments to this casefile indicating the absence of any concerns or filing requirements. However, if the applicant intends to use any cranes which would exceed 200-feet above ground level (AGL) during construction, they need to file a notice of construction with the ODAV office and the Federal Aviation Administration (FAA). The requirement has been noted as a condition of approval for this development.

6. The southern portion of the subject site is mapped within the 100-year flood plain associated with the Tualatin River and Dilley Creek. The applicant's surveyor has determined the base flood elevation to be 267.8 feet (NAVD 88). The cell tower compound has been proposed north of the flood plain, at an elevation of approximately 280 feet, thus lying outside the flood elevation on-site. Further review pursuant to Section 421 that regulates development within the floodplain is not required.

7. Eleven (11) letters of comment noting concerns about the proposed facility were received in response to the public notice period, one of which was a petition from the neighboring residents. The applicant's representative responded to these comments, the response is in the casefile. Staff has summarized the comments, followed by their assessment of the issues.

   The concerns raised in the letters are as follows:

   a. Construction of the tower could destroy valuable habitat and disrupt bird migratory paths. The area supports nesting eagles and screech owls, and the onsite wetland supports various fowls. The structure is being proposed in the middle of a migratory bird pathway.
   b. Presence of an actively used flight landing strip onsite to land private planes and helicopters and the tower would conflict with this use. The barn onsite is used as a hangar.
   c. The structure would be an eyesore the neighboring residents would be subject to on a daily basis.
   d. Health and safety concerns, particularly to children, due to potential effects of electromagnetic fields (EMFs) and radiofrequency (RF) radiation exposure. An elementary school is located less than a mile from the proposed facility location.
   e. Placement of the structure on protected EFU land. Horse boarding business on an adjoining property may be adversely affected.
   f. Diminished property values. Market analysis demonstrates that the values of homes in direct line of sight will be reduced by up to 20%
   g. Impacts to scenic views from adjacent properties. Galvanized steel will not have minimal visual impact and that the tower will be visible from all around the property. Steps taken to screen the facility are not acceptable.
   h. Whether the access to the site is legal.
   i. There are no problems with current 911 service or radio communications in the area.
   j. Lighting will face north and dwellings in that direction will have to deal with the motion activated light in their direction.
   k. Dilley community is a rural-residential community and over 100 residences will be affected.
   l. Equipment cabinets are proposed even though the application states equipment shelters are not proposed.
   m. Demonstrate compliance with the setback requirements of Section 430-109
   n. What other alternate sites were considered.
   o. Evidence that NEPA study was conducted.
   p. Predicted noise levels are unacceptable.

   The commentors urge the applicant to seek out a different location away from their community.

Applicant Response:

The applicant acknowledges the concerns and impacts described by the commentors, summarized below.

a. EFU zoning and general compatibility: EFU zoning prioritizes farm use but allows certain nonfarm uses such as utility facilities necessary for public service subject to review and applicable standards. The key consideration is whether the proposal meets County Code and ORS 215.275. The tower would occupy a small portion of a 40.75 acre parcel, use a compact fenced area, rely on existing access, and require only periodic maintenance. Current record suggests no clear evidence that the use would interfere with accepted farm practices or increase their costs. Concerns are raised about farming activity on the property and status of existing structures. These do not directly impact the ability of the proposal to meet approval criteria. The RF-justification provides an overview of the search area for the tower to meet network needs. The search area included AF-5/AF-10, EFU and AF-20 zoned properties. The applicant expanded the research area well beyond the needed area to evaluate nearest non-resource lands including rural residential, commercial, and industrially designated properties. The non-resource lands with interested land owners did not fill the coverage and capacity gap.

b. Need, coverage and other viable properties: The record includes an RF-justification describing the service need, identifying the search area and show mapped improvements to Verizon coverage in the Dilley/Highway 47 corridor. It addresses both coverage and capacity needs the facility will address, and that the proposed height is required to meet those objectives. The improved service will benefit professionals and students working remotely, and is important for public safety, specifically for providing alerts, access to 911 etc. The nearest tower suitable for collocation is 2.8 miles away, reviewed and confirmed to not fill the network needs before any search for a new tower commenced. Several non-resource properties outside the search area were also reviewed and ruled out. Properties were reviewed with prioritization to larger parcels to reduce visual impacts for greater number of residents, and to properties outside designated flood plain areas. In addition to the above efforts, multiple interested landowners were contacted within the resource-zone search area. The proposed site was selected as a less intrusive option within the search area and the best location. The submitted materials support the conclusion that alternatives were reviewed, and that the selected site reflects technical needs, location within the search area, and lack of clearly feasible collocations.

c. Tualatin River, Wetlands, Wildlife, and Drinking Water: Natural resource concerns raised by residents and Tualatin Riverkeepers are important and have been carefully considered. The facility is outside the FEMA floodway, the tower being about 150 feet north of the mapped boundary. Wetlands on the parcel are 600-700 feet southwest, and the tower and equipment are not located within mapped wetlands or floodway. Regarding proximity to river or riparian areas, wildlife observations from surrounding corridor were noted but no biological or agency determination indicates the facility would conflict with applicable standards. The application also confirms that all required local, state and federal regulations will be followed. Concerns related to drinking water and potential spills are noted. Impacts to the site will be minimal and the tank for the diesel generator has been upgraded to a triple wall containment system. The backup generator will be within a fenced equipment area, and all standard construction, erosion control and environmental safeguards will be followed. A NEPA report is provided for reference, addressing concerns related to wilderness area, wildlife preservation and drinking water.

d. Nearby Dwellings, Noise, Lighting, Scenic Views and Property Values. Visual impacts are an important consideration. The proposed 150-foot monopole will be visible from some surrounding properties; however, the applicable standards focus on siting, setback,

screening, and design. The facility meets these requirements including setbacks, fencing with landscaping and a non-reflective finish.

The applicant also states that there is no site specific evidence in the record demonstrating that the proposal would result in measurable property impacts or prevent existing uses from continuing.
Reliable cellular service is important for public safety. There are several studies that indicate prospective home buyers view additional benefits from access to a robust wireless network including higher internet speed, enhanced security, faster mobile connection, and a lag-free online experience. These support online work, education, virtual health appointments, and more.
The record includes a noise analysis addressing nearby residences and identifies the closest noise-sensitive property at roughly 190-195 feet from the facility. The report concludes that noise levels would remain within Oregon limits. The generator will run once a week, during daytime hours only for maintenance and testing, and be available for emergency back up power.

e. Radiofrequency Emissions (RFE): RFE safety is regulated by the federal government and beyond the scope of local regulations. Verizon takes these matters seriously and has a comprehensive compliance program to ensure adherence to federal safety standards. Wireless networks are heavily regulated and RF exposure levels from Verizon's equipment are generally well below the FCC's safety limits. The RF energy from cell towers is non-ionizing meaning it does not have enough energy to damage DNA or directly cause cancer. This distinguishes it from ionizing radiation such as X-rays or gamma rays. Additionally, exposure levels from towers are typically much lower than from personal devices since the towers are designed to cover wide areas rather than concentrate energy in one spot. Numerous scientific studies and ongoing monitoring by public health agencies have found no consistent evidence linking RF exposure from cell towers with adverse health effects when within established guidelines. The proposed site has been analyzed and found that all areas at ground level are well within FCC guidelines for safety.

f. Aviation concerns: The property owner has confirmed there is no current active airstrip onsite. Tower height must comply with district standards and FAA regulations, and that FAA determination has been received and approved. In the event the property owner were to proceed with having an active air strip onsite, that would need to be reviewed and approved by governing authorities and is irrelevant to the current proposal.

g. Miscellaneous requests for additional documents and collateral assertions: Several letters requested additional documents such as permits, easements, noise or fuel-spill records, and other items. These can be addressed through the County's normal record-management process but they do not, on their own, indicate that the application fails to meet County criteria.

h. Properties identified as alternate solutions: Of the five (5) alternative site locations identified by the adjacent property owners, the owner of one AF-5 property declined interest. The other four (4) sites lie within farm resource AF-20 and EFU districts, similar to the subject site. However, all were outside the search ring and didn't meet the coverage objectives. Further, of these four, one property had 100-year floodplain mapped on 50% of the site, and one landowner could not be contacted. Of the non-resource designated parcels, industrial zoned parcels were considered. However, of these, either the landlord declined interest, or the site was outside their search ring and did not satisfy coverage requirements.

Concerns about photo simulations, landscaping maintenance, or neighboring property access are noted. The proposal provides access from the parcel's existing driveway and includes a fenced, landscaped equipment area.

Staff Response:

Staff generally concurs with the applicant.

The reader is reminded that telecommunication facilities with towers less than 200 feet in height are considered a utility facility necessary for public service and are a permitted use in the EFU district.

Commentors have expressed concern regarding impacts to the onsite riparian resources and habitat associated with the Tualatin River and Dilley Creek. Staff submitted the application materials to DSL and ODFW staff, who have not expressed any concerns about the proposed development. The applicant has provided a report that includes a biological assessment and a NEPA 'no-effect' determination (included in the casefile) and is available for the public to review. The project area is not located within mapped wetlands, waterway, wildlife refuge, national wilderness area, native grassland, critical habitats, or areas known to have high incidences of fog or low clouds (such as ridgelines, forest areas, mountain top) where migratory birds are found. The report notes that the proposed development is located near the 'Pacific flyway' migratory route, and cannot conform to all USFWS recommendations to decrease potential effects on migratory birds. Therefore mitigating factors have been included such as structure placement within minimally sensitive areas, avoiding placement near water features, limiting structure height to 160 feet, and eliminating the need for guy wires or FAA obstruction lighting. The applicant has included measures to minimize exposure of birds to project-related stressors. Nesting habitat will not be impacted, and construction will avoid the main nesting season. Lighting is proposed for access to the equipment cabinet only--the lights are arranged to avoid spillage outside the facility compound.

All wireless carriers are required to meet Federal Communications Commission (FCC) Guidelines for EME (electromagnetic energy) standards. The FCC has determined there is no health risk with tower placement within adjacent communities. Additionally, the Telecommunication Act of 1996 prohibits local jurisdictions from rendering land use decisions based on perceived health impacts from placement of telecom facilities. The reasons behind the proposed location of the tower were addressed in the submitted application, which is available to the public for review. The anchor tenant, Verizon Wireless, is required to file appropriate documentation with the FAA and FCC to ensure signals are broadcast within the allowable exposure limits.

Regarding the school, there are no specific County Code standards or federal laws mandating a minimum separation distance between cell towers and schools. As stated above, the FCC regulates radiofrequency emissions and has established exposure limits to protect public health which are generally considered protective.

The letters in opposition also object to the appearance of the tower and its effect on views from area homes. Steps have been taken to mitigate visual impacts. In addition to district setbacks, Section 430-109.8 applies setbacks that a wireless tower must maintain from surrounding properties. The proposed tower location exceeds the applicable additional setbacks based on its height. Findings addressed later in this report demonstrate compliance with all the requirements of the above subsection. The proposed tower is located so that it minimizes the amount of nearby residences that will have a view of the tower. The screening and buffering standards of Section 411 or those of Section 430-109 do not require that a wireless tower be completely screened from view of surrounding properties. The standards require measures such as painting or finishing

to help the facility blend with the background. In this case, such towers are typically left a galvanized gray color to blend with the background skies, which are typically gray. The proposal complies with those standards.

Further, the County's Code does not expressly require that the county consider alleged impacts on property values in applying the Type II standards applicable to siting the proposed wireless facility.

While some community members feel that additional coverage is not needed, evidence has been submitted with the application for a requirement of the service and is available to the public for review. Generally, the applicant considered several properties within the search area, and colocation at existing cell towers. However, the applicant states there were no such towers within a two-mile radius of the search ring, and while several properties were considered, the subject site was chosen due to its central location within the search area thereby providing more uniform coverage, landowner willingness, and presence of an existing access. The applicant has demonstrated that no other feasible alternatives exist. Detailed findings are present in the application materials (in the casefile) and in findings for ORS 215.275 of this report. The applicant also notes that in addition to the subject site, the Forest Grove School District 15 was interested in locating the tower on their property. However, Verizon deemed the current site a better choice for the network due to a 100-foot height limit on the school property, and as evident by the submitted comments, the community would prefer the tower to be sited away from a school site.

One commentor pointed out several code standards that apply--compliance with applicable Code standards have been addressed throughout this report. Of these, the safety and lawfulness of an onsite airstrip was questioned. Staff notes that the applicant has denied the existence of an active airstrip on the subject site. The applicant is reminded that a site for takeoff and landing of model aircraft (Section 340-4.1.N.) or personal airports (Section 340-5.2.A.) are permitted uses in the EFU district, and land use review and approval pursuant to applicable Code standards is required prior to establishing such uses onsite. The commentor also references an equipment cabinet and shelter. An equipment cabinet, as proposed here, is a small non-walk-in enclosure that is customarily used in conjunction with wireless communication towers, whereas shelters are typically walk in features and not proposed with this development.

Regarding the health and safety concerns, while Section 423 of the Code addresses Environmental Performance standards related to issues such as noise, vibration, odor, and air quality, regulatory standards related to potential health impacts due to RME emitted by a communications tower is outside the purview of this decision. The FCC sets safety limits on radiofrequency emissions by such facilities and the applicant is required to comply with their standards. The noise study submitted by the applicant indicates that operational noise will be limited and below the baseline daytime and nighttime acoustic levels measured at property lines, specifically at the nearest noise-sensitive property to the east. Lighting will be within the fenced compound for equipment cabinet illumination. The lights proposed will not face adjacent properties and will be shielded by the sight-obscuring fencing around the perimeter of the facility. The project has been designed to minimize impacts to neighboring properties to the extent possible.

The letters in opposition provide

Staff finds that the proposed development can comply with applicable regulatory standards when the stipulated conditions of approval are met.

A. Comprehensive Framework Plan (Rural/Natural Resource Plan Element)

STAFF: The goals and policies which relate to the development of land are implemented by the Code. The applicant is not required to address, consider or implement any goal, policy or strategy of the plan except where required by the code.

Land with designated significant natural resources is subject to Code Section 422, which requires the application of Plan Policy 10, Implementing Strategy E. The Rural/Natural Resource Plan map identifies *Water Areas and Wetland and Fish and Wildlife Habitat* associated with Dilley Creek and Tualatin River in the southern portion of the subject site. Accordingly, Section 422 applies to this review and is addressed later in the report.

B. Washington County Community Development Code

1. Article II: Procedure

Section 202 Procedure Types and Determination of Proper Procedure

202-2.1 Type II land use actions are presumed to be appropriate in the District. They generally involve uses or development for which review criteria are reasonably objective, requiring only limited discretion. Impacts on nearby properties may be associated with these uses which may necessitate imposition of specific conditions of approval to minimize those impacts or ensure compliance with this Code.

STAFF: The applicant is proposing the placement of a 150-foot tall monopole wireless communication tower and ancillary equipment on the subject site. Pursuant to Section 340-4.1 K this use is permitted through a Type II procedure.

Where appropriate, conditions of approval are imposed to ensure compliance with the standards of the code and other county regulations, and to minimize identified impacts upon surrounding properties. Public notice of this application was mailed to owners of properties within 1,000 feet of the subject site. Additionally, the applicant has submitted an affidavit stating that a public notice sign was posted on the site. Eleven (11) comments were received prior to completion of this report, addressed in the earlier background findings.

203-3 Neighborhood Meeting

STAFF: Pursuant to Code Section 203-3.2, a neighborhood meeting is not required for this proposal.

Section 207 Decision

207-5 Conditions of Approval

207-5.1 The Review Authority may impose conditions on any Type II or III development approval. Such conditions shall be designed to protect the public from potential adverse impacts of the proposed use or development or to fulfill an identified need for public services within the impact area of the proposed development. Conditions shall not restrict densities to less than that authorized by the development standards of this Code.

STAFF: The applicant shall comply with all applicable code regulations and departmental conditions.

2. Article III: Land Use Districts

Section 340 Exclusive Forest Use District (EFU)

340-4 Uses Permitted through a Type II Procedure

340-4.1 Permitted Uses which are exempt from Section 340-4.3

K. New Telecommunication Facilities with towers less than two hundred (200) feet in height that are utility facilities necessary for public service – Section 430-109.

STAFF: The applicant proposes a 150' tall wireless communication tower with a 10' lightning rod and associated equipment (two equipment cabinets with a generator on a concrete pad) within a 50' x 50' fenced area. Type II uses are presumed to be appropriate in the district, although the applicant must substantiate the need for the proposed facility. The applicant's written narrative addresses the topic of the facility being "necessary for public service."

The wireless facility is proposed as a utility facility necessary for public service to improve coverage along Highway 47, and provide wireless service throughout the area around the Dilley community. In order to substantiate that the facility is necessary for public service, the applicant must address applicable state law (Oregon Revised Statute 215.275), as well as relevant case law. The applicant's analysis is summarized below.

Applicable State Law – ORS 215.275

A. An applicant for a utility facility in a farm resource zone—i.e., within either the EFU or the AF-20 District in Washington County--is required to demonstrate it is necessary to place the proposed facility on designated farmland in order to provide the service, subject to applicable state law and relevant case law. The proposed facility is subject to *Oregon Revised Statute (ORS) 215.213 -Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993,* which permits a utility facility if necessary to provide public service. A number of LUBA and Court of Appeals decisions refined the term "necessary," until 1999 when the state legislature amended ORS 215.213(1)(d) [now labeled as subsection (c) of the current statute] to state that *"A utility facility necessary for public service may be established as provided in* ORS 215.275 (Utility facilities necessary for public service)*."*

B. Pursuant to ORS 215.275, a "*necessary facility*" is one which "…*must be sited in an exclusive farm use zone in order to provide the service"* and requires an applicant to show that reasonable siting alternatives have been considered. The ORS also identifies six factors (subsections (1) through (6)) which can be used to demonstrate that a proposed facility must be located in an EFU or AF-20 District in order to provide service.

C. The new language adopted in 1999 provided criteria within ORS 215.275 and Oregon Administrative Rule (OAR) 660-033-130(16) which local governments use when determining that proposed utility facilities meet the "necessary" test. Staff finds that if this request meets the requirements of ORS 215.275, then the proposal also meets the requirements of relevant case law and OAR 660-033-130(16).

The requirements of ORS 215.275 are stated below and are accompanied by staff findings regarding the application's compliance with those requirements.

ORS 215.275:

(1) A utility facility established under ORS 215.213(1)(c)(A) or 215.283(1)(c)(A) is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(2) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.213(1)(c)(A) or 215.283(1)(c)(A) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
(a) Technical and engineering feasibility;

(b) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands
(c) Lack of available urban and nonresource lands;
(d) Availability of existing rights of way;
(e) Public health and safety; and
(f) Other requirements of state and federal agencies.

STAFF: As staff interprets the above standard, the applicant must show that reasonable alternatives were considered, and that the proposed wireless facility must be sited on exclusive farm use-zoned property due to one or more of the factors identified above.

As noted above, ORS 215.275 lists six specific factors to be used in evaluating between alternatives, to demonstrate that a proposed facility must be located in an EFU or AF-20 District in order to provide service. The standard states, "*that the facility must be sited in an exclusive farm use zone* ***due to one or more*** *of the following factors"* (emphasis added). In line with this requirement, staff finds it reasonable to require an applicant to demonstrate that there is at least one factor which clearly mandates location of the facility on EFU or AF-20-designated land, and at least one additional factor which calls for placing the facility at the proposed site.

It is important to acknowledge that federal regulations protect the rights of telecommunication carriers to determine the need for their services. The application states that this location is selected based on factors *(a) Technical and Engineering feasibility*, and *(c) Lack of available urban and nonresource lands*. In this case, the submitted signal coverage maps show that the area around the Dilley area has unreliable coverage ranging from bad to no service. According to the application narrative, the goal with this proposal is to remedy the coverage and capacity challenges in this area. The tower is designed to accommodate up to three (3) carriers in addition to Verizon Wireless, allowing multiple wireless providers to serve the County with excellent coverage. The applicant states that the proposed facility meets Verizon's coverage objectives within a geographic area not presently served by the Verizon by extending coverage along Tualatin Valley Highway in the Dilley area.

According to the applicant, coverage and capacity analyses prepared by the applicant's radio frequency engineering team show a significant service gap in the vicinity of SW Anderson Road, SW Stringtown Road and the surrounding agricultural and rural residential areas. This lack of reliable wireless coverage affects E911 calls, first responder communication, and the daily wireless connectivity for residents, travelers, and agricultural operators in the area. Existing towers are too distant, too low in elevation, or are already at capacity to serve this coverage gap. The studies confirm that a facility at or near this specific location is required to meet performance standards. Further, the proposed 150-foot monopole height is the minimum height necessary to achieve line-of-sight with surrounding network nodes to ensure signal penetration through existing topography and vegetative canopy that characterize this portion of the county.

The applicant explains that a cell tower site needs to be in the center of the user population which ensures even signal distribution around the cell. Per the applicant, a typical site is configured in a pie shape, with each sector holding 33 percent of the resources. Optimal performance is achieved when a signal is evenly distributed across the three sectors. The applicant notes there is a large coverage hole between the existing sites north of Highway 47, and that this tower location will provide connectivity and help improve the overall quality of service.

The applicant explains that they utilize propagation maps in determining where coverage gaps exist. The propagation map is a computer simulation of the strength of Verizon Wireless signals at a given height and location in the context of the network. The applicant states the propagation tool is designed to take factors such as terrain, tree coverage, and existing buildings into account so that it depicts a reliable estimate of coverage that would be provided by the proposed site. The proposed

site, the applicant notes, will offload the existing sites to provide additional capacity in the network as well as add coverage between existing sites in their target service area.

The application includes various exhibits illustrating the coverage levels with and without the proposed new facility.

The subject property and the parcels generally in all directions lie in the EFU district. There is a cluster of rural residential AF-5 properties to the immediate north of SW Anderson, and to the west of SW Highway 47.

Based on the information provided within the application, staff finds that the applicant has demonstrated that a new facility is necessary in the vicinity of the proposed site. The applicant makes the case that the proposed facility must be sited in an exclusive farm use zone based on technical and engineering feasibility and a lack of available urban or non-resource lands in the search area.

(A) Technical and engineering feasibility

The applicant's documentation, including a coverage map, confirms that the provision of a wireless facility is necessary in this area of Washington County. The applicant states that no suitable co-location or non-resource zoned property was found in or nearby the search area, and that this location would benefit most residents in the area. Thus, the applicant chose the location proposed in the application.

(B) The proposed facility is locationally dependent.
(C) Lack of available urban and nonresource lands

The proposed facility is locationally dependent in order to achieve stated coverage objectives. According to the submitted materials, the search area included areas within exclusive farm use districts and also non-resource districts. The search revealed no available site within a non-resource district which meets the coverage requirements. The applicant has provided an evaluation of the alternate sites presented by those opposed to this project, as well as other non-EFU or AF-20 sites that were considered for siting the facility. Of these properties, most were unsuitable to provide coverage at the area identified with a gap in services, some landowners declined interest and another property was mapped within the 100-year floodplain for 50% of the property.

(D) Availability of existing rights of way

The subject site has existing access on SW Anderson Road to its east and north. Disturbance to agricultural land was minimized by proposing access through an existing private driveway and access approach to the east.

(E) Public Health and Safety.

The applicant states there are homes that are farther away from landline phones and better coverage areas. These Verizon Wireless customers have difficulty reaching emergency services from their phones in times of need when they are present in areas with coverage gaps. The proposed tower would aid in improving access to emergency services, aiding public health and safety.

(F) Other requirements of state and federal agencies

The applicant states that Verizon Wireless is required by the FCC to deploy a network that provides services to all customers. Currently, there is a significant coverage gap in the Dilley area around Highway 47. By placement of the tower at the proposed location, the coverage signal in all directions will greatly improve, thus aiding in better compliance with federal regulations. The applicant is

required to comply with all applicable state and federal regulations, as conditioned in Attachment B of this report.

ORS 215.275(1) continues:

(3) Costs associated with any of the factors listed in subsection (2) of this section may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities. The Land Conservation and Development Commission shall determine by rule how land costs may be considered when evaluating the siting of utility facilities that are not substantially similar.

STAFF: The Land Conservation and Development Commission (LCDC) adopted a rule on November 3, 2000 concerning the role of land costs in determining whether it is necessary to locate a facility in an agricultural zone. LCDC's rule concluded that land costs could not be considered when siting any type of utility facility under ORS 215.275. The applicant did not cite cost as a factor in the proposed tower siting.

(4) The owner of a utility facility approved under ORS 215.213(1)(c)(A) or 215.283(1)(c)(A) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.

STAFF: The applicant states that any areas disturbed by the siting, maintenance and repair or reconstruction of the facility will be restored as closely as possible to its former condition (or better) upon completion of the project.

(5) The governing body of the county or its designee shall impose clear and objective conditions on an application for utility facility siting under ORS 215.213(1)(c)(A) or 215.283(1)(c)(A) to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.

STAFF: The proposed facility will be placed on the southeastern segment of the tax lot and is projected to be a passive use. It will be placed in the general vicinity of an existing barn and will utilize an existing driveway for access on to SW Anderson Road to the east, thus clustering the developed area onsite, and minimizing land taken out of farming. Parcels to the south, east, and west appear to be farmed while properties to the north are residential in nature. The tower will be separated by over 190 feet from the nearest off-site residential and farm uses. Trips to the facility will be limited to occasional maintenance visits, expected to be infrequent. Staff does not anticipate that placement of the proposed tower, antennas, and associated ground equipment will cause a change in accepted farm practices or costs on surrounding farmlands.

(6) The provisions of subsections (2) to (5) of this section do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

STAFF: This is not a request for an interstate natural gas pipeline; therefore, this section is not applicable.

340-9 Dimensional Requirements

STAFF: Based on the submitted materials, the proposed communication facility will well exceed all minimum setback requirements of the EFU district. The height requirements of the district apply to residential structures. The height of the tower is regulated by Section 430-109, addressed later in the report.

340-10 Access

STAFF: The subject property has frontage on SW Anderson Road along its north and east property lines; access is proposed to the east via an existing driveway.

3. Article IV: Development Standards

Section 403 Applicability

403-2 Master Plan - Minimum Requirements for all Development

STAFF: The applicant has submitted materials suitable to meet the requirements of this section. A copy of the submitted site plan is in the casefile and has been stamped "Preliminary Approval." The proposed development must be consistent with this site plan.

403-4 Additional Standards Outside the UGB

STAFF: Standards applicable to this request are addressed throughout this report.

Section 409 Private Streets

409-5 Private Streets Outside an Urban Growth Boundary

STAFF: The on-site driveway will be extended up to the telecommunication tower. It currently serves an accessory structure to access SW Anderson Road to the east. The driveway leading to the access approach exceeds 150 feet in length and is thus considered a private street according to the standards of Section 409-5. Compliance of the driveway with the Oregon Fire Code will be reviewed by the Fire District (in this case Forest Grove Rural Fire District) and the County Building Engineer during the grading review process (conditioned in Attachment B).

Section 410 Grading and Drainage
Section 426 Erosion Control

STAFF: Although certain grading activities may be exempt from permit requirements, any grading on the subject parcel must be for a use permitted in the EFU District and must be appropriate for the intended use - in this case, a wireless emergency communications facility.

The Building Engineer has determined that a grading permit is required for this project. Grading and drainage requirements will be reviewed via the grading permit process and must conform to Sections 410 and 426 and Washington County Grading Ordinance.

Section 407 Landscape Design
Section 411 Screening and Buffering

STAFF: The applicant submitted site plans showing landscaping around the perimeter of the proposed facility. According to the landscaping plan, a five-foot wide landscaping buffer consisting of arborvitae will be installed around the periphery of the facility prior to final inspection approval of building permits. This has been included as a condition of approval for the development. The structure will be coated with non-reflective material. A chain link fence will also be installed around the project area. The tower location is proposed as far from the northern residential community as possible. Additional screening for the properties to the south will be provided by the vegetated riparian corridor; the rural residential community to the west is further separated by the intervening distance of at least 2000 feet, the riparian corridor and

the presence of SW Highway 47. Requirements of this section do not require the structure to be completely screened from view.

Staff finds the proposed vegetation and fencing will adequately landscape and screen the structure from surrounding uses and properties, therefore the requirements of this section are met.

Section 413 Parking

STAFF: A gravel parking area will be provided near the access gate within the facility compound to accommodate the occasional maintenance vehicle(s). Employees are not expected to be present on-site on a regular basis.

Section 415 Lighting

STAFF: The applicant states that no lighting is proposed on the tower. The only lighting proposed are two work lights mounted on the power H Frame of the fence for evening work if required. These will be motion-activated, and on a timer, and for the equipment cabinet area only. They will be mounted to prevent glare on to adjoining properties. Staff finds the proposed lighting has been designed to prevent excessive glare and light spillover on to neighboring properties.

Section 422 Significant Natural Resources

422-22 Criteria for Development

422-22.1 The required master plan and site analysis for a site which includes an identified natural resource shall:

A. Identify the location of the natural resource(s);

STAFF: According to the Rural/Natural Resource Plan, the southern portion of the parcel is mapped to lie within designated Significant Natural Resources. It maps the southern portion of the subject site within *Water Areas and Wetland and Fish and Wildlife Habitat* associated with Dilley Creek and the Tualatin River. The applicant states there are wetlands approximately 600-700 feet southwest from the proposed wireless facility location. Dilley Creek is a tributary of the Tualatin River, entering the subject site in the southwest corner and feeding the river which flows along the southern property line.

B. Describe the treatment or proposed alteration, if any;

The proposed facility consists of a 50’ x 50’ compound to include a 150’ tall telecommunication tower and ancillary equipment. The site will be enclosed within a fenced compound with five-foot deep vegetated screening using arborvitae. The site will not be occupied except for infrequent maintenance visits.

The facility is proposed outside all mapped natural resources, lying over 100 feet north of the nearest mapped extent of the Tualatin River, and over 500 feet east of the nearest mapped extent of the creek. It is also vertically separated from the water bodies by at least 14 feet. The National Wetlands Inventory maps freshwater emergent wetlands and freshwater forested/scrub-shrub wetlands on the southwestern segment of the property. No wetlands or riparian features are mapped at the proposed development location which is well separated from all of the above-mentioned features. The grading permit review process enforces erosion control measures that will ensure no adverse impacts to the Tualatin River. No significant development related impacts to riparian areas are therefore expected.

C. Apply the design elements of the applicable Community Plan; or the applicable implementing strategies of the Rural/Natural Resource Plan Element, Policy 10, Implementing Strategy E which states:

"Implement the recommendations of the Oregon Department of Fish and Wildlife Habitat Protection Plan for Washington County to mitigate the effects of development in the Big Game Range within the EFU, EFC, and AF-20 designations."

STAFF: Plan Policy 10, Implementing Strategy E, applies to both fish and wildlife resources. Implementing Strategy E requires the county to implement the recommendations of the Oregon Department of Fish and Wildlife's (ODFW) "Habitat Protection Plan."

Plan Policy 10, Implementing Strategy E applies to both '*Water Areas and Wetlands and Fish and Wildlife Habitat'* and '*Wildlife Habitat'*. Implementing Strategy E requires the County to implement the recommendations of the Oregon Department of Fish and Wildlife's (ODFW) 'Habitat Protection Plan for Washington County'.

The Habitat Protection Plan policies associate both resources with lakes and reservoirs, rivers and streams or headwater areas. The following Habitat Protection Plan policies apply to rivers and streams:

1) *Residential development along streams should be low density*
2) *Require appropriate setbacks*
3) *Prohibit construction of 'vulnerable' structures in the flood plain*
4) *Maintain riparian vegetation*
5) *Restrict stream alterations, and*
6) *Road crossings, bridges, etc., should avoid restricting channel capacity and minimize removal of vegetation.*

Consistent with policies # 1, 2, 4, 5, and 6 above that pertain to development in or near rivers and streams: the site plan proposes no alterations to the stream or its riparian vegetation and accommodates a setback of over 100 feet to the Tualatin River, over 500 feet to Dilley Creek, both of which flow offsite; and over 650 feet to the wetlands located in the southwestern corner of the property.

Addressing policy #3, the base flood elevation on the subject site is 167.8 feet NAVD 88, as determined by the applicant's engineer. The applicant has provided a site plan showing the topography on the site where the proposed facility is situated at an elevation of approximately 181 feet, thus lying well outside the flood plain.

Riparian vegetation will be undisturbed; the use areas and associated driveway extensions will be sited outside the riparian features at a higher elevation on the subject property. Sections 410 and 426 provide implementing requirements for maintaining soil stability, drainage patterns and erosion control. Since the driveway serving the site will be private, access is controlled as recommended by the Habitat Protection Plan.

Based upon the above findings, staff concludes that this request is consistent with all of the applicable recommendations of the Habitat Protection Plan.

422-22.5 For any proposed use in a Significant Natural Resource Area, there shall be a finding that the proposed use will not seriously interfere with the preservation of fish and wildlife areas and habitat identified in the Washington County Comprehensive Plan, or how the interference can be mitigated.

STAFF: The proposed development action is for a telecommunication tower facility to be located in the southeastern portion of the subject site outside all mapped SNR. The existing driveway on-site will be extended to the proposed facility. The facility will be located within an already cleared area in the vicinity of an existing barn, thus concentrating the development to a smaller footprint. The applicant does not propose development beyond the facility. The riparian features and habitat onsite will remain unaltered.

As noted earlier, the code requirements of Sections 410 and 426 provide standards for grading, erosion control, and surface water runoff, and those standards will help protect the resources both on and off the site.

The applicant has also provided a biologist report with a 'no-effect' determination in accordance with USFWS regulations. The report states the facility is not proposed within designated wilderness area, wildlife preserve, or critical habitat for sensitive or threatened and endangered species. It acknowledges the presence of migratory bird pathway in the vicinity and hence has proposed the structure be located within a minimally sensitive area or on topography such as ridgelines or forest areas, which are commonly known to support migratory birds. The report concludes that the project will not have a significant impact on migratory birds.

Based on the above, staff finds that the request is consistent with the applicable recommendations of the Habitat Protection Plan. Staff also finds it reasonable to conclude that the proposed use will not seriously interfere with the preservation of fish and wildlife areas identified on the Washington County Comprehensive Plan.

422-23 State and Federal Regulatory Guidelines for Areas Outside the UGB

STAFF: The applicant is required to comply with all applicable local, state, and federal permits that apply to the proposed development, as has been conditioned for this approval.

Section 423 Environmental Performance Standards

STAFF: The applicant's response to the standards of this section is provided on pages 8-12 of the written narrative. The proposed facility will not generate emissions or odor.

With regard to noise, the application states noise from the generator will be minimal. It will be situated within a Level 2 sound attenuating enclosure, situated approximately 200 feet from the nearest offsite dwelling. The generator will self-test once a month and will not power on unless there is a power outage of more than three hours. The proposed generator will be in an enclosure and is not near any existing dwellings.

With regard to vibration, the only devices which would produce vibration would be the generator, which will be mounted on concrete pads—thus no vibration is expected to be felt outside the facility.

With regard to heat or glare, the applicant states the proposal will not generate either. The only lights proposed will be mounted to illuminate the equipment area only, and will be on a timer, or motion activated. They will be mounted to ensure there is no glare spilling on to neighboring properties, and will be obscured by the landscaping as well as the proposed sight obscuring fence.

The applicant states the proposed development will not contain any material within the ground equipment area that would pose a health risk.

The facility will be unoccupied, hence management of water supply and wastewater is not required.

Spill containment measures will be provided for the battery rack within the equipment cabinet. Toxic or noxious matter will not be released.

Staff finds that the proposal complies with the standards of Section 423.

430-109 Telecommunication Facilities

The standards of this Section apply to all telecommunication facilities except as otherwise provided in Sections 201-2 and 430-109.3.

430-109.7 New Telecommunication Facilities

General Design Standards for

A. Telecommunication Facilities with towers using Stealth Design

***

B. Telecommunication Facilities with towers not using Stealth Design

Telecommunication Facilities with towers not using Stealth Design may be located in land use districts specified in Article III subject to the following requirements:

(1) New individual antennas attached to a tower shall be concealed, minimally off-set, or mounted on davit arms extending a maximum of 5 feet from the tower;
*(2) In residential districts ****

C. Small Wireless Facilities

***

STAFF: The application materials are consistent with the above requirements. The applicant is proposing a non-stealth design wireless tower in the EFU district. The facility will have ground-mounted equipment within a fenced security enclosure. The new antennas will be mounted on the tower on a structurally approved mounting frame, and ancillary equipment as well most antennas will be mounted within five feet of the tower. The application requests approval to allow some of the towers to extend approximately 6-feet from the tower face due to spacing requirements. Staff notes that the Code allows antennas to extend a maximum of five-feet from the tower, and the decision has been conditioned to this requirement. (In a later email to staff on April 17, 2026, the applicant has clarified that all antennas will comply with the five-foot requirement)

The tower height will be 150', with a 10' lightning rod extending from the top, for an ultimate height of 160 feet. The tower and associated ground equipment will be enclosed within a 50' x 50' fenced compound, surrounded by a 5-foot deep landscape buffer. This will allow the base station and equipment areas to be screened from view. The tower will not be illuminated; lighting will be provided for the equipment cabinet. The applicant has submitted documentation indicating the facility will comply with applicable state and federal regulations.

The applicant has provided documentation from the Oregon Department of Aviation (ODA) and the Federal Aviation Administration (FAA) confirming the project does not require additional notification to the FAA or the ODA and will not affect aviation safety.

430-109.9 Site Standards for Telecommunication Facilities

A. Setbacks (See 430-109.9 Table B and Illustrations at end of Section 430-109).

(1) New telecommunication facilities shall comply with the setback provisions of the individual land use districts, unless greater setbacks are required by Table B:

(2) New ground-mounted equipment shelters shall comply with the setback provisions of the individual land use districts, except as set forth below:

Underground vaults containing equipment cabinets and other associated equipment supportive of wireless telecommunication facilities may be located in a required setback,

except as otherwise restricted by the Uniform Building Code (UBC), the Uniform Fire Code (UFC) or subsection C. below.

(3) Notwithstanding the requirements set forth in (1) and (2) above, the Review Authority may reduce the required setbacks….

STAFF: The subject parcel is adjacent to the EFU and AF-5 Districts. The proposed wireless tower and its equipment compound will be more than 100 feet from the property lines in all directions, exceeding the minimum setbacks required by this section and the land use district. No setback adjustments are required. The ground mounted equipment will not extend above the site-obscuring fencing.

B. Access

(1) In residential districts, when a site fronts a local street and a collector or a local street and an arterial, site access shall be from the Collector or Arterial subject to all applicable County standards. Access may be taken from the local street when access to a Collector or Arterial does not meet the applicable standards.

(2) In non-residential districts, site access may be from a local street, a collector or arterial, subject to all applicable County standards.

(3) Access to the site shall be oriented away from existing dwellings.

STAFF: The site is within a non-residential district. Existing access to the site is directly from frontage on SW Aderson Road, a local street, and is subject to a right-of-way permit as conditioned in Attachment B. The existing access is oriented away from surrounding dwellings to the extent possible at its current location. The applicant states that since this is an unmanned facility, there will be infrequent site visits for maintenance only.

C. Landscaping, Screening and Fencing

(1) Landscaping, screening and buffering, including fencing, shall be provided as required by Sections 407 and 411 to screen the site from public view except when the equipment shelter is hidden from public view, such as when located within an existing building, designed to resemble a natural object, such as a boulder, or when it does not exhibit any visible exterior characteristics, such as cables, of an equipment shelter. However, in no case shall the screening and buffering within or adjacent to a residential district be less than what is required by Section 411-6.3. Tree and shrub species shall be selected that will attain a minimum height of twelve (12) feet at maturity;

(2) Fencing shall be a minimum six (6) foot tall, site-obscuring (e.g., solid wood fence, chain link fence with slat inserts, or other solid material fencing) and installed in accordance with Sections 418 and 419. Barbed or razor wire is not permitted unless required by federal regulations for Essential Public Communication Services Facilities; and

(3) In lieu of the standards in (1) and (2) above, the Review Authority may approve an alternate detailed landscape, screening and fencing plan through a Type II or III procedure. The plan shall be designed to screen and buffer towers and accessory uses when the plan accomplishes the same degree of screening achieved in (1) and (2) above, except when less screening is required to provide adequate visibility for security purposes or for continued operation of existing agricultural or forest uses.

STAFF: An equipment shelter is not proposed as part of this project; however, the applicant will utilize a chain link fence with sight-obscuring green slats. An additional five-foot-wide landscape buffer with arbor vitae that will exceed 12-feet height at maturity is proposed around the compound. The applicant states that a tree line along the south of the subject site will screen the facility further. The application includes landscaping plans that meet the above code requirements. A 6-foot sight- obscuring fence with privacy slats has been included as noted in those plans.

D. *In an urban district…..*

STAFF: The proposed development does not lie within an urban district; however, the applicant notes there are no towers within 1000 feet of the proposed location.

E. Signs

Notwithstanding the provisions of Section 300 and 414, all telecommunication facilities shall be identified with a sign not exceeding four (4) square feet. The sign shall list the owner or operator's name and emergency telephone number and shall be posted in a location visible to the general public. Other signs may be located on the site as allowed by the underlying land use district.

STAFF: Signage on the site is required to be consistent with the above standard: these require sign permits, which is included as a condition of approval.

430-109.10 Submittal Requirements for Telecommunication Facilities not otherwise exempt under Sections 430-109.3 and 201-2:

A. All applications for telecommunication facilities, except as otherwise noted, shall include the following:

(1) An accurate, scaled site plan and on-site analysis, consistent with Section 404-1, showing the location of the tower(s), guy anchors (if any), equipment shelter(s) and other uses accessory to the telecommunication facility; and

(2) An accurate, scaled elevation drawing(s) showing the tower design, dimensions, materials and color of the tower and antennas, including the mounting type(s) and locations of all proposed antennas, and other uses accessory to the telecommunication facility.

B. Applications for new telecommunication facilities shall also include:

(1) A report demonstrating the need for the new facility, justifying the location of the proposed facility and that the proposed antenna(s) cannot be co-located on an existing or approved tower, building or other suitable structure within the identified search area; and

(2) Information confirming the facility is designed to accommodate co-location.

(3) Essential Public Communication Services Facilities shall be exempt from accommodating co-location.

STAFF: The applicant has submitted the information and plans identified under subsections A.

With regard to subsection B, the applicant states the submitted report includes information regarding the lack of towers in the area for colocation, as well as signal coverage maps that demonstrate why the subject site was selected. According to the application narrative, the goal with this proposal is to remedy the coverage and capacity challenges along NW Highway 47 within the Dilley area in Washington County. Various exhibits in the application illustrate and analyze the coverage levels with and without the proposed new facility.

The applicant states that a 150’ tall tower can accommodate additional carriers and that the proposed tower has been designed to allow three (3) more carriers.

The proposed structure is not an Essential Public Communication Services Facility.

The standards of this subsection are met.

430-109.11 Abandonment

A. All antennas and towers shall be considered abandoned when no licensed service provider has operated from the facility site for a period of one (1) year. Within ninety (90) days of abandonment, the property owner shall remove all facilities from the site and restore the site

to its previous condition. In the event the communication or broadcast facilities are not removed within this time period, Washington County may remove the facilities and restore the site and assess the cost for such actions against the last service provider using the facilities, the owner of the facilities and the property owner.

B. If any abandoned facilities have not been removed from a site, no new communication or broadcast facility in unincorporated Washington County shall be approved for that site.

STAFF: The above standards are noted in the conditions of approval of this casefile in Attachment B.

4. Article V: Public Facilities and Services

Section 501 Public Facility and Service Requirements

501-9 Limited Application of the Public Facility and Service Standards Outside of the UGB

STAFF: Outside the urban growth boundary (UGB), the county applies the Public Facilities and Services Standards in a limited way. Development impacts on schools, fire and police protection, and public roads are considered. It should also be noted that outside the UGB, the code does not require the applicant to ensure that adequate levels of public services exist, particularly with regard to public roads. The county is required only to consider the impact of the proposed development on public facility and service levels. While the land use review process does consider the impact of development on public services, it does not ensure their adequacy.

The subject property has access onto a public road, SW Anderson Road, along the north and east property lines. Access is proposed via an existing driveway to the east. Section 501-9.3 notes the need for compliance with minimum sight distance requirements. However, the proposed facility will result in a negligible increase in vehicle trips using this access point; therefore, in accordance with Section 501-9.6, the access need only maximize available sight distance through the right-of-way permit process. The applicant is required to obtain final inspection approval of the access approach on to SW Anderson Road through a right-of-way permit, as conditioned in Attachment B.

Section 501-9.3 requires dedication of additional right-of-way where a proposed development site borders a public road with less than the minimum right-of-way width required under the Transportation System Plan (TSP). Right of way dedication is necessary to accommodate increased demand on adjacent transportation facilities from the proposed development. Based on the passive nature of the use, and the limited number of trips (up to 12 trips annually, maintenance related) generated by the facility post construction, there will be minimal to negligible impacts to transportation facilities. Therefore, a right-of-way dedication is not required in this case.

C. Washington County Transportation Plan

STAFF: With regard to this request, the policies of the Washington County Transportation Plan are limited to the classification of SW Anderson Road as a local street.

IV. SUMMARY AND CONCLUSION:

Information submitted by the applicant demonstrates that the request for a wireless communication facility and ancillary equipment complies with all of the applicable site criteria of the Community Development Code and the Community Plan. Based upon the findings in this staff report, this request is **APPROVED** subject to the conditions of approval in Attachment B.